
Administrative Regulation

Complaints Concerning District Employees

AR 1312.1

Community Relations

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

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against District employees except for complaints expressly subject to other procedures, such as the Uniform Complaint Procedures set forth in AR/BP 1312.3.

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, or the employee's direct supervisor, in order to resolve concerns. Every effort shall be made to maintain the confidentiality of the complaint consistent with legal requirements and retaliation against any participant.
2. Complaints concerning District employees may be submitted to the employee's supervisor, site administrator, Superintendent, or designee. Complaints otherwise subject to the Uniform Complaint Procedure shall be filed as set forth in BP/AR 1312.3. Complaints related to the Superintendent shall be initially filed in writing with the Board.
3. When a written complaint concerning a District employee is received, the employee shall be notified in accordance with any applicable collective bargaining agreements, or as soon as practicable.
4. A written complaint shall include:
 - a. The full name and position of each employee involved;
 - b. A brief but specific summary of the alleged wrongful conduct 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.
5. The Superintendent or designee shall investigate the complaint and attempt to resolve the complaint within 90 days. The Superintendent, at his or her discretion, may appoint a third-party investigator to investigate the complaint. The investigation may include interviews of the employee, complainant, and witnesses as necessary, and a review of documentation relevant to the complaint.

Any documents, files, notes, or reports relating to the investigation shall be maintained in a separate confidential file. Employees may access this information only on a need-to-know basis, as determined by the Superintendent or designee.

6. The Superintendent may, at his or her discretion, impose interim protective measures such as placing an employee on paid administrative leave.

7. Employees shall cooperate with investigations in good faith, and an employee's refusal to participate in an investigation during his/her normal work hours may constitute insubordination. However, an employee who is accused of criminal misconduct shall not be required to waive his or her constitutional rights.

8. Based on the investigation findings, the Superintendent or designee shall determine whether the allegations are sustained and whether any remedial action is necessary.

9. Both the complainant and employee against whom the complaint was made shall be notified in writing of the disposition of the complaint.

10. Both the complainant and the employee against whom the complaint was made may appeal the decision to the Board of Trustees. A request for an appeal must be submitted to Constituent Services in writing within 15 days of the final decision.

11. The Board of Trustees will hear the appeal in Closed Session, unless an employee requests to be heard in Open Session in accordance with law.

12. Any decision of the Board shall be final.

References

BP/AR 1312.2 - Complaints Concerning Instructional Materials

BP/AR 1312.3 - Uniform Complaint Procedures

BB 9321 - Closed Session Purposes and Agendas

BB 9323 - Meeting Conduct