

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

The Governing Board recognizes its accountability to the public for the quality of the district's educational program and the performance of district employees. The district shall provide a process by which a complaint submitted by any person regarding an employee can be resolved impartially, expeditiously, and with minimal disruption to district operations and the educational program.

When a concern regarding an employee is presented during a Board meeting or to an individual Board member or employee outside of a Board meeting, the complainant shall be informed of the appropriate complaint procedure.

Any complaint regarding the Superintendent shall be initially filed in writing with the Board. The Board shall consult with legal counsel or appoint an appropriate agent to conduct the investigation.

The Superintendent or designee shall determine whether a complaint against any other employee 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. Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law and BP 5141.4 - Child Abuse Prevention and Reporting. Any complaint alleging that an employee engaged in unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Any complaint by an employee, job applicant, volunteer, intern, or independent contractor alleging unlawful discrimination or harassment by an employee shall be filed in accordance with AR 4030 - Nondiscrimination in Employment.

Any complaint subject to this policy and the accompanying administrative regulation shall be investigated by the principal, the employee's immediate supervisor, the Superintendent or designee, legal counsel, agent of the Board, and/or other appropriate person who is not the subject of the complaint or subordinate to the employee charged in the complaint. The complainant and the employee shall have an opportunity to present information relevant to the complaint.

A complaint that is filed anonymously may be investigated by the Superintendent or designee depending on the specificity and reliability of the information.

If a complainant requests confidentiality, the Superintendent or designee shall inform the complainant that the request may limit the district's ability to investigate the employee's conduct or take other necessary action. However, the Superintendent or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity.

The Board prohibits retaliation against complainants.

Legal Reference:

State	Description
Ed. Code 33308.1	<u>Guidelines on procedure for filing child abuse complaints</u>

State	Description
Ed. Code 35146	<u>Closed sessions</u>
Ed. Code 44031	<u>Personnel file contents and inspection</u>
Ed. Code 44811	<u>Disruption of classwork or extracurricular activities</u>
Ed. Code 44932-44949	<u>Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)</u>
Ed. Code 48987	<u>Child abuse guidelines</u>
Gov. Code 54957	<u>Closed session; complaints re employees</u>
Gov. Code 54957.6	<u>Closed sessions regarding employee matters</u>
Pen. Code 11164-11174.3	<u>Child Abuse and Neglect Reporting Act</u>
Pen. Code 273	<u>Cruelty or unjustifiable punishment of child</u>
W&I Code 300	<u>Minors subject to jurisdiction of juvenile court</u>
Management Resources	Description
Court Decision	<u>Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>

Policy **SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**
adopted: August 19, 2009 **Santa Monica, California**
revised: November 22, 2017; November 16, 2023