

COMMUNITY RELATIONS

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

The Governing 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.

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.

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 district will not investigate anonymous complaints unless it so desires.

Copies of the complaint procedures concerning district employees shall be available in the personnel department.

Legal Reference:

EDUCATION CODE

- 33308.1 Guidelines on procedure for filing child abuse complaints
- 35146 Closed sessions
- 44031 Personnel file contents and inspection
- 44811 Disruption of public school activities
- 44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)
- 48987 Child abuse guidelines

GOVERNMENT CODE

- 54957 Closed session; complaints re employees
- 54957.6 Closed session; salaries or fringe benefits

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

Management Resources:

CDE LEGAL ADVISORIES

- 0910.93 Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at school site (LO:4-93)

CSBA: (6/92 6/93) 6/94

Adopted: 02/07

Board approved: 7/10/07

Community Relations

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Every effort should be made to resolve complaints regarding district employees at the earliest possible stage. Any person who complains about a district 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 district administrator shall be initially filed in writing with the 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.

Level I

The Assistant Superintendent of Human Resources shall forward the Formal Complaint to the Principal unless the complaint is against a Principal, in which case it shall be forwarded to the Director of Elementary or Secondary Education, as appropriate. The person to whom the complaint is submitted will conduct a thorough, objective investigation of the allegations in the complaint. The investigation will include interviews with the Complainant, the accused employee and other relevant witnesses, as well as other fact gathering as needed. Within twenty (20) days (i.e., defined as workdays and hereafter referred to as days) of receipt of the complaint, the investigator shall complete the investigation. The investigator's written decision advising the Complainant of the decision, any action taken, and if appropriate, the right to appeal this decision to the next level shall be postmarked within the 20-day timeline. The 20-day timeline may be extended by the mutual agreement of the parties involved.

Level II

If the complaint is not resolved at Level I, the person making the complaint may appeal to the Assistant Superintendent, Human Resources within ten (10) days of the decision rendered at Level I. The Complainant's appeal shall be based on new and/or relevant information not previously provided by the Complainant in the Level I investigation. The Assistant Superintendent, Human Resources shall review the findings rendered at Level I and conduct further investigation of any new or relevant information not previously provided. The Assistant Superintendent, Human Resources shall complete this review and/or investigation within twenty (20) days of receipt of the appeal. The written decision advising the Complainant of the decision, any action taken and, if appropriate, the right to appeal this decision to the next level shall be postmarked within the 20-day timeline. The 20-day timeline may be extended by the mutual agreement of the parties involved.

Level III

If the complaint is not resolved at Level II, the person making the complaint may appeal in writing to the Board of Education within ten (10) days of the decision at Level II. The Board of Education, at its discretion, may meet with the Complainant and the employee in closed session of the Board for the purpose of resolving the complaint. This meeting shall be held at the next regularly scheduled meeting of the Board for which the matter can be properly agendized following issuance of the Level II decision (generally ten (10) days). All parties involved, including the school and District administration, may attend the meeting for the purpose of presenting relevant facts, explanations and issues. The Board may decide not to hear the appeal, in which case the decision of the Assistant Superintendent, Human Resources shall be the District's final written decision.

No appeal hearing shall be held by the Board on a complaint without the Board first having received from the Superintendent a written report concerning the complaint. The report shall include, but is not limited to, the following:

1. The name of the Complainant and each employee involved.
2. A copy of the signed, Formal Complaint Form.
3. A summary of the complaint and the facts surrounding it, sufficient to inform the Board and the employee as to the precise nature of the complaint and to allow the employee to prepare a defense.
4. A summary of the action previously taken in an effort to resolve the complaint.

Within twenty (20) days of the appeal hearing, or the decision of the Board not to hear the appeal, the Assistant Superintendent, Human Resources shall send written notification to the Complainant of the Board's decision. Such written notification shall include the rationale for the decision, any action taken and notice of the Complainant's right to appeal the decision to the California Department of Education, and the procedures for initiating such an appeal. The written notice shall also indicate that the Complainant has the right to file a claim with the Office of Civil Rights or the Equal Employment Opportunity Commission, and the procedures for initiating such an appeal.

