

COMPLAINTS CONCERNING COUNTY SUPERINTENDENT OF SCHOOLS OFFICE PERSONNEL

The County Superintendent of Schools Office places trust in its employees and desires to support their actions in such manner that employees are freed from unwarranted, spiteful or negative criticism and complaints.

The County Superintendent shall develop regulations which direct process to accept complaints or criticism against staff members and which assure a complete hearing, and protect the rights of the staff members and the County Superintendent's Office.

Verbal complaints against an employee will be referred to the County Superintendent or designee for appropriate consideration and action according to administrative regulations.

When public complaints involve accusations of child abuse, the provisions of this policy and regulation shall be implemented only after the child abuse reporting requirements specific in law and BP 5141.4 have been completed.

(cf. 5141.4 - Child Abuse and Neglect (Reporting Procedures))

The County Superintendent shall annually review policies and regulations regarding complaints against County Superintendent of Schools personnel.

(cf. 6144 - Controversial issues)

COMPLAINTS CONCERNING COUNTY SUPERINTENDENT OF SCHOOLS OFFICE PERSONNEL

Any complaints against Siskiyou County Superintendent of Schools personnel shall be in writing. No verbal complaint will be received nor acted upon.

Any charge or complaint concerning an employee of the Siskiyou County Superintendent of Schools Office should be reported immediately to the County Superintendent by the person receiving the complaint and every effort will be made to resolve that charge or complaint at the administrative level. In those cases where administrative resolution is not possible, and to assure due process, the matter shall be channeled to the County Superintendent in accordance with procedures set forth.

1. Purpose of Scope:

To define the procedures by which a citizen and/or employee may obtain a hearing before the County Superintendent, the rights and privileges of the parties to the hearing, and the procedures under which such hearing shall be conducted.

2. Definitions:

Hearing: This is a meeting of the County Superintendent and such other staff members as the Superintendent may desire. Members of the public and press who are not indispensable to determining the issues, finding facts and reaching a conclusion on the matter before the Superintendent, shall be barred from attendance.

Accusation: An accusation is a written statement, signed and verified under penalty of perjury by a complainant on forms provided by the Siskiyou County Superintendent of Schools Office, which challenges the professional capacity of an employee of this office to render service to the office.

Response: A response is a written statement signed by the person named in the accusation which answers the accusation in detail. It may also contain counter allegations. It does not need to be verified under penalty of perjury unless there are county allegations.

Working Days: A working day is any day on which the office is open for business.

3. Rights, Duties and Privileges of the Complainant, Respondent and Other Parties to the Hearing:

- a. Any complaining party shall be directed to the Personnel Manager. If after discussion, the complaining party wishes to pursue the complaint to the County Superintendent, such party shall be given a form of accusation as attached hereto.
- b. The complaining party shall set forth all charges and facts in support thereof in clear and concise language in the accusation. Said accusation shall be signed by the complaining party.

- c. Upon completion of said accusation form, it shall be delivered to the Personnel Manager.
- d. Upon receipt of the accusation, the Personnel Manager shall immediately notify the accused employee and deliver to the employee a copy of said accusation.
- e. The employee shall have five (5) days after receipt of the accusation to file a response to said accusation. Such response shall be filed with the Personnel Manager and the Personnel Manager shall mail a copy of the response to the complaining party.
- f. The Personnel Manager shall conduct an investigation into the accusation.
- g. The Personnel Manager shall, within 15 days after receipt of the accusation, convene a meeting with the County Superintendent to report the findings of the investigation and determine if a hearing before the County Superintendent is warranted.
- h. The hearing shall be informal; the rules of evidence shall not apply. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The County Superintendent shall rule on the admission of any facts or statements and the Superintendent's ruling shall be final.
- i. After the presentation of both the complainant and the respondent are completed, the matter shall be considered submitted to the Superintendent for his/her decision.
- j. The Superintendent shall reach a decision in this matter as soon as practicable and shall immediately thereafter notify the complainant and respondent in writing of such decision. The decision may include such recommendations for action as the Superintendent deems appropriate.

4. Duties of the County Superintendent

- a. Conduct the hearing
- b. Deliberate and decide the matter in the absence of the complainant and respondent.
- c. The County Superintendent shall reach a decision in this matter as soon as practicable and shall immediately thereafter notify the complainant and respondent in writing of such decision. The decision may include such recommendations for action as the Superintendent deems appropriate.

5. Record Retention and Destruction

- a. Records of the proceedings shall be maintained for no longer than four years following the hearing.
- b. When the decision exonerates the respondent, it will be the option of the respondent whether the reports shall be filed in the personnel folder.

6. Forms Used and auxiliary References:

- a. Complaint forms are available at the County Superintendent's Office in the Personnel Department.

7. Procedure:

a. Steps for filing an accusation:

1. Obtain form from the Personnel Department.
2. Complete form, expressing in detail the nature of the complaint.
3. File one copy of the accusation with the Personnel Manager.
4. Personnel Manager will notify respondent and deliver a copy of the accusation to respondent.
5. The respondent may file a response to the accusation with the Personnel Manager. Such response shall be filed within five (5) days of the receipt of a copy of the accusation by respondent. A copy of the response shall be mailed by the Personnel Manager to the complainant.
6. A hearing on the accusation and response, if any, shall be held before the County Superintendent. Said hearing shall be held within 15 days of receipt by the Personnel manager of a copy of the accusation.

COMPLAINTS CONCERNING COUNTY SUPERINTENDENT OF SCHOOLS OFFICE PERSONNEL

ACCUSATION AGAINST AN EMPLOYEE

TO: Siskiyou County Superintendent of School
609 S. Gold Street
Yreka, CA 96097
ATTN: Personnel Manager

FROM: Name: _____ Telephone: _____
Address: _____

Name of Person(s) against whom accusation is made: _____

- 1. Nature of your complaint. This should include a description in your words of your accusation, including all names, dates and places necessary for a complete understanding of your complaint.

Use additional pages to describe your complaint more fully if you desire.

2. Has the complaint been discussed with the employee named in this complaint, or the supervisor?

3. To whom have you spoken? Name(s) _____

4. When? Date(s) _____

5. What was the result of the discussion? _____

I (we) understand that the County Superintendent may request from me (us) further information about this accusation, and if such information is available, I (we) shall present it upon request.

I (we) also understand that a copy of this accusation will be given to the person(s) against whom this accusation is being made, and he/she/they will be given the opportunity to respond in writing to this accusation, and that I (we) will receive a copy of such response.

I (we) also understand that if a hearing is held on this accusation by the County Superintendent, such hearing will be closed with the press and public excluded and that I (we) will be informed of the time, date and place such hearing will be held.

I (we) certify under penalty of perjury that the foregoing is true and correct. Executed this _____ day of _____, 20____ at _____, California.

Signature: _____
