

Complaints Concerning School Personnel

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 a written complaint to the employee's immediate supervisor or the principal.
3. The complaint must be submitted on the designated complaint form (see infra). Complaints that do not contain specific factual allegations concerning the purported misconduct of the employee and the desired remedy will not be processed.
4. 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 Governing Board.
5. A copy of the complaint shall be provided to the complainant and the subject employee in accordance with the appropriate Collective Bargaining Agreement. Further the complaint must be filed not later than three months from the date the alleged misconduct occurred or, if such be the case, three months from the date complainant knew or, in the exercise of reasonable care and diligence, should have known of the alleged misconduct.

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. If the complaint is referred to and is not resolved at the school site or department level, as the case may be, the Superintendent or designee shall conduct an investigation which may include a conference with the complainant, the employee, and the employee's supervisor(s). The Superintendent or designee shall complete the investigation within 20 working days from the date of its initiation.

Within 20 working days thereafter, the Superintendent or designee shall render his/her decision concerning the merits of the complaint and the requested remedy, which shall be in writing, and served on both the complainant and the employee. The Superintendent or designee's decision shall be final.

7. While neither the complainant nor the employee shall have a right to appeal the Superintendent or designee's decision to the Board, either the complainant or the employee, may request to address the Board, in closed session, concerning the matter. The Board shall have the discretionary authority to determine if it will hear the matter. Or, the Board, at its discretion, may appoint a three-member subcommittee, which will hear the matter and report to the full Board with its recommendation.

Regulation FRESNO UNIFIED SCHOOL DISTRICT

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