General Provisions:

1. Whenever a complaint is made directly to the Board of Education as a whole or to an individual member of the Board, the complaint shall be referred to the Superintendent who will direct the Assistant Superintendent, Human Resources to initiate the complaint process at Level I.
2. In the event a Formal Complaint is filed, the employee involved in the complaint shall be given a copy of the completed Formal Complaint Form within five (5) days of receipt of the Formal Complaint and shall be given every opportunity for explanation, comment, and presentation of the facts as he/she sees them.

3. The Board of Education shall annually review District policies and regulations regarding complaints against employees.
4. Complaints received at the conclusion of the school year making it impossible to complete the investigation within the 20-day timeline, will normally be investigated in the following school year because teachers are not on duty. Complaints held over in this manner shall be investigated in accord with the timelines provided in this document beginning the first day of school for teachers.
5. Copies of the procedures for filing a Complaint Against an Employee are available through the Human Resources Department.
6. Complaints Involving Child Abuse:

The parent/guardian of a student has the right to file a complaint against a school district employee or other person that they reasonably suspect has engaged in abuse of a child. Such complaints should be filed in accordance with the procedures of this Administrative Regulation. In accordance with Board Policy 4112.9, an employee who has knowledge of, observes, or reasonably suspects a child is the victim of child abuse shall report the incident to a local child protective agency immediately (i.e., police or sheriff's department, county probation or county welfare department). The parent or guardian should also file a verbal or written complaint with a local child protective agency. If the child is disabled and enrolled in Special Education, a separate complaint should also be filed with the California Department of Education. The local child protective agency and/or the California Department of Education will investigate the complaint. The District shall also undertake an investigation in accordance with this complaint procedure. If the complaint is substantiated, a copy of the investigation report will be forwarded to the Board of Education.

7. Complaints Involving Sexual Harassment:

Complaints of sexual harassment against an employee may be presented orally or in writing to the Assistant Superintendent, Human Resources who shall investigate the complaint in accordance with AR 4119.11/ 4219.11/ 4319.11. Such a complaint review process shall begin at Level II.

8. Student Complaints Against an Employee:

A Formal Complaint made against an employee by a student shall be investigated by the Principal at Level I. The decision of the Principal shall be the final decision.

Readopted: 02/07
Revised: 5/14/15
Revised: 02/21

COMPLAINT AGAINST EMPLOYEE
LEVEL I

Complainant's Name: _____
Last First Middle

Address: _____

Home Phone: _____ Work Phone: _____

Nature of Complaint: Give the names of all persons involved, any witnesses, the date and time of the incident(s), and any information helpful to the investigation. Attach all written documents.

Remedy Sought: Please indicate what remedy you are seeking to resolve your complaint.

I (we) certify under penalty of perjury that the foregoing is true and correct.

Complainant's Signature: _____ Date: _____

Return this form to: The Assistant Superintendent, Human Resources.

Received By: _____ Date: _____

COMPLAINT AGAINST EMPLOYEE
LEVEL II

Complainant's Name: _____
Last First Middle

Address: _____

Home Phone: _____ Work Phone: _____

Reason for Appeal to Level II: Identify the specific reasons the Level I decision is not responsive to your complaint and provide any new and relevant information that was not investigated in Level I.

Remedy Sought: Please indicate what remedy you are seeking to resolve your complaint.

I (we) certify under penalty of perjury that the foregoing is true and correct.

Complainant's Signature: _____ Date: _____

Return this form to: The Assistant Superintendent, Human Resources.

Received By: _____ Date: _____

COMPLAINT AGAINST EMPLOYEE
LEVEL III

Complainant's Name: _____
Last First Middle

Address: _____

Home Phone: _____ Work Phone: _____

Reason for Appeal to Level III: Identify the specific reasons the Level II decision is not responsive to your complaint and provide any new and relevant information that was not investigated in Level II.

Remedy Sought: Please indicate what remedy you are seeking to resolve your complaint.

I (we) certify under penalty of perjury that the foregoing is true and correct.

Complainant's Signature: _____ Date: _____

Return this form to: The Assistant Superintendent, Human Resources.

Received By: _____ Date: _____

Title IX

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs and activities that receive federal financial assistance. The Title IX regulation describes the conduct that violates Title IX. Examples of the types of discrimination that are covered under Title IX include sexual harassment, the failure to provide equal opportunity in athletics, and discrimination based on pregnancy. To enforce Title IX, the U.S. Department of Education maintains an Office for Civil Rights, with headquarters in Washington, DC and 12 offices across the United States.

