

# Stockton USD

## Administrative Regulation 1312.1

### COMPLAINTS CONCERNING DISTRICT EMPLOYEES

The following procedures shall govern the resolution of complaints against District employees pursuant to Board Policy (“BP”) 1312.1. As used herein, “complainant” refers to the individual bringing the complaint and “respondent” refers to the employee against whom the complaint is made.

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate his or her concerns directly to the respondent in order to resolve the concerns before filing a written complaint.
2. If a complainant is unable or unwilling to communicate with the respondent directly, the complainant shall file a written complaint with the respondent’s direct supervisor or site administrator. A complaint that involves specific allegations against the Superintendent shall be filed with the Office of Constituent Services. In addition, a complaint may be filed with the Office of Constituent Services directly if the respondent’s direct supervisor is the Superintendent or if the complainant and respondent have the same direct supervisor/site administrator. The District shall not disclose a complainant's identity, except as may be necessary for the investigator to conduct a fair and thorough investigation of the allegations and as required by law.
3. A written complaint must include:
  - a. The full name and position of each respondent (to the extent known to the complainant);
  - b. A brief but specific summary of the alleged misconduct and the facts surrounding it; and
  - c. A specific description of any prior attempt to discuss the complaint with the respondent and the outcome of any such attempt(s).

If a complainant requires assistance in preparing or submitting a complaint, the complainant may seek assistance from the Office of Constituent Services.

4. Upon receiving a written complaint, the supervisor or site administrator shall promptly notify the respondent in accordance with any applicable collective bargaining agreements and attempt to resolve the complaint. If the supervisor or site administrator finds that the allegations in the complaint have merit, he or she may address the complaint by taking appropriate corrective actions within the authority of his or her position. If the supervisor/site administrator finds that the allegations in the complaint, even if true, would not constitute “misconduct” as defined in BP 1312.1, they shall explain this finding to the complainant and the complaint will be considered resolved.

If the supervisor/site administrator is able to resolve the complaint, they shall communicate the resolution and outcome of the complaint to the Office of Constituent Services and document a record of the complaint, specific action taken in response to the complaint, and findings or resolution reached. District supervisors and administrators are each responsible for maintaining records, including relevant communications, of complaints received.

If either the complainant or respondent disagree with the outcome or resolution reached by the supervisor/site administrator, they may appeal to the Office of Constituent Services.

If the supervisor/site administrator is unable to resolve the complaint, they shall refer the complaint to the Office of Constituent Services. If the supervisor/site administrator, in their discretion, determines that the complaint plausibly alleges unlawful discrimination, retaliation, or conduct that poses a serious risk to the health and safety of District students or employees, the supervisor/administrator should promptly refer the complaint to the Office of Constituent Services.

5. When a complaint is first received by the Office of Constituent Services, the Director of Constituent Services or designee may, at their discretion, refer the complaint to the respondent's supervisor for handling.

Upon receiving a written complaint, the Director of Constituent Services or designee shall promptly notify the respondent and the complainant as appropriate. If the Director of Constituent Services determines that the allegations in the complaint lie outside the scope of BP 1312.1, the Director of Constituent Services or designee shall notify the complainant of this finding and the complaint shall be closed and the determination shall be final. Except as provided otherwise in this Regulation, the Director of Constituent Services or designee shall investigate and attempt to resolve all complaints in a timely manner.

The Director of Constituent Services, at his or her discretion, may appoint a third-party investigator to investigate the complaint on behalf of the District. The investigation may include interviews of the employee, complainant, and witnesses as necessary, and a review of documentation relevant to the complaint. Any documents, files, notes, or reports relating to the investigation shall be maintained in a separate confidential file. Employees may access this information only on a need-to-know basis, as determined by the Director of Constituent Services or designee.

6. The Director of Constituent Services, with approval from the Superintendent, may impose interim protective measures such as placing an employee on paid administrative leave.

7. Employees shall cooperate with investigations in good faith, and an employee's refusal to participate in an investigation during his/her normal work hours may constitute insubordination. However, an employee who is accused of criminal misconduct shall not be required to waive his or her constitutional rights.

8. Based on the investigation findings, the Director of Constituent Services or designee shall determine whether the allegations are sustained and whether any remedial action is necessary. Both the complainant and the respondent shall be notified in writing of the disposition of the complaint.

9. If either the complainant or the respondent disagree with the investigation findings, they may appeal the matter to the Superintendent. A request for an appeal must be submitted to the Office of Constituent Services in writing within 10 days of receiving written notice of the disposition of the complaint and identify the specific finding being appealed.

10. Upon receipt of a timely appeal, the Superintendent or designee will provide the appellant an opportunity to present information or evidence in support of the appeal. The decision of the Superintendent or designee on the appeal shall be issued to the appellant, and other parties as appropriate, in writing. Any decision of the Superintendent shall be final.

#### Cross References

BP/AR 1312.2 - Complaints Concerning Instructional Materials

BP/AR 1312.3 - Uniform Complaint Procedures