



ADMINISTRATIVE PROCEDURE

CATEGORY: **Community Relations**

SUBJECT: **Citizen Complaints Against District Employees**

A. PURPOSE AND SCOPE

1. To define procedures by which a citizen not employed by the school district, may file a complaint against an employee, and the steps to be taken to resolve the complaint.
2. To define procedures by which a citizen not employed by the school district may obtain a hearing before the Board of Education in closed session regarding an unresolved previously filed complaint; to define the rights, duties, and privileges of the parties to such a hearing; and to define the procedure under which such a hearing shall be conducted.

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy A-2000, B-3700, B-6000, I-1000, I-1100, I-1300, I-1700, I-1800, K-1500, K-2000, K-2100, K-8000, K-8700.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Office of the Superintendent.
2. **Record of Complaints.** Serious complaints, which become a matter of formal record, are called to the employee's attention, and the identity of the complainant is made known to the employee.
3. **Administrative Resolution of Complaints.** Every effort shall be made to resolve complaints at the appropriate administrative level. When this is not possible, the matter may be directed through the chain of command to senior district leadership and the Board of Education (or a committee thereof) for a hearing in accordance with this procedure.
4. **Definitions**
 - a. **Closed Session of the Board of Education:** A meeting of the Board of Education or a committee thereof, the superintendent, and such other staff members as the Board of Education may desire. Members of the public and the press who are not indispensable to determining issues, finding facts, and reaching a conclusion on the matter shall be excluded from attendance.
 - b. **Complaint:** A written statement, signed and verified under penalty of perjury, by a complainant on forms provided by the applicable department administrator or manager, Office of the Superintendent, or from the district website, which challenges the personal capacity of a district employee to render service to the district.

- c. **Response:** A written statement signed by the person named in the complaint which answers the complaint in detail. It also may contain counter-allegations. It does not need to be verified under penalty of perjury.
 - d. **Workday:** Any day on which the San Diego Unified School District is open for business.
5. **Rights, Duties, and Privileges of the Complainant, Respondent, and Other Parties to the Hearing.**
- a. The appropriate administrator or supervisor receives the citizen complaint and investigates within *five workdays* commencing, if possible, with the event that led to the complaint. (Extensions of particular deadlines may be granted by the division or department head).
 - b. The appropriate administrator or supervisor works with the employee to resolve the complaint.
 - c. The complainant is notified of the resolution of his/her complaint.
 - d. Should the complainant not be satisfied with the resolution of his/her complaint, the complaint is directed to the next appropriate administrator/manager or division/department head in the chain of command, and so on, up to and including the Superintendent.
 - e. Should the complaint remain unresolved or should the complainant be unsatisfied with the resolution of the complaint after following the appropriate chain of command, the complaint and all previous responses may be presented to senior leadership. If the complaint remains unresolved after review of senior leadership, the complaint may be presented in closed session to the Board of Education or a committee thereof. The Board then shall determine at its sole discretion, based upon the complaint and the responses, whether or not to conduct a hearing. If a hearing is conducted, the complainant and respondent shall be present.
 - f. The *complainant* may be accompanied by a representative of his/her choice.
 - g. The *respondent* shall be entitled to be accompanied by a representative of his/her choice, and if appropriate, may be represented by the general counsel.
 - h. The hearing shall be solely on the issue raised by the complaint and the response. The complainant may call witnesses to testify about allegations made in the complaint or response, and may make whatever statements pertaining to the complaint he/she deems desirable. The respondent shall have the same rights as the complainant.

- i. The president or, in his/her absence, the vice-president of the Board of Education shall determine the manner in which the hearing is to be conducted and may set aside an appropriate amount of time for each side to present its case and may limit the number of witnesses and other participants.
- j. A certified court reporter may be employed at the sole discretion of the district to record verbatim the entire hearing. The court reporter shall provide, at the school district's expense, a transcript of the entire hearing upon request of the Board of Education. The court reporter also shall provide a transcript of the entire hearing upon the request and at the expense of the complainant.

D. IMPLEMENTATION

1. Citizen Filing a Complaint

- a. Obtains *Citizen Complaint Against an Employee of the San Diego Unified School District* form from the applicable department administrator or manager, from the Office of the Superintendent, or from the district website.
- b. Completes form, expressing in detail the nature of complaint, the dates the complaint was discussed with the employee, principal or employee's supervisor, dates and names of all persons with whom the complaint was discussed, results of the discussions, and the desired outcome.
- c. Files the complaint with the appropriate department or division administrator or manager or with the Office of the Superintendent.

2. Department or Division

- a. Within five workdays of receipt of complaint, notifies employee named in complaint of the nature of the complaint, identity of complainant, and applicable policies, procedures and deadlines.
- b. Takes action to resolve the complaint and notifies complainant of resolution.

3. Senior Leadership. Should the complaint remain unresolved or should the complainant remain unsatisfied with the resolution after following all levels of the chain of command, senior leadership may review the complaint, conduct an investigation if needed, and take all steps necessary to resolve the matter.

4. Board of Education or a Committee Thereof

- a. Should a complaint remain unresolved or should the complainant remain unsatisfied with the resolution of senior management, considers complaint and response(s) and determines whether or not to conduct a hearing.
- b. Notifies complainant and respondent of time, date, and place of any hearing.
- c. Conducts hearing in closed session.
- d. Deliberates and decides matter in cooperation with superintendent, in the absence of complainant, respondent, and their attorneys or other representatives.
- e. Subject to legal requirements regarding confidentiality of personnel records and personnel actions, notifies complainant and respondent of its findings in writing as soon as practical. Such written findings shall include a statement of main issues raised by complaint and response, findings of fact, and statement of conclusions. It may also include such orders for action as the Board of Education deems appropriate; again, subject to legal requirements relating to confidentiality of personnel records and personnel actions.

E. FORMS AND AUXILIARY REFERENCES

1. *Citizen Complaint Against an Employee of the San Diego Unified School District* form, available in all offices and departments, from the Office of the Superintendent, and on the district website.

F. REPORTS AND RECORDS

1. Records of proceedings shall be kept for no longer than two (2) years following a hearing.

G. APPROVED BY



General Counsel, Legal Services
As to form and legality

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H. ISSUED BY



Chief of Staff