

**POWAY UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE**

Originator: Assoc. Superintendent, PSS
Issue No: 2
Date: 6/30/11
Page: 1 of 4
Reference: EC 35042, 44951

ARTICLE: 4.0 PERSONNEL SUPPORT SERVICES
4.1 GENERAL PERSONNEL PRACTICES
**4.106 COMPLAINTS CONCERNING
SCHOOL DISTRICT PERSONNEL**

**SECTION 4.106.2 Processing Complaints Concerning School District Personnel –
Management**

Ideally, when parents or patrons have complaints concerning management personnel, such complaints are to be presented initially to the manager who is the subject of the complaint. If unresolved at this level, the complaint may be processed by the complainant through the chain of command until a solution is reached.

The chain of command at the school level is from assistant principal to principal to Associate Superintendent, Learning Support Services. The chain of command for classified managers is supervisor to director to Associate Superintendent, Business Support Services. If the complaint is unresolved at these levels, it is referred to the Superintendent.

Every effort will be made to resolve the matter informally at the earliest possible stage. Complaints not resolved at the site/department may be submitted by the complainant formally (utilizing form P-105, Formal Complaint Against Management Personnel) to the appropriate District level administrator for further processing. The Associate Superintendent, Personnel Support Services, will become involved in the matter at this level if considered appropriate.

Complainants must initiate resolution of the complaint either informally or formally, within thirty (30) days of the events triggering the complaint. If the attempts at informal resolution are unsuccessful, the complainant must file a formal complaint within thirty (30) days of the informal conference. Failure to meet these timelines may result in dismissal of the complaint.

The manager involved shall be advised of the nature of the complaint, shall receive a copy of the complaint when applicable, and shall be given every opportunity to explain, comment, and make presentations of the facts as he/she sees them.

Time lines for informal and formal resolution of the complaint are as follows:

- Within five (5) working days of receipt of the complaint by a manager.
- Within ten (10) working days of receipt of the P-105, Formal Complaint by a manager.

Complaints which are unresolved by the Associate Superintendent may be referred to the Superintendent.

The Superintendent shall receive a written report concerning the complaint. Such written report shall include, but is not limited to, the following:

1. Name of the employee involved.
2. A brief but specific summary of the nature of the complaint and the facts surrounding same, sufficient to inform the Superintendent as to the precise nature of the complaint.
3. A true copy of the signed original of the complaint.

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4. A summary of the findings and actions taken in the preceding steps.

The Superintendent may decide whether to hear the complaint in person, to act on the basis of the written report, or to allow the decision of the Associate Superintendent to stand. The Superintendent shall reply to the complainant(s) within fifteen (15) days of receipt of the written report. The Superintendent's written decision will indicate the basis and reasons for the decision and include notice of the right to appeal to the Board of Education.

Any party may appeal the Superintendent's decision to the Board of Education. An appeal must be received in the Superintendent's Office within five (5) business days following the transmission of the Superintendent's decision. The appeal must be in writing and specify why the decision should be changed. A copy of the appeal will be forwarded to the other party as soon as practical (to the extent permitted by law) and include at least notice of the right to submit any written response within seven (7) business days of transmission of the copy of the appeal.

Before any Board consideration of a complaint, the Superintendent shall submit to the Board a written report concerning the complaint, including, but not limited to:

1. The full name of each employee involved.
2. A brief but specific summary of the nature of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response.
3. A true copy of the signed original complaint.
4. A summary of the action taken by the Superintendent, together with his/her specific findings that the problem has not been resolved and the reasons.

The Board may uphold the Superintendent's decision without hearing the complaint.

All parties may be asked to attend a Board meeting in order to clarify the issue and present all available evidence. A closed session may be held to hear the complaint in accordance with law.

Notice of the Board's decision shall be provided to the parties or their respective representative. The decision of the Board of Education shall be final.

The District administration shall cooperate with the parties involved so as to quickly and easily meet the requirements of this procedure in a timely fashion.

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POWAY UNIFIED SCHOOL DISTRICT
13626 Twin Peaks Road, Poway, California 92064-3098

FORMAL COMPLAINT AGAINST DISTRICT PERSONNEL (Page 1 OF 2)

COMPLAINT DATA

Form with fields: NAME OF COMPLAINANT, PHONE NUMBER, DATE OF COMPLAINT, ADDRESS, CITY, STATE, ZIP CODE

COMPLAINT (Record a brief but specific summary of the complaint. Attach separate signed sheet if necessary.)

I CERTIFY THAT THE ABOVE COMPLAINT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Form with fields: SIGNATURE OF COMPLAINANT, DATE

STATEMENT IN REBUTTAL

Form with fields: NAME OF EMPLOYEE, POSITION, SCHOOL/DEPARTMENT

RESPONSE (Employee should record a brief but specific reply or attach separate signed sheets if necessary.)

I CERTIFY THAT THE ABOVE COMPLAINT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Form with fields: SIGNATURE OF EMPLOYEE, DATE

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FORMAL COMPLAINT AGAINST DISTRICT PERSONNEL (Page 2 OF 2)

ACTION TAKEN BY EMPLOYEE'S SUPERVISOR

FINDINGS OF FACT (Attach separate sheet if necessary)	ACTION TAKEN
	<input type="checkbox"/> COMPLAINT DISMISSED <input type="checkbox"/> RESOLVED BY EMPLOYEE/PRINCIPAL/SUPERVISOR <input type="checkbox"/> REFERRED TO NEXT LEVEL

SIGNATURE OF SUPERVISOR

DATE

DISTRICT'S FINDINGS & ACTION

SUMMARY OF FINDINGS	ACTION TAKEN
	<input type="checkbox"/> COMPLAINT DISMISSED <input type="checkbox"/> RESOLVED BY EMPLOYEE & COMPLAINANT <input type="checkbox"/> REFERRED TO SUPERINTENDENT