

4000 PERSONNEL

4100 ALL PERSONNEL

4130 COMPLAINTS

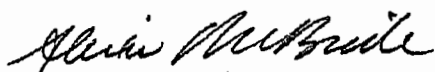
4131 COMPLAINTS CONCERNING SCHOOL PERSONNEL

It is the policy of the Superintendent/Governing Board to support employees in such a manner that they are not subject to unnecessary criticism and complaints.

The Superintendent shall develop procedures, which permit parents or guardians of pupils to lodge complaints against staff members. Such procedures shall insure complete investigation and disposition of all complaints while protecting the rights of staff members and the Marin County Office of Education.

References: Education Code 35160 – 35160.1

Approved as to form:



Deputy County Counsel

Approved by
Marin County Board of Education 8/10/99

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

COMPLAINTS CONCERNING SCHOOL PERSONNEL
(Board Policy 4131)

These administrative regulations and procedures shall not apply to a complaint, which arises, from the application and/or interpretation of Superintendent/Governing Board Policies 4112 and 4140 or any collective Bargaining Agreement.

DEFINITIONS

Complainant – A parent or guardian of pupils in Marin County Office of Education programs lodging a complaint against an employee.

Immediate Supervisor – The certificated or classified manager supervising the employee.

Working Day – A day on which the Marin County Office of Education is open for business.

MISCELLANEOUS PROVISIONS

The primary purpose of these procedures is to secure, at the earliest possible level, an equitable solution to a complaint.

Except as required by due process, all discussions, notes and other written documents pertaining to a complaint, shall be kept confidential by all parties involved in this procedure.

Complainant and accused may appear with a representative, if desired, at all levels.

In the event that the complainant fails to exhaust all remedies under complaint procedures provided herewith, or to abide by all time limits with respect to each level, the complaint shall be presumed to be abandoned, and the matter shall be considered settled in accordance with the last answer thereto. In the event any level fails to give its answer within time limits prescribed, the complainant shall have the right to proceed immediately to the next level. Any time limit may be extended by written mutual agreement of parties.

Any settlement of complaint shall be applicable to the complaint only, and shall not be binding authority for disposition of any other complaint.

PROCEDURE

Informal

1. Complainant should first discuss the issue with the person against whom the complaint is lodged.

2. In the event the matter is not resolved informally within a reasonable time, the complaint may appeal to Level 1.

Level I – Immediate Supervisor

1. The complaint shall be submitted in writing to the employee's immediate supervisor and a copy given to the employee involved. Failure of the complainant to put the complaint into written form will forfeit further consideration of the matter.
2. Within ten (10) working days after receipt of the complaint, the immediate supervisor shall investigate the complaint including giving the complainant and the employee a reasonable opportunity to be heard.
3. Within fifteen (15) working days after receiving the complaint, the immediate supervisor shall submit a decision in writing, together with supporting reasons, to the complainant and the employee.

Level II – Division Deputy/Assistant Superintendent

1. Within ten (10) working days after receiving the decision of the immediate supervisor, the complainant or employee may appeal the decision of Level I to the Division Deputy/Assistant Superintendent. The appeal shall be in writing and shall be accompanied by a copy of the decision at Level I.
2. Within ten (10) working days after receipt of the appeal, the Division Deputy/Assistant Superintendent shall investigate the complaint, including giving all persons who participated in Level I a reasonable opportunity to be heard.
3. Within fifteen (15) working days after receiving the appeal, the Division Deputy/Assistant Superintendent shall submit a decision in writing, together with supporting reasons, to the complainant, employee and immediate supervisor.

Level III – Superintendent/Governing Board

1. Within ten (10) working days after receiving the decision of the Deputy/Assistant Superintendent, the complainant or employee may appeal the decision of Level II to the Superintendent/Governing Board. The appeal shall be in writing, shall be accompanied by a copy of the decision at Level II and shall be delivered to the Superintendent.
2. At its next regularly scheduled meeting, in closed session, the Superintendent/Governing Board shall determine whether or not a hearing will be granted. If a hearing is granted, the date, nature and extent of the hearing shall be determined by the Superintendent/Governing Board. Unless requested otherwise by employee, the hearing shall be held in closed session. If a hearing is not granted, the matter shall be considered settled in accordance with the last answer thereto.

3. Within twenty (20) days after the hearing, if granted, the Superintendent/Governing Board shall render its decision in writing, together with supporting reasons, to the complainant, employee and Division Deputy/Assistant Superintendent. The decision of the Superintendent/Governing Board shall be final.