



# ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 9430  
PAGE: 1 OF 3  
EFFECTIVE: 12-12-67  
REVISED: 8-05-98

CATEGORY: **Community Relations**  
SUBJECT: **Complaints Against Employees**

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## A. PURPOSE AND SCOPE

1. To define procedures by which a citizen not employed by the school district, who has filed a complaint against an employee, may obtain a hearing before the Board of Education in closed session; to define the rights, duties, and privileges of the parties to the hearing; and to define the procedure under which such a hearing shall be conducted.

## B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: A-2000, B-3700, B-6000, I-1000, I-1100, I-1300, I-1700, I-1800, K-1500, K-2000, K-2100, K-8000, K-8700.

## C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Support Department, Office of the Superintendent.
2. **Record of Complaints.** Serious complaints, which will become a matter of formal record, will be called to the employee's attention, and the identity of the complainant will be made known to the employee.
3. **Administrative Resolution of Complaints.** The superintendent shall make every effort to resolve complaints at the administrative level. When this is not possible, the matter may be channeled to the Board of Education, or a committee thereof, for a hearing in accordance with this procedure.
4. **Definitions**
  - a. **Closed Session of the Board of Education:** A meeting of the Board of Education or a committee thereof, the superintendent, and such other staff members as the Board of Education may desire. Members of the public and the press who are not indispensable to determining issues, finding facts, and reaching a conclusion on the matter shall be barred from attendance.
  - b. **Complaint:** A written statement, signed and verified under penalty of perjury, by a complainant on forms provided by the Support Department administrator, which challenges the personal capacity of a district employee to render service to the district.

c. **Response:** A written statement signed by the person named in the complaint which answers the complaint in detail. It also may contain counter-allegations. It does not need to be verified under penalty of perjury.

d. **Workday:** Any day on which the Education Center is open for business.

5. **Rights, Duties, and Privileges of the Complainant, Respondent, and Other Parties to the Hearing.**

a. Any party required to take action shall do so within *five workdays of the preceding action*, commencing, if possible, with the event that led to the complaint. Extensions of particular deadlines may be granted by the superintendent.

b. The complaint and response shall be presented in closed session to the Board of Education or a committee thereof. The board then shall determine, based upon the complaint and the response, whether or not to conduct a hearing. If a hearing is conducted, the complainant and respondent shall be present.

c. The *complainant* may be accompanied by his/her attorney or a representative of his/her choice.

d. The *respondent* shall be entitled to representation by a representative of his/her choice, and if appropriate, may be represented by the general counsel.

e. The hearing shall be solely on the issue raised by the complaint and the response. The complainant may call witnesses to testify about allegations made in the complaint or response, and may make whatever statements pertaining to the complaint he/she deems desirable. The respondent shall have the same rights as the complainant.

f. The president or, in his/her absence, the vice-president of the Board of Education shall determine the manner in which the hearing is to be conducted and may set aside an appropriate amount of time for each side to present its case and may limit the number of witnesses and other participants.

g. A certified court reporter may be employed in the sole discretion of the district to record verbatim the entire hearing. The court reporter shall provide, at school-district expense, a transcript of the entire hearing upon request of the Board of Education. The court reporter also shall provide a transcript of the entire hearing upon the request and at the expense of the complainant.

D. **IMPLEMENTATION**

1. **Citizen Filing a Complaint**

a. Obtain forms from Support Department, Office of the Superintendent.

- b. Completes forms, expressing in detail nature of complaint.
- c. Files one copy of complaint in Support Department.

**2. Support Department**

- a. Immediately upon receipt of complaint, notifies employee named in complaint and site administrator of action, identity of complainant, and subsequent procedures and deadlines.
- b. Notifies complainant and respondent of time, date, and place of any hearing.

**3. Board of Education or a Committee Thereof**

- a. Considers complaint and response and determines whether or not to conduct a hearing.
- b. Conducts hearing in closed session.
- c. Deliberates and decides matter in cooperation with superintendent, in the absence of complainant, respondent, and their attorneys or other representatives.
- d. Notifies complainant and respondent of its decision in writing as soon as practical. Such written decision shall include a statement of main issues raised by complaint and response, findings of fact, and statement of conclusions. It may also include such orders for action as the Board of Education deems appropriate.


**E. FORMS AND AUXILIARY REFERENCES**

- 1. Complaint form, available in Support Department, Office of the Superintendent.

**F. REPORTS AND RECORDS**

- 1. Records of proceedings shall be kept for no longer than two (2) years following the hearing.

**G. APPROVED BY**

  
Superintendent of Public Education