

# MODESTO CITY SCHOOLS

## Administrative Regulation

AR 1312.1

### COMMUNITY RELATIONS

#### Complaints Concerning District Employees

##### Application

This procedure is intended to provide a means for the thorough, fair, and impartial resolution of each complaint from a member of the public.

This procedure is designed to resolve complaints regarding actions or omissions of District personnel which occur in the course of their District duties.

An individual who desires to express a complaint should follow the procedure outlined below:

##### Initial Attempt to Resolve:

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. The discussion to resolve the matter should be timely. When appropriate, the staff member shall report the outcome of the discussion to the immediate supervisor.

##### Initiation of Formal Community Complaint Procedure:

If a complainant is unable or unwilling to resolve the complaint directly with the employee, or if the complaining party is not satisfied with the outcome of the initial attempt to resolve the complaint, the complainant may initiate the formal complaint procedure and file a written complaint to the staff member's immediate supervisor. The complainant may submit a written complaint to the principal or other immediate supervisor of the employee. For the purposes of this administrative regulation, the school principal shall be considered the "immediate supervisor" of all staff members within the school. A principal's supervisor is the Director who evaluates the principal.

If the complainant is unable to prepare the complaint in writing, administrative staff shall provide assistance in the preparation of the complaint.

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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 (5) days or in accordance with the 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 thirty (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. The supervisor's decision shall be the final step in the staff appeal process following review and approval by the administrator to whom he/she reports.
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 thirty (30) days.
5. Either the complainant or the employee may appeal the Superintendent's decision to the Governing Board. The request must be in writing and include a statement of the reasons why the party is requesting a review.

The written request must be in the Superintendent's office seven (7) working days prior to the regularly scheduled meeting of the Board of Education.

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6. 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.
  
7. The Board, after reviewing the supervisor's decision and the appealing party's request in Closed Session, shall determine whether a meeting with the Board will be granted. If no meeting is granted, the Board Secretary shall inform the party, in writing, of the denial and the reasons. If a meeting is granted, the Board shall give notice to the parties of the date, time, and location of the meeting. Following the meeting, the Board shall render a written decision in Closed Session, including a statement of reasons. The decision of the Board of Education shall be final.

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REVIEWED:     December 5, 1977  
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