

**Community Relations**

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

**Complaints filed by Parent/Guardian of Pupil Enrolled in District**

Constructive criticism of the schools is welcome when it is motivated by a sincere desire to improve the quality of the education program and to equip the schools of the district to perform their tasks more effectively.

The Board places trust in its employees and desires to support their actions in such a manner that employees are freed from unnecessary, spiteful, or negative criticism and complaints.

The normal channel for complaints concerning school personnel shall be from complainant to employee to principal to Superintendent to Board. Every effort will be made to satisfy the complaint at the earliest possible stage. Complaints not resolved at the point of origin must be submitted in writing before further processing.

Whenever a complaint is made directly to the Board as a whole, or to a Board member as an individual, it shall be referred to the school administration for study and possible solutions. The individual employee involved shall be advised of the nature of the complaint and shall be given every opportunity for explanation, comment, and presentation of facts as the employee sees them.

Pursuant to Section 35160.5(c) of the Education Code, the district will provide the following procedures for resolution of formal complaints regarding employees of the district:

- A. Any parent or guardian of a pupil enrolled in the district may make a formal written complaint regarding any district employee.
- B. All such complaints shall be on complaint forms supplied by the district, signed by the complainant, and submitted at the District Office.
- C. Complaints must be submitted to the district within six (6) months of the event giving rise to the complaint.
- D. District complaint forms shall include a place for the complainant to indicate whether a response from the district is requested. If no such request is made, the district shall not be required to respond to the complainant.
- E. Upon receipt of a complaint by the district, the employee about whom the complaint is filed shall be given a copy of such complaint and shall have the right to respond in writing. Any written response by the employee shall be attached to the complaint. Upon request, the employee shall have the right to meet with the complainant in order to discuss the accuracy and validity of the complaint.

### **Administrative Regulation 1312.1(b)**

- F. If a response is requested by the complainant, the appropriate administrator or the district shall reply in writing within twenty (20) work days from receipt of the complaint.
- G. The complainant may contest the response of the district representative by written appeal to the Superintendent within twenty (20) work days of such response. The superintendent, upon receipt of such appeal, shall respond within twenty (20) work days.
- H. After response from the Superintendent, any complainant still dissatisfied with the district resolution of the complaint may make a final written appeal to the Board of Trustees within fifteen (15) calendar days of the Superintendent decision.

No hearing, whether in closed session or in public, shall be held by the Board on such a complaint without the Board first having received the Superintendent's written report concerning such complaint, such report to include but not be limited to the following:

1. The name of each employee involved;
2. A brief but specific summary of the nature of the complaint and the facts surrounding same, sufficient to inform the Board and the employee as to the precise nature of the complaint, and to allow the employee to prepare a response;
3. A true copy or the signed original of the complaint itself;
4. A summary of the action taken by the Superintendent in connection with the complaint. If the Superintendent's specific finding is that effective disposition at the Superintendent's level is unfeasible, reasons shall be included.

All parties to the complaint, including the school administration, may be asked to attend a Board meeting or part of such a meeting for the purposes of presenting additional facts, making further explanations, and clarifying the issues. Hearsay and rumor shall be discounted, as well as emotional feelings, except those directly related to the facts of the situation. (Government Code Section 54957)

The Board shall conduct such meetings in a fair and just manner and may request a disinterested third party to act as a moderator to help it reach a mutually satisfactory solution.

The final decision regarding disposition of the complaint shall be by the Board and shall be within the Board's sole discretion.

Any complaint filed by a parent or guardian will not be used in the evaluation of an employee or placed in that employee's personnel file if the procedural steps in force at the time of the action leading to the complaint have not been followed.

## **Administrative Regulation 1312.1(c)**

Any parent, guardian, or other person who upbraids, insults, or abuses any employee on school property or in the presence of students is subject to be prosecuted by the District under the provisions of law. Legal representation shall be provided to district employees who are named defendants in civil lawsuits arising out of or as a consequence of the employees performing their assigned duties.

### **District Employees**

The effective operation and administration of the District's schools and programs is dependent upon the cooperative action of the District's workforce. There are times when employees are expected to abide by professional direction from supervisors and other occasions when employees are solicited to participate in decisions and problem resolution. Disagreements between employees are expected to be resolved at the level of the issue. This policy is not intended as a means by which an employee could disrupt lawfully, professionally directed job responsibilities and management decisions. Problems that arise under collective bargaining agreements should be resolved through the mechanisms set forth in those agreements.

Approved: April 9, 1992  
Revised: 8/24/93; 4/17/97; 1/11/01;  
Reviewed: 11/15/94

**WEST SONOMA COUNTY UHSD**  
Sebastopol, California