

OFFICE OF HUMAN RESOURCES

City of Baker School System

Herman Brister, Ed.D., Superintendent



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www.bakerschools.org

OFFICIAL COMPLAINT AGAINST AN EMPLOYEE FORM

It is preferable that this form be typed; however, this form can be handwritten in blue ink.

Legal Name of Person Making the Allegation: _____

Today's Date: (mm/dd/yyyy) _____ Home Email Address: _____

Home Address: _____

Home Phone (_____) _____ Cell Phone (_____) _____

Accused Employee's Name: _____ School/Location: _____

Accused Employee's Position at the School/Location: _____

Date of Alleged Incident: (mm/dd/yyyy) _____ Time of Alleged Incident: _____ (circle) A.M. or P.M.

Place/Location Where Alleged Incident Occurred: _____

Name(s) of Witness(es) to Alleged Incident (if applicable): _____

Details of the Alleged Circumstances Against the Employee (STAPLE ADDITIONAL PAGE(S) if needed):

Please stick to the concise, impartial facts. Also, please do not let grammar, style, and spelling be your main concern in providing the details of the alleged incident since your brief, but thorough description will help obtain an idea of what allegedly occurred. If additional pages are needed, typed instructions are as follows: at least 12 font size, Times New Roman font, single spaced between sentences, double spaced between paragraphs, full justification, and one inch margins on all four sides.

NOTE: The person making a complaint and the accused can go to www.bakerschools.org, Our Board, Baker School Board Policies, Policy Manual, Enter Here CAPS, Section F: Personnel [or other Sections/Handbooks if applicable] to review all CBSS approved policies or the specific policy(ies) that are pertinent to most complaints. Also, review the *City of Baker Regulations for the Evaluation and Assessment of School Personnel* pp. 15-16 (Formerly known as the CBSS Personnel Accountability Plan) to become familiar with Due Process and Grievance Procedures for COMPASS and other performance management issues. These reviews may give the background needed prior to making a complaint for an alleged incident. Anonymous complaints do not hold significant validity. Both the accused and the accuser are afforded all rights of due process. The person making the complaint and the immediate supervisor/principal of the person accused should keep a copy of this form and applicable supporting documentation; however, the Supervisor of Human Resources should receive the original form and supporting documentation. This form should be date stamped to show the receipt date. Also, the immediate supervisor/principal should (1) email the Supervisor of HR at dgrisby@bakerschools.org, a preliminary copy if the signed form and applicable supporting documentation have been scanned **and/or** the immediate supervisor/principal should fax (*please wait for transmittal confirmation and make follow-up phone call at 225/778-2379*) a copy of this form and applicable supporting documentation to the Supervisor of HR at 225/774-5798, **and** (2) the immediate supervisor/principal should mail or hand-deliver the original form and supporting documentation to the Supervisor of HR.

Signature of Person Making Complaint (blue ink)

Date (mm/dd/yyyy)

COMPLAINTS AND GRIEVANCES

Any employee of the City of Baker School Board, or student, shall have the right to appeal the application of policies and administrative decisions affecting him/her. The person filing the grievance shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal in presenting his/her appeal with respect to a personal grievance. All grievances shall be handled expeditiously, and according to the following procedures.

1. Definitions:

- A grievance is a claim by a student, parent, employee or group thereof that he/she has suffered harm or injury by the interpretation, application or violation of a contract, a school board policy, a law or constitutionally guaranteed rights. The term "grievance" does not include matters for which the method of review is prescribed by law or where the School Board is without authority to act (e.g., employee lack of certification). Any claim by an individual that there has been a violation of rights shall be a grievance and shall be resolved through the procedures set forth herein.

- A grievant is the person making the claim.

- A party in interest is the person making a claim (grievant) and any person or persons who might be required to take action or against whom action might be taken in order to resolve the claim.

2. Procedure:

Grievances shall be processed as rapidly as possible. The number of days indicated at each level is a maximum, and every effort shall be made to expedite processing the grievance. All proceedings of a grievance shall be kept confidential.

