

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 1312.1

COMPLAINTS CONCERNING EMPLOYEES

The County Superintendent recognizes his/her accountability to the public for the quality of BCOE's educational program and the performance of employees. BCOE 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 operations and the educational program.

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

The County Superintendent or designee shall determine whether a complaint against any other employee should be considered a complaint against BCOE and/or an individual employee, and whether it should be resolved by BCOE's process for complaints concerning personnel and/or other BCOE procedures.

Any complaint of child abuse or neglect alleged against a County Office employee shall be reported to the appropriate local agencies in accordance with law and SR 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 BCOE programs and activities shall be filed in accordance with SR 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 SP 4031 – Complaints Concerning Discrimination in Employment.

Any complaint subject to this policy and the accompanying Administrative Regulation shall be investigated by the principal or the employee's immediate supervisor, or by the County Superintendent or designee, by legal counsel, and/or by any 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 County Superintendent or designee depending on the specificity and reliability of the information.

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

The County Superintendent prohibits retaliation against complainants.

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Legal Reference:

EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

44031 Personnel file contents and inspection

44811 Disruption of public-school activities

44932-44949 Resignation, dismissal and leaves of absence (rights of certificated employees; procedures to follow)

45113 Classified employee discipline

48987 Child abuse guidelines

PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

COURT DECISIONS

Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719

APPROVED: October, 2015

REVISED: December, 2020

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Every effort should be made to resolve complaints regarding employees at the earliest possible stage. Any person who complains about an 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 administrator shall be initially filed in writing with the County 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 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 the collective bargaining agreement.
2. Staff responsible for investigating the complaint shall investigate and attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. A complaint against a County Office manager or administrator shall be investigated by the County 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. Both the complainant and the employee against whom the complaint was made may appeal a decision by the Principal or immediate supervisor to the appropriate Assistant/Associate Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Assistant/Associate Superintendent or designee's decision as final. However, the complainant, the employee, or the Assistant/Associate Superintendent may ask to address the County Superintendent regarding the complaint.

Before any County Superintendent consideration of a complaint, the Assistant/Associate Superintendent shall submit to the County Superintendent a written report concerning the complaint, including but not limited to:

- a. The full name of each employee involved;

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- b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the County Superintendent 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; and
 - d. A summary of the action taken by the Assistant Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons.
5. The County Superintendent shall attempt to render a decision on appeal with 30 days, and in all circumstances will render a decision within 60 days.

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