

Governing Board Policy and Administrative Regulation (BP 1312.1, AR 1312.1)

PURPOSE OF THE COMPLAINT POLICY - Despite having all the best intentions to provide a first class educational experience or business relations, it is virtually impossible for a school district to avoid some degree of dissatisfaction at some time or another. Complaints can vary widely in their nature. The District currently has a formal complaint procedure for many different areas which applies if complaints are not handled informally. Complaints are usually about facilities, teacher assignments or vacancies, program placement or practice, some employee action, or instructional materials. Any complaint can be exacerbated if it is mishandled. It is more constructive to define the stages of the complaints procedure and create a set of principles against which you can measure your actions in each stage.

GOVERNING BOARD POLICY (BP 1312.1) covers complaints **filed against all managers** of FUSD including the **Superintendent**. BP 1312.1 also covers complaints **filed against all classified employees** such as members of CSEA and SEIU 790 and classified managers. This includes but is **not limited to: clerical, custodial, child nutrition, maintenance, transportation, and paraeducator employees**.

A COMPLAINT IS a concern about the performance, behavior, or demeanor of an employee at work. The Governing Board believes that the quality of the educational program can improve when the district listens to complaints, considers the differences of opinion, and resolves disagreements through an established, objective process. The Board encourages complainants to resolve problems early and informally whenever possible.

THE COMPLAINT FORM may be used at Step II and is required at Step III of the AR 1312.1 complaint process after every attempt has been made to resolve the concern at the informal level at Step I.

STEP I The complainant must first address the employee with the complaint directly. If the complainant is not willing to meet with the person he/she is complaining against, the complaint will be dropped, unless there has been a previous abusive interchange between the two, a threat made by one to the other, evidence of retaliation, a history of similar complaints, an allegation of serious inappropriate behavior by the staff member, or the supervisor feels there is a pattern of harassment.

STEP II: A Meeting with the Supervisor If the complaint is not resolved as a result of this first step, please contact the employee's supervisor. The supervisor will use one of the following processes:

- A. If the person complained against is a teacher, the supervisor will follow the process in the teacher/district contract. The supervisor will provide the complainant with a copy of Article 30: Complaints
- B. If the person complained about is a non-teaching employee, the supervisor of the non-teaching employee will arrange a meeting at which both the complainant and the employee are present. Only one complainant at a time may meet with the employee and the supervisor, however, a complainant may be accompanied by one other individual whose only role is that of an observer. The supervisor will attempt to resolve the complaint by doing each of the following:
 1. Ask the complainant to clearly state the complaint. Only complaints previously discussed with the complainant may be discussed.
 2. Have the employee respond to the complaint.
 3. Ask the complainant to recommend a course of action to resolve the complaint; have the employee respond.
 4. The group will collaboratively develop resolutions.

STEP III: Putting the Complaint and Resolution in *Writing - Appeal #1* Use Form BP/AR 1312.1 Complaints Concerning Schools and Employees After the supervisor writes a resolution, either party may appeal. If either the complainant or the employee is not satisfied with the resolution, the dissatisfied person shall present a written description of the complaint and his/her proposed resolution to the supervisor within five (5) school days of the receipt of the resolution. The supervisor will share this material with the employee and/or complainant. The supervisor shall again attempt to resolve the complaint and give a written response to the complainant within ten (10) school days.

STEP IV: Appeal #2 If the complainant is not satisfied with the second resolution, the complainant may appeal in writing the written resolution of the supervisor to the Superintendent. The Superintendent must receive the written appeal within five (5) school days. The Superintendent will then select one of the following three appeal processes:

- A. Within 10 school days, review the supervisor's written resolution and the written complaint and new proposed resolution, and uphold, change, or modify the resolution.
- B. Within five (5) school days refer the complaint to a district hearing officer for a decision. The district hearing officer may convene a hearing or review written materials and ask questions to both sides before rendering a decision within 10 school days of the Superintendent's request.
- C. Convene a hearing panel as follows: The Superintendent may within five (5) school days establish a hearing panel which will meet within ten (10) school days of the request for the purpose of establishing the facts and determining the validity of the complaint. The make-up of the panel shall be as follows: 1 person selected by the complainant, 1 person selected by the employee or employee's organization, and 1 person trained in dispute resolution selected by mutual agreement between the district and the employee organization.

Fremont Unified School District
Complaints Against Employees*
Governing Board Policy and Administrative Regulation (BP 1312.1, AR 1312.1)

THIS COMPLAINT FORM on may be used at Step II and is required at Step III of the AR 1312.1 complaint process after every attempt has been made to resolve the concern at the informal level at Step I.

This Complaint Form is to be used for complaints against all employees OTHER than Certificated Fremont Unified District Teachers Association (FUDTA) Members. GOVERNING BOARD POLICY (BP 1312.1) covers complaints **filed against all managers** of FUSD including the **Superintendent**. BP 1312.1 also covers complaints **filed against all classified employees** such as members of CSEA and SEIU 790 and classified managers. This includes but is **not limited to: clerical, custodial, child nutrition, maintenance, transportation, and paraeducator employees.**

*For the complaints regarding FUDTA members (Teachers, Substitutes, Counselors, Nurses, Psychologists, Speech Therapists, and Librarians) please see FUDTA Article 30 Complaint Process and Form.

School or Work Location of Employee of Concern _____

Date of last meeting with employee of concern _____ Date filing written complaint _____

Description of incident, action, or omission that gives cause for the complaint (attach additional comments as appropriate):

Names and positions of any individuals with whom you have a concern:

Date of alleged incident, act or omission:

Names and positions of witnesses, if any:

Name of Complainant: _____ Phone: _____

Address: _____ 2nd Phone: _____

Signature of Complainant: _____

Submit a copy of complaint to the school supervisor of the employee with whom you have a concern at the work location. The complaint form will be time stamped/dated and a copy provided to the complainant upon submission to the supervisor of the employee.