

Employee Complaint Policy

Lake View Charter School

BP 1312.1
Adopted: 09/06/23

The Governing Board recognizes its accountability to the public for the quality of the school's educational program and the performance of school employees. The School shall provide a process by which a complaint submitted by any person regarding an employee can be resolved impartially, expeditiously, and with minimal disruption to school operations and the educational program.

When a concern regarding an employee is presented during a Board meeting or to an individual Board member or employee outside of a Board meeting, the complainant shall be informed of the appropriate complaint procedure.

Any complaint regarding the Executive Director shall be initially filed in writing with the Board. The Board shall consult with legal counsel or appoint an appropriate agent to conduct the investigation.

The Director of Human Resources or designee shall determine whether a complaint against any other employee should be considered a complaint against the School and/or an individual employee, and whether it should be resolved by the school's process for complaints concerning personnel and/or other school procedures.

Any complaint of child abuse or neglect alleged against a school employee shall be reported to the appropriate local agencies in accordance with the law and BP 5141.4 - Child Abuse Prevention and Reporting.

Any complaint alleging that an employee engaged in unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in school programs and activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures.

Any complaint by an employee, job applicant, or volunteer alleging unlawful discrimination or harassment by an employee shall be filed in accordance with AR 4030, - Nondiscrimination in Employment.

Any complaint subject to this policy and the accompanying administrative regulation shall be investigated by the employee's immediate supervisor, the Director of Human Resources or designee, the Executive Director, legal counsel, an agent of the Board, and/or other appropriate person who is not the subject of the complaint or subordinate to the employee charged in the complaint. The complainant and the employee shall have an opportunity to present information relevant to the complaint.

A complaint that is filed anonymously may be investigated by the Director of Human Resources or designee, depending on the specificity and reliability of the information.

If a complainant requests confidentiality, the Director of Human Resources or designee shall inform the complainant that the request may limit the school's ability to investigate the employee's conduct or take other necessary action. However, the Director of Human Resources or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity.

The Board and school prohibit retaliation.

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Appeals

If either the complainant or respondent submits an appeal of the Director of Human Resources decision to the Executive Director, the Executive Director shall determine whether to uphold the Director of Human Resources decision without hearing the complaint, appoint an appeals committee to advise the Board, or have the Board hear the appeal themselves.

If the Executive Director decides that the Board should hear the complaint, the matter shall be addressed in closed session in accordance with Government Code 54957, unless the employee requests that it be heard in open session. The Board shall review the original complaint and any additional information provided by the Executive Director or designee regarding the steps taken to resolve the issue.

The Executive Director's decision (or that of the Board if moved to the Board) shall be final.

The existence of this complaint procedure and the decision by the Executive Director do not affect the right of any individual or group to file a complaint with the Office of Civil Rights, U.S. Department of Education. Moreover, California's Education Code 262.3 states that complainants may appeal the school's action to the State Department of Education within 15 days of receiving the findings. Injunctions, restraining orders, and other civil law remedies may also be available for complaints.

Regulation 1312.1: Complaint Procedure

Every effort should be made to resolve complaints regarding school employees at the earliest possible stage. Any person who complains about a school employee shall be encouraged to resolve the matter informally through direct communication with the employee whenever possible.

If a complainant is unable or unwilling to resolve the complaint directly with the employee, the complainant may submit a written complaint to the Director of Human Resources or other immediate supervisor of the employee. Complaints related to a school administrator or leadership shall be initially filed in writing with the Director of Human Resources. If the complainant is unable to prepare the complaint in writing, administrative staff shall provide assistance in the preparation of the complaint.

A written complaint shall include the full name of the employee involved, a brief but specific summary of the complaint and the facts surrounding it, and a description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against school employees:

1. When a written complaint is received, the employee who is the subject of the complaint shall be notified within five days.
2. The Director of Human Resources may designate an individual to investigate a complaint who will attempt to resolve the complaint to the satisfaction of the parties involved within 30 days, unless the complainant agrees in writing to an extension of time. If the complaint is resolved, the designated investigator will advise all concerned parties, including the

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- Director of Human Resources (if applicable). The investigation may include interviews of the employee, complainant, or witnesses as necessary and/or a review of any documentation relevant to the complaint.
3. Both the complainant and respondent shall be notified in writing of the final decision regarding the resolution of the complaint.
 4. Either the complainant or the respondent may appeal the decision. A decision by the Director of Human Resources may be appealed to the Executive Director or designee, who shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. Either the complainant or the respondent may appeal the Executive Director's decision to the Governing Board.
 5. If the decision is appealed to the Board, the Executive Director or designee shall submit to the Board the following information:
 - a. The full name of each employee involved
 - b. A brief but specific summary 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
 - c. A copy of the signed original complaint
 - d. A summary of the action taken by the Executive Director or designee and the reasons that the problem has not been resolved

Refusal by the schools to provide the investigator with access to records and/or other information related to the allegations in the complaint, to fail or refuse to cooperate in the investigation, or to engage in any other obstruction of the investigation may result in the imposition of a remedy in favor of the complainant.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, to fail or refuse to cooperate in the investigation, or to engage in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

The decision of the Executive Director shall be final as to remedies provided by the school.