

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

The Board of Education 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 that 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.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3515.2 - Disruptions)

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 unless it so desires.

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 pupil at school site (LO:4-93)

Policy

adopted: May 19, 2003

TORRANCE UNIFIED SCHOOL DISTRICT

Torrance, California

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Complaint Procedures

The 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.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

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.
2. If a complainant is unable or unwilling to resolve the complaint directly with the person involved, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. When a written complaint is received, the employee shall be notified in accordance with collective bargaining agreements.
4. 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 or designee. Complaints related to a Board member or to the Superintendent shall be initially filed in writing with the Board.
5. A written complaint must include:
 - a. The 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. The immediate supervisor will attempt to resolve the complaint to the satisfaction of the person(s) involved. If the complaint is not resolved, the immediate supervisor shall provide to the Superintendent or designee, a copy of the complaint and a brief statement of the results of the investigation and the efforts made to resolve the complaint.

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)

7. The complainant may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who will attempt to resolve the complaint to the satisfaction of the person(s) involved. Complainants 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 be 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)

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9323 - Meeting Conduct)

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)

12. Any decision of the Board shall be final.

Complaints Regarding Child Abuse

When a complaint of child abuse is alleged, the District shall provide parents/guardians procedures for filing a child abuse complaint with the police department or appropriate child protective agency. Upon request, such procedures shall be written in the primary language of the parent/guardian, and the Superintendent or designee shall provide an interpreter if needed. (Education Code 48987)

Providing the above procedures to parents/guardians does not relieve mandated reporters from their duty to report suspected child abuse in accordance with law.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 4112.6 - Personnel Files)

(cf. 4144 - Complaints)

TORRANCE UNIFIED SCHOOL DISTRICT

COMPLAINT

Level I

TO: _____
School Principal or Immediate Supervisor School or Department

Definition: A Complaint is defined as an alleged violation of Board Policy and/or Administrative Rule that, by reason of such alleged violation, an employee's rights have been adversely affected.

Complaint Level I must be submitted to the immediate supervisor within five (5) days of oral conference or the receipt of a requested written response.

Specific terms of Board Policy and/or Administrative Rule alleged to have been violated. Please include Policy and/or Rule number(s).

Describe in detail the action taken which you believe was a violation of Board Policy and/or Administrative Rule. In addition, state how your rights have been adversely affected by reason of the alleged violation. Please include date and time when the alleged violation occurred. (Attach additional pages if necessary.)

Specific remedy sought by complainant. (Attach additional pages if necessary.)

Date of informal conference: _____
(Attach copy of written informal decision, if requested.)

Signature of Complainant

Date

Attached: "Complaint Procedure" Board Policy #BP1312.1

Rev. 10/03

TORRANCE UNIFIED SCHOOL DISTRICT

COMPLAINT

Level II

COMPLAINT LEVEL II must be filed with the Superintendent within seven (7) days from receipt of the written decision at LEVEL I.

COMPLAINANT'S NAME: _____
(Please print)

Date of receipt of decision from LEVEL I: _____

Please give a concise statement for the reason(s) for this appeal. (Attach additional pages if necessary.)

Please submit this completed form with a copy of Complaint Level I and its decision.

Signature of Complainant

Date

TORRANCE UNIFIED SCHOOL DISTRICT

COMPLAINT

Level III

**Complaint Level III must be received by the Superintendent within
ten (10) days from receipt of the written decision at Level II.**

The Complainant _____
Name

hereby requests a hearing in a _____
Human Resources Session or Public Hearing

before the Board of Education of the Torrance Unified School District.

Date of receipt of decision from **Complaint Level II**: _____

Date **Complaint Level I** filed: _____

Please attach to this Complaint Level III, one copy each: Complaint Level I
Decision at Level I
Decision at Level II

Signature of Complainant

Date