

Community Relations

Complaints Concerning School Personnel

Complaints concerning school personnel should be made directly by the complainant to the person against whom the complaint is lodged.

This complaint should be made within ten (10) working days after the alleged incident.

If the complaint is not resolved at this level, the complainant is requested to seek, within ten (10) working days, the help of the supervisor or principal prior to putting the complaint in writing.

If the complaint, after review by the supervisor, remains unresolved, the complainant shall put the complaint in writing and direct it to the administrative supervisor who shall review the complaint within ten (10) working days.

If the complaint, after review by the administrative supervisor, remains unresolved, the administrative supervisor, within ten (10) working days, shall refer the written complaint, together with the supervisor's report and analysis of the situation, to the Superintendent or his/her designee.

The Superintendent's decision shall be final unless the complainant, the employee or the Superintendent requests a closed hearing before the Board of Education on the complaint. If the employee so requests, an open hearing will be held.

Every effort should be made to resolve the complaint at the lowest possible level.

Failure of the complainant to put the complaint in writing will be considered by the District as a dropping of the complaint.

The employee about whom the complaint is made shall have the opportunity to respond in writing at any time during the complaint procedure.

Hearing

No hearing, either open or closed, will be held by the Board of Education on any complaint unless and until the Board has received the Superintendent's written report concerning the complaint. The Superintendent's report shall contain, but not be limited to:

1. The name of each employee involved.

Complaints Concerning School Personnel (Continued)

Hearing (continued)

2. A brief but specific summary of the nature of the complaint and the facts surrounding it, sufficient to inform the Board of Education and the employee(s) the precise nature of the complaint and to allow the employee(s) to prepare a defense.
3. A true copy of the signed original of the complaint itself.
4. A summary of the action taken by the Superintendent in connection with the complaint with the Superintendent's specific finding that disposition of the case at the Superintendent's level has not been possible and the reasons therefore.

The District administration shall be available to assist the complainant in the procedures regarding the submission and handling of formal complaints.

If a hearing is requested, all parties involved, including the school and/or District Administrator shall be requested to attend the hearing for the purposes of presentation of all available evidence, allowing every opportunity to clarify the issue.

The decision of the Board of Education following the hearing shall be final, except that the employee through the association may, within ten (10) working days of receipt of the Board of Education's decision, appeal the decision as to whether the Board had just cause to issue its decision and, in addition, whether the complaint and other documents relating to the complaint and hearing held before the Board of Education should remain a part of the employee's file. The appeal to arbitration, if any, shall follow the procedure set forth in the applicable Collective Bargaining Agreement.

Complaints Regarding Management Personnel

Complaints concerning management personnel should be made directly by the complainant to the administrator/supervisor against whom the complaint is lodged. This complaint should be made within ten (10) working days after the alleged incident.

Any complaints reaching Board of Education members regarding management personnel shall be referred to the Superintendent. A Board of Education member will also request that the complainant address his/her complaint directly to the administrator/ supervisor against whom the complaint is lodged.

Complaints Concerning School Personnel (continued)

Procedures

First Level: The Superintendent shall refer the complaint to the manager's immediate supervisor who shall discuss the matter with the manager and refer it to him/her for resolution. The concerned manager shall discuss the complaint promptly with the complainant. The concerned manager shall make every effort to provide the complainant with a reasoned explanation or take appropriate action for resolution within his/her authority and District rules and regulations.

The concerned manager shall advise the complainant of the next step in the appeal process in the event the complainant is not satisfied. The concerned manager shall report the result of the discussion and whatever action may have been taken to his/her immediate supervisor.

Second Level: If the complaint cannot be satisfactorily resolved at the first level, the complainant shall discuss the matter with the Assistant Superintendent-Personnel within ten (10) working days and prior to putting the complaint in writing.

Third Level: If the complaint cannot be satisfactorily resolved at the second level, the complainant shall, within ten (10) working days, request in writing a conference with the Superintendent with a copy to the Board of Education. The request shall state:

1. The specific nature of the complaint and a brief statement of the fact giving rise to it.
2. The manner in which it is alleged that the complainant (or child of the complainant) has been affected adversely, if any.
3. The action which the complainant wishes taken and the reasons why it is felt that such action be taken.

Should the matter be resolved in conference with the Superintendent, the Board shall be advised of the resolution.

Fourth Level: Should the matter still not be resolved or if it is one beyond the Superintendent's authority and requires a Board decision or action, the complainant shall request in writing a hearing by the Board of Education.

Failure of the complainant to put the complaint in writing will be considered by the District as a dropping of the complaint.

Complaints Concerning School Personnel (continued)

Legal Reference: EDUCATION CODE
35146 Closed sessions
35160.5 Requirement of school district policies:
parental complaints re employees
35203 Duty of district attorney to defend in
certain cases
35204 Contract with attorney in private practice
44811 Upbraiding, insulting and abusing teachers
44812 Insulting and abusing teachers
4932-44949 Resignation, dismissal and leaves of
absence (rights of employee; procedures to follow)

Exhibit
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EAST WHITTIER CITY SCHOOL DISTRICT
Whittier, California