

**STONY CREEK JOINT UNIFIED SCHOOL DISTRICT**

BOARD POLICY No. 4111.1

**COMPLAINT PROCEDURES  
CONCERNING DISTRICT EMPLOYEES**

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The Board of Trustees (Board) accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the educational process. Provisions of this policy may be governed by the collective bargaining agreements between Stony Creek Joint Unified School District and Stony Creek Federation of Teachers (SCFT), and between the District and California School Employees Association, Chapter 215 (CSEA).

The Superintendent or designee shall develop regulations which permit the public to submit complaints against District employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board may serve as an appeals body if the complaint is not resolved.

When a complaint is made, the Superintendent or designee shall determine whether the complaint should be resolved by the Complaint Procedures Concerning District Employees or through the Uniform Complaint Process.

The Board prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

The Board shall annually review policies and regulations regarding complaints against District employees.

STONY CREEK JOINT UNIFIED SCHOOL DISTRICT

ADMINISTRATIVE REGULATION 4111.1

COMPLAINT PROCEDURES  
CONCERNING DISTRICT EMPLOYEES

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- I. Definitions
- A. **"Appeal"** means a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower decision.
- B. **"Board"** means the governing board of the District.
- C. **"Complainant"** means any individual or representative of an individual or interested third party or public agency, or an organization who files a written complaint as defined below.
- D. **"Complaint"** under this policy means either an oral or a written and signed statement alleging misapplication of the District's policies, regulations, rules or procedures.
- E. A **"Day"** refers to a calendar day throughout this policy, unless otherwise specified.
- F. **"District"** means the Stony Creek Joint Unified School District.
- G. **"Superintendent"** means the Superintendent for the District, or the designee.
- H. **"Formal Complaint"** means a Complaint filed in accordance with the formal complaint procedures set forth below.
- I. **"Informal Complaint"** means a Complaint filed in accordance with the informal complaint procedures set forth below.
- J. **"Level I Decision"** means a written report prepared by the District detailing the investigation and specifying the decision made in response to the filing of a Formal Complaint with the District.
- K. **"Level II Decision"** means a written report prepared by the Board in response to the filing of an Appeal of the Level I Decision.

## **II. Filing a Complaint**

Nothing in this Administrative Regulation shall prevent the Superintendent or designee from independently investigating a concern which falls under the jurisdiction of the Board of Trustees.

### **A. Procedure for Filing Informal Complaints (Oral or Written)**

To promote prompt and fair resolution of the Complaint, the following procedures shall govern the resolution of Complaints against District employees:

1. Whenever possible, the Complainant should communicate directly with the employee who is the subject of the Complaint to resolve the Complainant's concerns.
2. If Complainant is unable or unwilling to resolve the Complaint directly with the employee, the Complainant may submit an Informal Complaint to the Superintendent. A complainant may also proceed directly to Level I.
3. Complaints related to the Superintendent shall be initially filed, in writing, with the Board, in accordance with the Formal Complaint procedures set forth below.
4. The employee shall be notified within **three (3) days** after an Informal Complaint has been received.
5. The Superintendent shall attempt to resolve the Complaint to the satisfaction of the parties involved within **ten (10) days** from receipt of the Informal Complaint.
6. In the event an Informal Complaint is not resolved to the satisfaction of the Complainant, the Complainant may file a Formal Complaint as set forth below.

### **B. Procedure for Filing Formal Complaints (Written)**

In the event the Complainant's concerns are not resolved informally, the following procedure shall be followed, and confidentiality of the matter shall be maintained at all times. The Superintendent will inform the Complainant of the procedure to be followed in processing a Formal Complaint.

If a Complainant is unable to prepare a Complaint in writing due to conditions such as illiteracy or other handicaps, District staff shall help the Complainant to file the Complaint. The District prohibits retaliation against any participant in the Complaint process.

**1. Level I (The Superintendent)**

**a. Filing**

The standard Level I Complaint Form is attached hereto as Appendix A and incorporated herein.

Complaints against District employees of the District (except the Superintendent) shall be directed to:

Superintendent  
Stony Creek Joint Unified School District  
3430 County Road 309  
Elk Creek, CA 95939  
(530) 968-5361

**b. Investigation**

The Superintendent shall hold an investigative meeting within **ten (10) days** from the date the District receives the Complaint. During this meeting, the Complainant and/or Complainant's representative shall repeat the Complaint orally and the employee, the employee's representative or District's representative shall also present information relevant to the Complaint. The parties may also question each other or each other's witnesses regarding the circumstances surrounding the Complaint.

Thereafter, the Superintendent may engage in additional investigation.

**c. Decision**

Within **ten (10) days** following the investigative meeting, the Superintendent shall deliver to the parties the Level I Decision. The Level I Decision will be written in English and in the primary language of the Complainant.

The Level I Decision shall include the following information:

- The findings and disposition of the Complaint, including corrective actions, if any;
- The rationale for the above disposition;

- A detailed statement of all specific issues that were raised during the investigation and the extent to which these issues were resolved; and
- Notice of the Complainant's right to appeal the Level I Decision by filing a Complaint Appeal Form. The Notice shall include a copy of these regulations and the name and address of the President of the Board.