Step 1. After informally and thoroughly discussing any grievance with the employee's immediate supervisor or principal, upon reaching no satisfactory resolution of the grievance, the employee or student shall promptly present the grievance in writing to the immediate supervisor or principal. Such notice shall be presented no later than **five (5) working days from the date of discussion**. The written grievance submitted shall state the nature of the grievance and the harm or injury caused that initiated the grievance. The employee or student and the immediate supervisor or principal shall attempt to resolve the grievance. The immediate supervisor or principal shall make a proper disposition of the grievance and shall reply to the grievant **within five (5) working days following the date of submission**. If the grievance is not submitted within the time prescribed, the grievant shall be deemed not to have further right with respect to said grievance.

Step 2. In the event the grievant wishes to appeal the decision at Step 1, or if no decision has been rendered in the time specified, the grievant may present the grievance in writing to the Superintendent or his/her designee **within five (5) working days** of the date of the response submitted by the immediate supervisor or principal, **or ten (10) working days** from the date of the submission of the written grievance in Step 1, if no decision has been rendered. If the grievance is not submitted within the time prescribed, the grievant shall be deemed not to have any further right with respect to said grievance. Such appeal shall contain a statement of the grievance and specified references to the action taken causing the grievance. The Superintendent or his/her designee shall make a proper disposition of the grievance and shall send a written reply to the grievant **within ten (10) working days** of receipt of the Step 2 appeal.

Step 3. In the event the grievant wishes to appeal the decision at Step 2, or if no decision has been rendered in the time specified, the grievant may request in writing **within five (5) working days** of the receipt of the Step 2 decision a full hearing before the Superintendent or his/her designee. Such appeal shall contain a statement of the grievance and specified references to the action taken causing the grievance. Upon receipt of such written request, the Superintendent or his/her designee shall schedule a hearing at a specific date and time and send proper notice of the scheduled hearing to the grievant. The Superintendent or his/her designee, at the date and time specified, shall conduct a full hearing on the grievance, and in doing so, maintain a transcript of the proceedings. Following the hearing, the Superintendent or his/her designee shall make a written recommendation for disposition of the grievance and provide a copy of the transcript to the School Board at a meeting of the Board.

Step 4. After reviewing the transcript of the grievance hearing and the recommendation of the Superintendent or his/her designee, the Board then shall dispose of the grievance.

3. Miscellaneous

A. **A grievance may be withdrawn at any level** without prejudice or record. Additionally, there shall be **no recrimination against a person because a grievance has been filed** in accordance with the provisions outlined herein.

B. **The grievance procedure shall cease at any step when the grievant accepts the decision** being reached.

C. **Copies** of all written decisions of grievances shall be sent **to all parties involved**.

D. **All documents, communication, or records dealing with a grievance shall be made part of the grievant's files** and shall be destroyed only in accordance with Board policy.

E. **Appeals of grievance decisions will be limited to the specific issues raised in the original grievance. The parties involved will not be allowed to expand the issues during the grievance procedure**, except to the extent necessary to respond to administrative decisions made along the way.

F. **Failure by the grievant to meet the time lines and requirements of this procedure shall result in dismissal of his/her grievance. Failure by the administrative person rendering the decision to meet time lines and requirements of this procedure shall allow the grievant, at his/her option, to proceed to the next level of appeal.**

G. If an employee **leaves** the employment of the Board during the pendency, at any level, of a complaint or grievance, **then** the employee **loses the right** to continue the complaint process.

H. **Termination or disciplinary action against an employee may not form the basis of a complaint or grievance by that employee.**

4. Representation

The person bringing forth the grievance shall have the right to present his/her own grievance. Grievants have the right to have representation at **Steps 2 and 3**. If a person chooses to have representation when presenting his/her grievance, said person shall provide advance notice of such in writing to the immediate supervisor at the respective procedural level **at least two (2) days prior** to the meeting on the grievance.

INVESTIGATIONS

GENERAL INVESTIGATIONS

In the event that a City of Baker School Board member or staff member believes a **condition exists within the school system that warrants investigation** by the staff, such person shall convey his/her concerns to the Superintendent. Should the Superintendent determine that the situation warrants investigation, he/she shall have the matter investigated by appointing appropriate staff personnel (one or more persons) to make the necessary inquiries. **At the conclusion of their investigation, a report shall be prepared for submission to the Superintendent.** Any investigation undertaken in the school system shall be conducted in accordance with the following stipulations:

1. No Board member shall participate in any manner in an investigation.
2. The Superintendent shall use every means possible to protect School Board personnel from unwarranted personal criticism.

