Complaints Concerning District Employees

The Governing Board accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board 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 may serve as an appeals body if the complaint is not resolved.

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. The district will not investigate anonymous complaints except under extenuating circumstances.

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 student at school site (LO:4-93)

Policy  Adopted: June 5, 2001
revised: September 23, 2014

PLEASANTON UNIFIED SCHOOL DISTRICT
Pleasanton, California
Complaints Concerning District Employees

Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or the individual, and whether it should be resolved by the district's process for complaints concerning personnel, other district procedures or both.

In order to promote fair and constructive communication, 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, complaints concerning school personnel should be made directly by the complainant to the person against whom the complaint is made. Parents/guardians are encouraged to attempt to orally resolve concerns with the staff member personally.

2. If a complainant is unable or unwilling to resolve the complaint directly with the person involved, he/she may submit a 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 Assistant Superintendent, Human Resources or designee who will determine an appropriate investigator. Complaints related to a Board member or to the Superintendent shall be initially filed in writing with the Board.

4. A written complaint shall include:
   a. The name of each employee involved
   b. A brief but specific summary of the complaint and the facts surrounding it
   c. A specific description of any prior attempts to discuss the complaint with the employee and the failure to resolve the matter

5. The person responsible for investigating complaints will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 calendar days. This shall be in writing and forwarded to Human Resources to be kept in a separate file.

The complainant may appeal a decision by the principal or immediate supervisor to Assistant Superintendent, Human Resources or designee, who will either distribute the complaint to the proper person or will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 calendar days and in writing. However, the appeal of the written decision described above in number 5 must be within 15 calendar days after Complainant's receipt of the written decision. Complainants should consider and accept the decision as final. However, the complainant, the employee, or the Superintendent or
Complaints Concerning District Employees

AR 1312.1(b)

6. designee may ask to address the Board regarding the complaint.

7. At any complaint investigation meeting scheduled by an administrator with an employee, where the complaint may result in disciplinary action of the employee, the employee may request the presence of a labor association representative.

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 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 employee(s) as to the precise nature of the complaint and to allow the employee(s) to prepare a defense
   c. A copy of the signed original complaint
   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 present all available evidence and allow every opportunity for explaining and clarifying the issue.

11. Before the Board holds a closed session to hear complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session rather than closed session. This notice shall be delivered personally or by mail at least 24 hours before the time of the session, and the employee may request that the complaints or charges be heard in open session. Complaints concerning Board members shall be addressed in open session unless a closed session is warranted pursuant to Education Code 35146 or 48918 or Government Code 54957 or 54957.6. (Government Code 54957)

12. Any 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.

Policy Adopted: June 5, 2001
revised: October 23, 2014
revised: September 23, 2014

PLEASANTON UNIFIED SCHOOL DISTRICT
Pleasanton, California
PLEASANTON UNIFIED SCHOOL DISTRICT
COMPLAINT FORM

DIRECTIONS: This form is to be used only after informal discussion between the complainant and the employee about whom the complaint is being made failed to resolve the issue.

Name: ________________________________________________________________________________
Address: ______________________________________________________________________________
Home Phone: ___________________________________ Work Phone: ______________________________
Student Name (if applicable): ________________________________________ Grade: _________________
School Name (if applicable): ______________________________________________________________

Name of employee about whom the complaint is being made:
______________________________________________________________________________________

Date the event/incident occurred: __________________________________________________________

Date of informal resolution meeting (if applicable): ____________________________________________

Name of parties who attended the informal resolution meeting: _________________________________
______________________________________________________________________________________

Details of the complaint (attach appropriate supporting documents):
______________________________________________________________________________________
______________________________________________________________________________________
______________________________________________________________________________________

Specific remedy sought
______________________________________________________________________________________
______________________________________________________________________________________
______________________________________________________________________________________

I declare and under penalty of perjury under the laws of the State of California, that I have made true, correct and complete answers and statements on this complaint form and/or any attachment to this complaint form.

_________________________________________                  _________________________
Signature                                                                                     Date

____________________________________________                   __________________________
Received by                                                                                   Date

Submit to: All complaints related to district personnel other than administrators shall be submitted to the principal or immediate supervisor. Complaints related to a principal or central office administrator shall be submitted to the Assistant Superintendent, Human Resources, 4665 Bernal Avenue, Pleasanton, California 94566-7498. Complaints related to a Board member or to the Superintendent shall be submitted to the Board of Trustees, 4665 Bernal Avenue, Pleasanton, California 94566-7498.
PLEASANTON UNIFIED SCHOOL DISTRICT
COMPLAINT APPEAL FORM

DIRECTIONS: This form is to be used to appeal a decision regarding a complaint about an employee of the school district. It must be submitted after receiving the decision of the principal or supervisor. Attach a copy of the decision(s).