When a Complaint is decided against the employee, and the employee is disciplined as a result of the Complaint, the Level I Decision shall simply state that effective action was taken and that the employee was informed of District expectations. The Level I Decision shall not contain any further information as to the nature of the disciplinary action.

## 2. **Level II (The Board of Trustees)**

Level II decisions shall be rendered by the Board of Trustees and are final.

### a. **Complaints Against Employees**

#### 1) **Filing**

Within **five (5) days** after receiving the Level I Decision, the employee and/or Complainant may appeal the Level I Decision by filing a Complaint Appeal Form with the President of the Board. The Complaint Appeal Form is attached hereto as Appendix B and incorporated herein. The Level II Appeal shall be in writing and shall be accompanied by a copy of the Level I Decision.

The Level II Appeal must indicate what portions of the Level I Decision are being appealed and provide supporting rationale.

#### 2) **Investigation**

Upon receipt of the Level II Appeal, the District Superintendent will place the item on the Board's next closed session agenda, unless the employee requests that the matter be heard in open session. Whenever reasonably possible, seventy-two (72) hours will be provided to the parties. The employee has the right to be present and respond.

After the Board meeting, the Board may conduct additional investigation as appropriate.

**3) Decision**

Within **sixty (60) days** following the District's receipt of the original complaint, the Board shall deliver to the parties the Level II Decision. If necessary to comply with the 60-day period for rendering the Level II Decision, the Board may call a special meeting to consider the Level II Appeal. The decision will be written in English and in the primary language of the Complainant.

The Level II Decision shall include the following information:

- The findings and disposition of the Complaint, including corrective actions, if any;
- The rationale for the above disposition;
- A detailed statement of all specific issues that were raised during the investigation and the extent to which these issues were resolved; and

When a Complaint is decided against the employee, and the employee is disciplined as a result of the Complaint, the Level II Decision shall simply state that effective action was taken and that the employee was informed of District expectations. The Level II Decision shall not contain any further information as to the nature of the disciplinary action.

**b. Complaints Against the Superintendent**

**1) Filing**

Complaints against the Superintendent shall be directed to:

President, Board of Trustees  
Stony Creek Joint Unified School District  
300 Sanhedrin Road  
Elk Creek, CA 95939  
(530) 968-5361

**2) Investigation**

Upon receipt of the Complaint, the Board President will place the item on the Board's next closed session agenda, unless both parties request that the Complaint be heard in open session.

After the Board meeting, the Board may conduct other investigation as appropriate.

**3) Decision**

Within **sixty (60) days** following the District's receipt of the original complaint, the Board shall deliver to the parties a decision. If necessary to comply with the 60-day period for rendering the decision, the Board may call a special meeting to consider the Complaint. The decision will be written in English and in the primary language of the Complainant.

ADOPTED: 10/2007

AMENDED: \_\_\_\_\_  
\_\_\_\_\_

STONY CREEK JOINT UNIFIED SCHOOL DISTRICT  
LEVEL 1 COMPLAINT FORM  
Complaints Concerning District Employees  
(excluding the Superintendent)

*Directions: This form is to be used only after the informal resolution process has failed to resolve the issue*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work/Cell Phone \_\_\_\_\_

Student name (if applicable) \_\_\_\_\_ Grade \_\_\_\_\_

School name (if applicable) \_\_\_\_\_

Name of employee the complaint is being made against: \_\_\_\_\_

Date and place the event/incident occurred: \_\_\_\_\_

Date of informal resolution meeting (if applicable): \_\_\_\_\_

Names of parties who attended the informal resolution meeting: \_\_\_\_\_  
\_\_\_\_\_

Details of the complaint (attach appropriate supporting documents): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Specific remedy sought: \_\_\_\_\_

I declare and under penalty of perjury under the laws of the State of California, that I have made true, correct and complete answer and statements on this Complaint Form and/or any attachment to this Complaint Form.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received by

\_\_\_\_\_  
Date

Submit to: Superintendent, Stony Creek Joint Unified School District  
3430 County Road 309, Elk Creek, CA 95939



STONY CREEK JOINT UNIFIED SCHOOL DISTRICT  
LEVEL II COMPLAINT FORM  
Complaints Concerning District Employees  
and the Superintendent

*Directions: A complaint regarding the Superintendent or an appeal of Level I Decision regarding a District employee shall be directed to the President of the Board of Trustees, 3430 County Road 309, Elk Creek, CA 95939*

*Appeals of Level I Decision relating to employees must be submitted within five (5) days after receiving the Decision. Attach a copy of the Decision(s)*

Date you received the Level I Decision \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Student name (if applicable) \_\_\_\_\_ Grade \_\_\_\_\_

Name of employee the complaint is being made against:  
\_\_\_\_\_

Aspects of the Level I II Decision you want to appeal: \_\_\_\_\_  
\_\_\_\_\_

Provide supporting rationale for your appeal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Specific remedy sought: \_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury of the laws of the State of California, that I have made true, correct and complete answers and statements on this Complaint Appeal Form and/or any attachment to this Complaint Appeal Form.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received By

\_\_\_\_\_  
Date