In any investigation into incidents involving accidents or injuries to students or employees, or involving student misconduct, or the competence, honesty or performance of duties of Board employees, all employees of the City of Baker School Board shall, upon reasonable request by the Superintendent or his/her designee, give a statement of the facts and circumstances within the employee's knowledge, or an accounting of the employee's conduct concerning the circumstances which are the subject of the investigation or are related to the matter being investigated.

If deemed appropriate by the Superintendent or his/her designee in the conduct of such investigation, employees of the City of Baker School Board shall, upon **reasonable notification**, appear at the **offices of the Superintendent or** at such other suitable **location within the city** as might be appropriate and convenient in the investigation. **During any such employee interview**, the employee **may have legal representation** if desired by the employee, but said representation shall be **at no cost to the City of Baker School Board.**

PUBLIC ANNOUNCEMENT OF EMPLOYEE DISCIPLINE

The City of Baker School Board, in accordance with state law, shall provide for an investigation of an employee, in cases where the Board has made a public announcement that an employee may be disciplined, whether or not there is an accompanying reduction in pay. The investigation shall proceed as outlined below under *Reporting Procedures*. **Not later than thirty (30) days after the conclusion of the investigation and prior to any Board action to implement such disciplinary action, the employee may appear, if he/she so determines, before the School Board in open session and be given a reasonable time, as determined by the Board, to comment on the investigation and any actions taken or proposed to be taken involving the employee.** These provisions shall not be applicable to any Reduction in Force initiated by the Board.

IMPERMISSIBLE CORPORAL PUNISHMENT OR MORAL OFFENSES

If an employee is accused of impermissible corporal punishment, or of a moral offense involving a student, a **prompt**, thorough **investigation** shall be conducted by the **Superintendent or designee**. The investigation shall proceed as outlined below under *Reporting Procedures*. **A written report of the results of the investigation shall be prepared**, and the **employee shall be provided with a copy of such report**. The Superintendent may promulgate such administrative regulations as he/she deems necessary to implement this policy. **Any employee found to have violated the provisions of Board policy shall be disciplined by such means as appropriate to the incident, including reprimand, suspension, termination, and/or referral to the local child protection agency/law enforcement.**

If the allegation falls within the definition of *abuse* as defined in Board policy **H-4.4 Child Abuse**, then all school employees with knowledge of such incidents become *mandatory reporters* and the allegations must be reported to child protection or law enforcement as provided by state law and Board policy. Such reporting shall be made and applied in conjunction with the procedures outlined in this policy.

REPORTING PROCEDURES

Any complaint **relative to employee conduct** shall be handled as follows:

1. The Superintendent or his/her designee **may order such investigation** to be conducted in each instance as is warranted by the circumstances.
2. The investigation shall be **conducted by the Superintendent or his/her designee**. These rules contemplate informal but thorough investigations, **affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint**. **Staff members or students may be interviewed if it is deemed essential to the investigation.**
3. The **Superintendent or his/her designee shall confer with each accused employee's immediate supervisor concerning the results of the investigation and the immediate supervisor shall discuss the matter with the employee.**
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Superintendent or designee and a copy forwarded to the complainant **no later than thirty (30) days after its filing.**
5. **If charges are founded, the Superintendent shall recommend proper disciplinary action to the School Board**, based upon investigative evidence gathered, **which may include termination of employment of the employee**. **Any disciplinary action will be placed in the offender's personnel file which will reflect the action taken and the grounds thereof.**