For appeals related to district personnel other than administrators, submit the appeal form to the Assistant Superintendent, Human Resources, 4665 Bernal Avenue, Pleasanton, California 94566-7498. For appeals related to district administrators, submit the appeal form to Superintendent, 4665 Bernal Avenue, Pleasanton, California 94566-7498.

Date you received the decision from the principal or supervisor: ____________________________

Name: ____________________________________________________________________________

Address: __________________________________________________________________________

Home Phone: ____________________________ Work Phone: _______________________________

Student name (if applicable): ____________________________ Grade: ____________________

School name (if applicable): ________________________________________________________________________

Name of employee about whom the complaint is being made: ________________________________

Aspects of the decision you want to appeal: _______________________________________________

Provide supporting rationale for your appeal: _______________________________________________

Specific remedy sought: ________________________________________________________________

I declare and under penalty of perjury under the laws of the State of California, that I have made true, correct and complete answers and statements on this complaint form and/or any attachment to this complaint form.

_________________________________________________                               _________________________
Signature                                             Date

_________________________________________________                               _________________________
Received by                                             Date

Appendix Version: 9/23/14  PLEASANTON UNIFIED SCHOOL DISTRICT
Pleasanton, California
Pleasanton Unified School District
Flow Chart For Complaints Concerning District Employees
Board Policy/Administrative Regulation 1312.1

(NOTE: 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.)

<table>
<thead>
<tr>
<th>LEVEL</th>
<th>PRESENTS COMPLAINT TO</th>
<th>TYPE OF COMPLAINT</th>
<th>NUMBER OF CALENDAR DAYS TO FILE</th>
<th>NUMBER OF CALENDAR DAYS TO RESPOND</th>
</tr>
</thead>
<tbody>
<tr>
<td>INFORMAL</td>
<td>PERSON AGAINST WHOM COMPLAINT IS MADE</td>
<td>INFORMAL DISCUSSION</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>FORMAL</td>
<td>EMPLOYEE’S IMMEDIATE SUPERVISOR OR PRINCIPAL; ASSISTANT SUPT.</td>
<td>FORMAL IN WRITING</td>
<td>N/A</td>
<td>THIRTY (30) DAYS FROM FILING (Written Response Required)</td>
</tr>
<tr>
<td>APPEAL</td>
<td>ASSISTANT SUPT., HUMAN RESOURCES, OR DESIGNEE</td>
<td>APPEAL IN WRITING</td>
<td>FIFTEEN (15) DAYS FROM RECEIPT OF WRITTEN DECISION</td>
<td>THIRTY (30) DAYS FROM APPEAL (Written Response Required)</td>
</tr>
<tr>
<td>APPEAL: REQUEST TO ADDRESS BOARD</td>
<td>BOARD OF TRUSTEES</td>
<td>VERBAL OR IN WRITING</td>
<td>N/A</td>
<td>NO DESIGNATED TIME FOR THE BOARD TO RESPOND.</td>
</tr>
</tbody>
</table>

Appendix Version: 9/24/14
```plaintext
<table>
<thead>
<tr>
<th>COMPLAINT PROCEDURES</th>
<th>APPLICABLE BOARD POLICY</th>
<th>NOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMPLAINTS CONCERNING DISTRICT EMPLOYEES</td>
<td>1312.1</td>
<td>This form is for use by anyone who wishes to file a complaint concerning a district employee. AR1312.1/BP 1312.1 Complaint &amp; Appeal Forms</td>
</tr>
<tr>
<td>COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS</td>
<td>1312.2</td>
<td>This policy is for use only by district employees, district residents, or parents/guardians of children enrolled in a district school to challenge the content or use of an instructional material. Any complaint concerning the sufficiency/availability of textbooks/instructional materials must be resolved using Williams uniform complaint procedures (BP/AR 1312.4) AR 1312.2 Request Form</td>
</tr>
<tr>
<td>UNIFORM COMPLAINT PROCEDURES</td>
<td>1312.3</td>
<td>Complaints addressed under this procedure are written statements by anyone alleging any of the following: discrimination, harassment, intimidation and/or bullying or a violation of a federal or state law or regulation, including noncompliance with laws relating to pupil fees.</td>
</tr>
<tr>
<td>WILLIAMS UNIFORM COMPLAINT PROCEDURES</td>
<td>1312.4</td>
<td>This form is for use by anyone who wishes to file a complaint related to any of the following: Complaints related to sufficiency of instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, teacher vacancy or misassignment, and/or intensive instructional services not being provided to pupils who have not passed one or both parts of the high school exit examination at the end of grade 12 are handled under this procedure. AR1312.4.complaintform</td>
</tr>
</tbody>
</table>
```

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