

MANTECA UNIFIED SCHOOL DISTRICT

All Personnel

BP 4144

4244

COMPLAINTS

4344

The Governing Board recognizes the need to establish a process to allow employees and job applicants to have their concerns heard in an expeditious and unbiased manner. The Board expects that employees will make every effort to resolve complaints and disagreements informally before filing a formal complaint.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3320 - Claims and Actions Against the District)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

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

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

All matters related to a complaint shall be kept confidential and any document, communication, or record regarding the complaint shall be placed in a separate file and shall not be placed in an employee's personnel file.

(cf. 4112.6/4212.6/4312.6 - Personnel Records)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*

35186 *Williams uniform complaint procedures*

44110-44114 *Reporting by school employees of improper governmental activity*

GOVERNMENT CODE

3543 *Public school employees' rights*

3543.1 *Rights of employee organizations*

53296-53299 *Disclosure of confidential information; whistleblower*

54957 *Closed session; personnel matters*

LABOR CODE

1102.5-1106 *Whistleblower protections*

CODE OF REGULATIONS, TITLE 5

4900-4965 *Nondiscrimination in district programs and activities*

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

Policy Adopted: 5/10/16

MANTECA UNIFIED SCHOOL DISTRICT

Manteca, California

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All Personnel

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COMPLAINTS

4344

Except as specified below, the following procedure shall be used for any complaint by an employee alleging misapplication of the district's policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper district activity including, but not limited to, an allegation of gross mismanagement, a significant waste of funds, an abuse of authority, or a specific danger to public health or safety.

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

Complaints alleging unlawful discrimination on any basis specified in the district's nondiscrimination policies, including complaints of sexual harassment, shall be resolved in accordance with the district's procedure for complaints regarding discrimination in employment.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Complaints regarding unlawful discrimination in district programs or the district's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with the district's Uniform Complaint Procedures. Complaints regarding sufficiency of textbook materials, teacher vacancy or misassignment, an urgent or emergency facility condition, or the failure to provide intensive instruction to students who did not pass the high school exit examination by the end of grade 12 shall be resolved in accordance with the district's Williams Uniform Complaint Procedures. (Education Code 35186; 5 CCR 4621)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

For complaints regarding working conditions or other subjects of negotiation, the employee shall use the grievance procedure specified in the applicable collective bargaining agreement.

Any of the time limits specified in this procedure may be extended by written agreement between the district and complainant.

Step 1: Informal Complaint Process

Prior to instituting a formal, written complaint, the employee shall first discuss the issue with his/her supervisor or the principal of the school where the alleged act took place. Formal complaint procedures shall not be initiated until the employee has first attempted to resolve the complaint informally.

MANTECA UNIFIED SCHOOL DISTRICT

AR 4144(b)
4244
4344

COMPLAINTS (continued)

Step 2: Site Level Formal Complaint Process

If a complaint has not been satisfactorily resolved through the informal process in Step 1, the complainant may file a written complaint with his/her immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint. If an employee fails to file a written complaint within 60 days, the complaint shall be considered settled on the basis of the answer given at the preceding step.

In the written complaint, the employee shall specify the nature of the problem, including names, dates, locations, witnesses, the remedy sought by the employee, and a description of informal efforts to resolve the issue.

Within 10 working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

Step 3: District Level Appeal

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the written response from the immediate supervisor or the principal. The complainant shall include all information presented to the immediate supervisor or principal at Step 2.

Within 10 working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation, including reviewing the investigation and written response by the immediate supervisor or principal at Step 2, and shall meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

Step 4: Appeal to the Governing Board

If a complaint has not been satisfactorily resolved at Step 3, the complainant may file a written appeal to the Board within five working days of receiving the Superintendent or designee's response. All information presented at Steps 1, 2, and 3 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a written report describing attempts to resolve the complaint and the district's response.

MANTECA UNIFIED SCHOOL DISTRICT

AR 4144(c)
4244
4344

COMPLAINTS (continued)

The Board may uphold the findings by the Superintendent or designee without hearing the complaint or the Board may hear the complaint at a regular or special Board meeting. The hearing shall be held in closed session if the complaint relates to matters that may be addressed in closed session in accordance with law.

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall make its decision within 30 days of the hearing and shall send its decision to all concerned parties. The Board's decision shall be final.

MANTECA UNIFIED SCHOOL DISTRICT COMPLAINTS CONCERNING PERSONNEL

The School Board encourages the early, informal resolution of complaints at the school site level. Please report your concerns to your school site administrator first unless that person is the one you're complaining about. The site level administrator shall advise the complainant of the right to file a written complaint with the District Complaint/Compliance Officer via mail at P.O. Box 32, Manteca, CA 95336, or delivered to the District Office at 2271 W. Louise Ave., Manteca, or through email at complaints@musd.net. All personnel complaints will be investigated and responded to in accordance with Board Policy 1312.1 or 4144 as appropriate. All policies and procedures for various other types of complaints are available on the District Website.

The School Board prohibits retaliation in any form for the filing of a complaint or participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant or persons involved in the complaint investigation/resolution process. The identification of a complainant will remain confidential as appropriate.

Name:	First:	Last:	
I am a:	<input type="checkbox"/> Student	<input type="checkbox"/> Certificated Employee	<input type="checkbox"/> School Administrator
	<input type="checkbox"/> Parent	<input type="checkbox"/> Classified Employee	<input type="checkbox"/> Other (please describe)
Street:			
City:		Zip Code	
Phone:		Email	
Today's Date:			
Date(s) of Problem(s):			
School/Department:			
Course Name or Grade Level:			
The person I am complaining about is a:	<input type="checkbox"/> Certificated Employee (teacher, counselor, psychologist, etc.)	<input type="checkbox"/> School Administrator	
	<input type="checkbox"/> Classified Employee (custodian, bus driver, secretary, etc.)	<input type="checkbox"/> Other (please describe)	
The name of the person I am complaining about is:	First:	Last:	
I have discussed my complaint with this person:	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Date(s) of conversation(s):		
I have discussed my complaint with this person's supervisor:	<input type="checkbox"/> Yes Name of supervisor:		
	<input type="checkbox"/> No		
	Date(s) of conversation(s):		
Please describe your complaint in detail. You may attach additional pages if necessary to fully describe the situation.	<u>Specific nature of the complaint; include names, dates, times, locations, witnesses, etc.:</u>		
Please describe previous attempts to stop this person's behavior.	<u>Dates and results of any previous meetings with site/district personnel regarding your concerns:</u>		

Date form was received:

What would you like the District to do as a result of your complaint?	<u>Suggested remedy:</u>
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Signature _____

Date _____

The School Board prohibits retaliation in any form for the filing of a complaint or participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant or persons involved in the complaint investigation/resolution process. The identification of a complainant will remain confidential as appropriate.

If applicable, explain why you believe that you were retaliated against for filing a personnel complaint.	<u>Please give examples of retaliation:</u>
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Signature _____

Date _____