

MANTECA UNIFIED SCHOOL DISTRICT

Community Relations

BP 1312.1

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

The Governing Board places trust in its employees and desires to support their actions in such manner that employees are freed from unnecessary, spiteful or negative criticism and complaints. The Board accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board further desires that complaints be resolved expeditiously without disrupting the educational process.

The Superintendent or designee shall develop regulations which permit the public to submit complaints against district employees in an appropriate way. These regulations shall protect the rights of involved parties.

The Board prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

If any provision of this policy and/or administrative regulation should be determined to be in conflict with the Master Agreement with any group of employees, the provision of the Master Agreement shall prevail.

Legal Reference:

EDUCATION CODE

33308.1 *Guidelines on procedure for filing child abuse complaints*

35146 *Closed sessions*

44031 *Personnel file contents and inspection*

44811 *Disruption of public school activities*

44932-44949 *Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)*

48987 *Child abuse guidelines*

GOVERNMENT CODE

54957 *Closed session; complaints re employees*

54957.6 *Closed session; salaries or fringe benefits*

PENAL CODE

273 *Cruelty or unjustifiable punishment of child*

11164-11174.3 *Child Abuse and Neglect Reporting Act*

WELFARE AND INSTITUTIONS CODE

300 *Minors subject to jurisdiction of juvenile court*

Management Resources:

CDE LEGAL ADVISORIES

0910.93 *Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at school site (LO:4-93)*

Policy Adopted: 5/10/16

MANTECA UNIFIED SCHOOL DISTRICT
Manteca, California

MANTECA UNIFIED SCHOOL DISTRICT

Community Relations

AR 1312.1(a)

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Complaints concerning school personnel should be made directly by the complainant to the person against whom the complaint is lodged. If the complaint is not resolved at this level, the complainant is requested to put the complaint into writing and to direct it to the employee's administrative supervisor or principal. After receiving the written complaint, the administrative supervisor or principal shall respond to the complainant within ten working days the receipt of the complaint. If the complaint, after review and action by the supervisor, remains unresolved, the supervisor shall refer the written complaint, together with the supervisor's report and analysis of the situation, to the Superintendent or his/her designee. The Superintendent or his/her designee shall determine whether a complaint should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures within 10 working days. The Superintendent's decision shall be final unless the complainant, the employee, or the Superintendent requests a closed hearing before the Governing Board on the complaint. If the employee so requests, an open hearing will be held.

Every effort should be made to resolve the complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.

Failure of the complainant to put the complaint into written form will be considered by the district as a dropping of the complaint.

Hearing

No hearing, either in open or closed session, will be held by the Governing Board on any complaint unless and until the Board has received the Superintendent's written report concerning the complaint. The Superintendent's report shall contain, 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 it, sufficient to inform the Board and the employee(s) as to the precise nature of the complaint and to allow the employee(s) to prepare a defense
3. A true copy of the signed original of the complaint
4. A summary of the action taken by the Superintendent in connection with the complaint, with the Superintendent's specific finding that disposition of the case at the Superintendent's level has not been possible, and the reasons therefore.
5. The Board may uphold the Superintendent's decision without hearing the complaint.

MANTECA UNIFIED SCHOOL DISTRICT

AR 1312.1(b)

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)

(Exception: Notwithstanding the provisions of paragraph 4 above, any written complaint forwarded to the Board, whether by the district administration or otherwise, which meets the informational requirements of subparagraphs 1 and 2 above, and which further contains within it specific allegations of (a) prior submission of the complaint in the similar form to the Superintendent, and (b) the failure or refusal of the Superintendent to effectively dispose of the complaint, shall, subject to Board agenda requirements, be heard by the Board at its next regularly scheduled session or any other session scheduled for the purpose of such hearing.)

The district administration shall cooperate with the complainant and aid in the preparation of any formal complaint so as to quickly meet the informational requirements of these rules. Copies of the rules regarding the submission and handling of all such complaints shall be made freely available.

All parties involved, including the school administration, shall be requested to attend such a meeting, for the purposes of presentation of all available evidence, allowing every opportunity for the explanation, and for clarifying the issue(s). At no time shall a setting exist which in effect places the employee on trial.

The decision of the Board following the hearing shall be final.

MANTECA UNIFIED SCHOOL DISTRICT COMPLAINTS CONCERNING PERSONNEL

The School Board encourages the early, informal resolution of complaints at the school site level. Please report your concerns to your school site administrator first unless that person is the one you're complaining about. The site level administrator shall advise the complainant of the right to file a written complaint with the District Complaint/Compliance Officer via mail at P.O. Box 32, Manteca, CA 95336, or delivered to the District Office at 2271 W. Louise Ave., Manteca, or through email at complaints@musd.net. All personnel complaints will be investigated and responded to in accordance with Board Policy 1312.1 or 4144 as appropriate. All policies and procedures for various other types of complaints are available on the District Website.

The School Board prohibits retaliation in any form for the filing of a complaint or participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant or persons involved in the complaint investigation/resolution process. The identification of a complainant will remain confidential as appropriate.

Name:	First:	Last:
I am a:	<input type="checkbox"/> Student <input type="checkbox"/> Parent	<input type="checkbox"/> Certificated Employee <input type="checkbox"/> Classified Employee
Street:	<input type="checkbox"/> School Administrator <input type="checkbox"/> Other (please describe)	
City:	Zip Code	
Phone:	Email	
Today's Date:		
Date(s) of Problem(s):		
School/Department:		
Course Name or Grade Level:		
The person I am complaining about is a:	<input type="checkbox"/> Certificated Employee (teacher, counselor, psychologist, etc.) <input type="checkbox"/> Classified Employee (custodian, bus driver, secretary, etc.)	<input type="checkbox"/> School Administrator <input type="checkbox"/> Other (please describe)
The name of the person I am complaining about is:	First:	Last:
I have discussed my complaint with this person:	<input type="checkbox"/> Yes <input type="checkbox"/> No Date(s) of conversation(s):	
I have discussed my complaint with this person's supervisor:	<input type="checkbox"/> Yes Name of supervisor: <input type="checkbox"/> No Date(s) of conversation(s):	
Please describe your complaint in detail. You may attach additional pages if necessary to fully describe the situation.	<u>Specific nature of the complaint; include names, dates, times, locations, witnesses, etc.:</u>	
Please describe previous attempts to stop this person's behavior.	<u>Dates and results of any previous meetings with site/district personnel regarding your concerns:</u>	

What would you like the District to do as a result of your complaint?	<u>Suggested remedy:</u>
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Signature _____

Date _____

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If applicable, explain why you believe that you were retaliated against for filing a personnel complaint.	<u>Please give examples of retaliation:</u>
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Signature _____

Date _____