§317. Due Process and Grievance Procedures

A. The City of Baker School System grievance procedures address the following components of due process:

1. The evaluatee shall be provided a copy of his/her evaluation results no later than fifteen (15) working days after the final evaluation rating is determined and shall be entitled to any documentation related to the evaluation. It is always incumbent upon the evaluator to comment on and document specific needs in the evaluation report.
2. The evaluatee shall be entitled to provide a written response to the evaluation, to become a permanent attachment to the evaluatee's single official personnel file. The response may be a signed statement clarifying or rebutting the issue(s) in question and must be submitted within ten (10) working days after receipt of the dated evaluation.
3. Upon the request of the evaluatee, a meeting between the evaluatee and the evaluator shall be held after the evaluation and prior to the end of the academic year to discuss the results of the evaluation (this discussion will target the strengths and areas in need of improvement of the evaluatee).
4. The evaluatee shall be entitled to grieve to the superintendent or his designee if the conflict in question is not resolved between the evaluatee and the evaluator. The evaluatee shall be entitled to representation during the grievance procedure. Evaluatees determined to be "Ineffective" are informed in writing of such determination by receipt of the evaluation report.
5. Copies of the evaluation results and any documentation related thereto of any school employee may be retained by the City of Baker School System, the SBESE or the State Department of Education and, if retained, are confidential, do not constitute a public record, and shall not be released or shown to any person except as provided by law.
6. The confidentiality of evaluation results must be maintained as prescribed by law. Copies of all evaluation documents will be maintained in the evaluatee's single official file and copies will be provided to the evaluator and the evaluatee for their files. Individuals authorized to enter the single official files are: the Superintendent and the Human Resources Manager.

B. Failure by the City of Baker School System to adhere to the requirements of this section shall be a grievable matter.

C. Teacher Dismissal Procedures

Non-tenured Teacher

- Letter from the City of Baker School Superintendent providing the teacher with reasons therefore
- Teacher has seven (7) days to respond to the Superintendent
- The teacher's response shall be included in the teacher's personnel file in the single official file.

Tenured Teacher

- Written and signed charges from the City of Baker School Superintendent
- Teacher has seven (7) days to respond to the Superintendent and the response shall be included in the teacher's personnel file in the single official files.
- At the end of the seven-day time period, the Superintendent may terminate the teacher's employment. A teacher shall not be terminated for an "ineffective" performance rating until completion of the grievance procedure, if a grievance was timely filed. Within seven (7) days after dismissal, a teacher may request and upon request shall be granted a hearing by a panel.
- The panel shall be composed of a designee of the Superintendent, a designee of the principal, and a designee of the teacher.
- The hearing shall begin within seven (7) business days after receipt of the teacher's request for such hearing.
- The Superintendent may or may not accept the panel's decision.
- The teacher may seek court review within sixty (60) days of notification of dismissal.

PUBLIC CONCERNS AND COMPLAINTS

It shall be the policy of the City of Baker School Board that **written allegations concerning local school policy, or concerns about school matters be submitted to the principal of the school.** If the matter cannot be settled at this level the matter should then be presented to the Superintendent in writing with all allegations documented and signed.

It shall further be the responsibility of the principal of the school and Superintendent to document any and all meetings of this nature.

These documents shall be made available to the School Board members in the event these matters reach the School Board.

PUBLIC COMPLAINTS

Constructive criticism of the schools is welcomed by the City of Baker School Board whenever it is motivated by a sincere desire to improve the quality of the educational program or to equip the schools to do their tasks more effectively. The Board has, however, confidence in its professional staff and desires to support their actions in order that they be free from unnecessary, spiteful, or negative criticism and complaint. Therefore, whenever a complaint is made directly to the Board as a whole or to a Board member as an individual, **it will be referred to the principal or designee of the school** for study and possible solution.

The Board shall require the Superintendent and staff to maintain and disseminate information to parents, legal guardians, and the general public on the proper process and contact information to be used when making complaints.

The Board will consider hearing citizen complaints when they cannot be resolved by the administration (teacher, principal and Superintendent). Matters referred to the Board shall be submitted through the Superintendent and must be in writing and should be specific in terms of the action desired. The Board shall not consider or act on complaints that have not been explored at the appropriate administrative level.

New policy: September, 2008

Ref: La. Rev. Stat. Ann. §§[17:81](#) , [17:172](#)
Board minutes, 1-20-09

City of Baker School District

Lined writing area consisting of 23 horizontal lines.

Signature

Date (m/d/y)

Printed Name

Time Signed

Original (Human Resources) Copy (School) Copy (Employee)