

CITIZEN COMPLAINT FORM PROCEDURES

It is a fundamental constitutional right to have freedom of expression including criticism of public agencies and their employees. Public employees are also entitled to various rights including the right to the protection of due process of law. In order to satisfy any conflicting rights, the following procedures are established by the San Carlos School District for processing complaints against employees or employee practices of the school district.

Most complaints can be resolved by informal discussions between the complainant and the employee or the employee's principal/supervisor. This formal complaint process is reserved for complaints which are not resolved after the informal process has been attempted and must be filed no later than 30 days of the incident. If the incident occurs at the end of the school year, the formal complaint must be filed by June 30 of the current school year. For extenuating circumstances, the deadline may be extended. Even when this formal complaint procedure is initiated, efforts may occur at any point to accomplish satisfactory informal resolution. In no case is there to be retaliation from either party.

Directions for processing complaints against employees, policies, practices, and procedures of the San Carlos School District:

1. A person lodging a complaint against a District employee or employee practices should meet with the principal or supervisor of the employee to discuss the problem in an attempt to reach a solution.
2. Any person who is dissatisfied with the result of such a meeting may wish to complete a Citizen Complaint Form.
3. Send the form to the Superintendent's Office, 1200 Industrial Road, Unit 9, San Carlos, CA 94070 (Phone 650-508-7333). A letter of receipt stating who will be working with you to resolve this complaint and their contact information will be sent to you.
4. A copy of the complaint form will be provided to the employee against who the charge is made with a request that the employee respond in writing to the appropriate administrator within 10 working days of receipt of the complaint. The employee shall cooperate in resolving the complaint.
5. If the complaint is not resolved at the building or department level, the Superintendent or designee will review the complaint and related materials, interview parties, and submit findings and recommendations.
6. The Superintendent or designee will notify the person filing the complaint and employee in writing of the final determination. A final decision will be issued in a timely manner, not to exceed 45 days after the filing of the formal complaint.
7. If the person filing the complaint is not satisfied with the results, an appeal may be made to the School Board.
8. Employees impacted by use of the Citizen Complaint Form may choose to exercise rights given them by law or by employee agreement. Both the employees and the complaining party may have representation of their choice throughout the process.
9. If the concern is one of equity, the District recognizes the right of the complainant to file a complaint with the State Department of Education.

The following information is listed neither to encourage nor discourage the filing of a complaint. Rather, it is intended to inform you of the possible outcomes of a formal complaint proceeding.

- I understand that the school district may request additional information from me regarding this matter and I agree that I will provide such information as is available to me. I also understand that as the complainant, I may also be required to testify and be subject to cross-examination.
- I understand that while my requested resolution of this matter will be carefully considered, the responsibility for selecting action taken may ultimately be more or less severe than the remedy I have proposed. In serious situations the information contained in this complaint may be used among other things as a basis for termination of an employee.
- If the complaint is directed toward actions of an employee, I understand that the school district will give a copy of this complaint to the individual(s) about whom I have complained. The person will be given the opportunity to respond to this complaint. I will be provided with a copy of any written response.
- If this matter is not informally resolved, I understand that a hearing may, at some point, be held before the School Board. That hearing shall be held in Executive Session in accordance with provisions of the Brown Act. At that hearing, the person against whom I have complained has the right to be present. He/she may also have the right to be represented, to call witness, to introduce evidence, and to cross-examine me as well as other adverse witnesses. A record of the meeting will be kept.
- I understand that I may request to withdraw this complaint at any time. However, in the event that the school district views the matters raised in this complaint as being sufficiently serious, the school district may pursue this matter despite my desire not to proceed. I also understand that if any judicial proceeding arises from the matters, which I have raised in this complaint, both the person I have complained about, and I, would be entitled to all the rights and protections available in such judicial proceedings.