

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

Provisions of this policy are governed by the collective bargaining agreement with Wheatland Education Association (YCUEA) and California School Employees Association (CSEA) Chapter #265.

When a complaint is made, the Superintendent or designee shall determine whether it should be resolved by the district's process for complaints concerning personnel, the district's uniform complaint procedures, or both.

*(cf. 1312.3 - Complaint Resolution Procedure)*

The Governing Board places trust in its employees and desires to support their actions in such manner that employees are freed from unwarranted, spiteful, or negative criticism and complaints.

The Superintendent shall develop regulations which will permit the public to lodge criticism against staff members, assure a complete hearing, and protect the rights of the staff members and the district.

School employees who are sued as a consequence of performing their duties within the scope of their employment shall be provided full legal service unless they have violated district policy, regulation, or instructions.

When public complaints involve accusations of child abuse, the provisions of this policy and regulation shall be implemented only after having completed the child abuse reporting requirements specified in law and BP 5141.4.

*(cf. 5141.4 - Child Abuse and Neglect (Reporting Procedures))*

The Board shall annually review policies and regulations regarding complaints against school personnel.

*Legal Reference: (see next page)*

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)**

*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: March 25, 1997  
reviewed: March 25, 1997  
revised:

**WHEATLAND SCHOOL DISTRICT**  
Wheatland, California

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

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

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 4144/4244/4344 - Complaints)*

To promote prompt and fair resolution of the complaint, 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, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or 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 Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
  - a. The full 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 attempt to discuss the complaint with the employee and the failure to resolve the matter
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.
7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)**

designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties 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 limited to:
  - a. The full 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 parties as to the precise nature of the complaint and to allow the parties to prepare a response
  - 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 clarify the issue and present all available evidence.
11. A closed session may be held to hear the complaint in accordance with law.

*(cf. 9321 - Closed Session Purposes and Agendas)*

*(cf. 9323 - Meeting Conduct)*

12. The 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.

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

Regulation  
approved:

**WHEATLAND SCHOOL DISTRICT**  
Wheatland, California