

## DRAFT

Yosemite USD

Administrative Regulation

AR 1312.1

Community Relations

Complaints Concerning District Employees

**The Governing Board**, its designee or the Superintendent 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.

(cf. 1312.2 – Complaints Concerning Instructional Materials)

(cf. 1312.3 – Uniform Complaint Procedures)

(cf. 4144/4244/4344 – Complaints)

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent **unless the principal or central office administrator is related to the Superintendent by blood, marriage or domestic partnership, in which case the complaint shall be filed with the Board and processed in accordance with AR 1312.1.1.** Complaints related to the Superintendent shall be initially filed in writing with the Board. **If a member of the Board is related to an employee by blood, marriage or domestic partnership, and a complaint arises concerning either a Board member or the related employee, the Board member shall recuse himself or herself**

**from the matter and the complaint shall be filed with the Board and processed in accordance with AR 1312.1.1.**

**If at any time a district employee believes that a complaint should be processed under AR 1312.1.1 because the complaint concerns a district employee who is related to another district employee by blood, marriage or domestic partnership, the Board may process the complaint in accordance with AR 1312.1.1.**

4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
  - a. The full name of each employee involved;
  - b. A brief but specific summary of the complaint and the facts surrounding it; and
  - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.
7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:
  - a. The full name of each employee involved;
  - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response;
  - c. A copy of the signed original complaint; and
  - d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons.
9. The Board may uphold the Superintendent's decision without hearing the complaint.

10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.

11. A closed session may be held to hear the complaint in accordance with law.

(cf. 9321 – Closed Session Purposes and Agendas)

(cf. 9323 – Meeting Conduct)

12. The decision of the Board shall be final.

Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.

(cf. 5141.4 – Child Abuse Prevention and Reporting)

**GOVERNMENT CODE**

**1090-1097 Prohibitions applicable to specified officers**

**1125-1128 Incompatible activities**

**12940 Unlawful employment practices, exceptions**

**CALIFORNIA CODE OF REGULATIONS**

**Cal. Code Regs., tit. 2 sections 7286, 7292,**

**Education Code**

**35160 Permissive education code**

Regulation YOSEMITE UNIFIED SCHOOL DISTRICT