Source: [U.S. Department of Education, Office for Civil Rights. \(2015\). *Title IX and Sex Discrimination*](#)

In accordance to California Education Code, 221.6, public schools that receive federal funds and are subject to the requirements of Title IX, shall post in a prominent and conspicuous location on their Internet Web sites all of the following:

The contact information of the Title IX coordinator:

Assistant Superintendent, Human Resources

Saddleback Valley Unified School District

25631 Peter A. Hartman Way

Mission Viejo, CA 92691

Phone: (949) 580-3217

Email: HUMAN.RESOURCES@SVUSD.ORG

The rights of a pupil and the public and the responsibilities of the school district under Title IX, which shall include, but shall not be limited to, Internet Web links to information about those rights and responsibilities located on the Internet Web sites of the department's Office for Equal Opportunity and the United States Department of Education Office of Civil Rights, and the list of rights specified in Section 221.8.

- [US Department of Education, Office for Civil Rights](#)
- [Office of U.S. Equal Employment Opportunity Commission](#)
- Section 221.8 Rights: The following list of rights, which are based on the relevant provisions of the federal regulations implementing Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), may be used by the department for purposes of Section 221.6: (a) You have the right to fair and equitable treatment and you shall not be discriminated against based on your sex. (b) You have the right to be provided with an equitable opportunity to participate in all academic extracurricular activities, including athletics. (c) You have the right to inquire of the athletic director of your school as to the athletic opportunities offered by the school. (d) You have the right to apply for athletic scholarships. (e) You have the right to receive equitable treatment and benefits in the provision of all of the following: (1) Equipment and supplies. (2) Scheduling of games and practices. (3) Transportation and daily allowances. (4) Access to tutoring. (5) Coaching. (6) Locker rooms. (7) Practice and competitive facilities. (8) Medical and training facilities and services. (9) Publicity. (f) You have the right to have access to a gender equity coordinator to answer questions regarding gender equity laws. (g) You have the right to contact the State Department of Education and the California Interscholastic Federation to access information on gender equity laws. (h) You have the right to file a confidential discrimination complaint with the United States Office of Civil Rights or the State Department of Education if you believe you have been discriminated against or if you believe you have received unequal treatment on the basis of your sex. (i) You have the right to pursue civil

remedies if you have been discriminated against. (j) You have the right to be protected against retaliation if you file a discrimination complaint.

A description of how to file a complaint under Title IX:

- A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
- Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
- A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
- When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
- When the complainant or alleged victim of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.
- If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)
- Forward complaints to Assistant Superintendent, Human Resources, Email: HUMAN.RESOURCE@SVUSD.ORG; Tel: (949) 580-3217

Source: [SVUSD Administrative Regulation 1312.3](#)

An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred, and how a complaint may be filed beyond the statute of limitations.

- A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
- A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the

unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.

Source: **SVUSD Administrative Regulation 1312.3**

An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including, but not limited to, Internet Web links to this information on the United States Department of Education Office for Civil Rights' Internet Web site.

- [US Department of Education, Office for Civil Rights](https://www2.ed.gov/about/offices/list/ocr/index.html) (<https://www2.ed.gov/about/offices/list/ocr/index.html>)
- [Office of U.S. Equal Employment Opportunity Commission](https://www.eeoc.gov/) (<https://www.eeoc.gov/>)
- Per **SVUSD Administrative Regulation 1312.3** All Uniform Complaint Procedures related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631). The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633. All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

An Internet Web link to the United States Department of Education Office for Civil Rights complaints form, and the contact information for the office, which shall include the phone number and email address for the office.

- [U.S. Department of Education Office for Civil Rights Form](#) (click at bottom of page)
- Contact Information:
U.S. Department of Education, Office for Civil Rights
Lyndon Baines Johnson Department of Education
Bldg, 400 Maryland Avenue, SW, Washington, DC 20202-1100
Telephone: (800) 421-3481; FAX: (202) 453-6012; TDD: (800) 877-8339,
Email: OCR@ed.gov

San Francisco Office, Office for Civil Rights
U.S. Department of Education
50 United Nations Plaza, Mail
Box 1200, Room 1545, San Francisco, CA 94102
Telephone: (415) 486-5555; FAX: (415) 486-5570; TDD: (800) 877-8339
Email: ocr.sanfrancisco@ed.gov

Office for Civil Rights [Frequently Asked Questions](#)
Office for Civil Rights [Resources](#)
Title IX [Fast Facts](#)