

Santa Barbara School Districts

Administrative Regulation

AR 1312.5

Community Relations

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Purpose

The primary purpose of these procedures is to secure, at the earliest possible level, an equitable solution to a complaint.

Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Governing Board, if necessary.

Application

This procedure policy shall apply only to complaints not relating to unlawful discrimination encompassed in Board Policies 1312.3, 1312.4, and 4031, or any collective Bargaining Agreement, which address discrimination based on race, color, national origin, ancestry, religious creed, age, marital status, pregnancy, physical and mental disability, medical condition, veteran status, gender, and actual or perceived orientation. This procedural policy also does not apply to complainants of sexual harassment who should utilize the procedure policy delineated in BP 4119.11, 4219.11, and 4319.11 instead.

This procedure policy applies only to complaints that involve a misapplication of a district's policies, regulations, rules or procedures and any interpersonal conflicts not specifically addressed by board policy.

Guidelines

1. A "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures, or an allegation of unprofessional behavior that substantially affects the working relationship.
2. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.
3. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.
4. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.

5. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.
6. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.
7. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

INFORMAL COMPLAINTS

Employees are required to attempt to resolve complaints informally before resorting to formal complaints. Formal complaint procedures shall not be initiated unless reasonably applicable informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

The following are suggested methods of informal resolution to be utilized as appropriate to the circumstances of each case:

1. Complainant should first discuss the issue with the person against whom the complaint is directed (the “complainee.”)
2. Complainant should inform his/her immediate supervisor and seek his/her advice on how to proceed towards informally resolving the conflict.
3. Complainant’s supervisor should discuss the issue with the complainee either in the presence of the complainant or individually.
4. Complainant’s supervisor should discuss the issue with the complainee’s immediate supervisor either in the presence of the complainant or individually.

FORMAL COMPLAINT PROCEDURE - STEP 1

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal. Any written complaint must be filed within 60 days of the act or event which is the subject of the complaint.

Within ten working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within ten working days after the meeting. To the extent permitted by law, the written answer should specify the scope of investigation completed and the reasons for the determination. The written answer should also summarize any informal investigations done or

efforts at resolution made by the supervisor before the complainant filed a formal complaint.

FORMAL COMPLAINT PROCEDURE - STEP 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Within ten working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint within ten working days after the meeting. To the extent permitted by law, the written answer should specify the scope of investigation completed and the reasons for the determination.

FORMAL COMPLAINT PROCEDURE - STEP 3

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the Board within five working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 2.

An appeal hearing shall be held at the next regularly scheduled Board meeting which falls at least 12 days after the appeal is filed. This hearing shall be held in closed session if the complaint relates to matters properly addressed in closed session, unless otherwise requested by the complainees pursuant to Government Code § 54957.

(cf. 9321 - Closed Sessions Purposes and Agendas)

The Board shall mail its decision to all concerned parties within 30 days of the hearing. The Board's decision shall be final. To the extent permitted by law, the Board's decision should specify the reasons for the determination.

Regulation: SANTA BARBARA SCHOOL DISTRICTS
Adopted: April 10, 2007 Santa Barbara, California