

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

Every effort should be made to resolve complaints regarding district employees at the earliest possible stage. Any person who complains about a district employee shall be encouraged to resolve the matter informally through direct communication with the employee whenever possible.

If a complainant is unable or unwilling to resolve the complaint directly with the employee, the complainant may submit a written complaint to the principal or other immediate supervisor of the employee. Complaints related to a principal or district administrator shall be initially filed in writing with the Superintendent or designee. If the complainant is unable to prepare the complaint in writing, administrative staff shall provide assistance in the preparation of the complaint.

A written complaint shall include the full name of the employee involved, a brief but specific summary of the complaint and the facts surrounding it, and a description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. When a written complaint is received, the employee who is the subject of the complaint shall be notified within five days or in accordance with collective bargaining agreement.
2. The principal or other immediate supervisor of the employee shall investigate and attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. A complaint against a school or district administrator shall be investigated by the Superintendent or designee. The investigation may include interviews of the employee, complainant, or witnesses as necessary and/or a review any documentation relevant to the complaint.
3. Both the complainant and employee shall be notified in writing of the final decision regarding the resolution of the complaint.
4. Either the complainant or the employee against whom the complaint was made may appeal the decision. A decision by the principal or immediate supervisor may be appealed to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. Either the complainant or the employee may appeal the Superintendent's decision to the Governing Board.
5. If the decision is appealed to the Board, the Superintendent or designee shall submit to the Board the following information:
  - 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 and the reasons that the problem has not been resolved

<b>State</b>	<b>Description</b>
Ed. Code 33308.1	<a href="#"><u>Guidelines on procedure for filing child abuse complaints</u></a>
Ed. Code 35146	<a href="#"><u>Closed sessions</u></a>
Ed. Code 44031	<a href="#"><u>Personnel file contents and inspection</u></a>
Ed. Code 44811	<a href="#"><u>Disruption of classwork or extracurricular activities</u></a>
Ed. Code 44932-44949	<a href="#"><u>Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)</u></a>
Ed. Code 48987	<a href="#"><u>Child abuse guidelines</u></a>
Gov. Code 54957	<a href="#"><u>Closed session; complaints re employees</u></a>
Gov. Code 54957.6	<a href="#"><u>Closed sessions regarding employee matters</u></a>
Pen. Code 11164-11174.3	<a href="#"><u>Child Abuse and Neglect Reporting Act</u></a>
Pen. Code 273	<a href="#"><u>Cruelty or unjustifiable punishment of child</u></a>
W&I Code 300	<a href="#"><u>Minors subject to jurisdiction of juvenile court</u></a>

<b>Management Resources</b>	<b>Description</b>
Court Decision	<a href="#"><u>Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719</u></a>
Website	<a href="#"><u>CSBA District and County Office of Education Legal Services</u></a>

**Regulation**  
**approved: August 19, 2009**  
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**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**  
**Santa Monica, California**