

**103 COMPLAINTS - STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS**

The purpose of this policy is to maintain a learning and working environment that is free from conflicts having to do with District 318 students, employees, parents, other persons. It is the District's obligation to ensure that the behavior and conduct of students, employees, parents, other persons is acceptable and conducive to beneficial educational experiences for students.

Concerns and complaints about the job performance and behavior of employees and reports about conflicts between and/or against employees of District 318 may not be conducive to beneficial educational experiences for students. It shall be the policy of this School District to handle such complaints with care and discretion and to ensure the due process rights of employees. The specific procedure to follow for concerns and complaints about employees is included in policy 103-AR.

**I. PURPOSE**

The school district takes seriously all concerns or complaints by students, employees, parents or other persons. If a specific complaint procedure is provided within any other policy of the school district, the specific procedure shall be followed in reference to such a complaint. If a specific complaint procedure is not provided, the purpose of this policy is to provide a procedure that may be used.

Adopted with revisions from MSBA/MASA Model Policy 103 Orig. 1995 Rev. 2005

Policy approved by ISD #318 School Board on June, 2002; Rev. July 2006, March 2022  
Transferred from GBK in Personnel July 2006

**103 COMPLAINTS - STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS****II. GENERAL STATEMENT OF POLICY**

- A. Students, parents, employees, or other persons may report concerns or complaints to the school district. While written reports are encouraged, a complaint may be made orally. Any employee receiving a complaint shall advise the principal or immediate supervisor of the receipt of the complaint. The supervisor shall make an initial determination as to the seriousness of the complaint and whether the matter should be referred to the superintendent. A person may file a complaint at any level of the school district; i.e., principal, superintendent or school board. However, persons are encouraged to file a complaint at the building level when appropriate.
- B. Depending upon the nature and seriousness of the complaint, the supervisor or other administrator receiving the complaint shall determine the nature and scope of the investigation or follow-up procedures. If the complaint involves serious allegations, the matter shall promptly be referred to the superintendent, who shall determine whether an internal or external investigation should be conducted. In either case, the superintendent shall determine the nature and scope of the investigation and designate the person responsible for investigation or follow-up relating to the complaint. The designated investigator shall ascertain details concerning the complaint and respond promptly to the appropriate administrator concerning the status or outcome of the matter.
- C. The appropriate administrator shall respond in writing to the complaining party concerning the outcome of the investigation or follow-up, including any appropriate action or corrective measure that was taken. The superintendent shall be copied on the correspondence and consulted in advance of the written response when appropriate. The response to the complaining party shall be consistent with the rights of others pursuant to the applicable provisions of Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) or other law.

**Concerns/Complaints/Reports About Employees**

Concerns, complaints, or reports about employees will be accepted if presented in writing and sent to the immediate supervisor of the person against whom the complaint is directed. If the complaint involves the superintendent, the report may be filed directly with the School Board.

**103 COMPLAINTS - STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS**

The person receiving the complaint may attempt to resolve the complaint between employees in an informal manner. If the complaint can not be resolved, the complainant is encouraged to use the report form available from the supervisor of each building or available from the School District administration office. If the complainant cannot put the complaint in written form, the supervisor or district office staff (whichever level the complaint is processed) will provide assistance.

The original supervisor must decide on further action on a case by case basis using the following guidelines.

Investigation

1. If the concern/complaint/report appears to be a conflict between parties, the supervisor will, if possible, attempt to resolve the issue at the lowest possible level.
2. The supervisor will provide the person whom the complaint is about all documentation concerning the complaint, including the identity of the complainant.
3. If the concern/complaint/report relates to the job performance of the employee, the supervisor will consider the nature of the concern (neglect of duty, incompetence, failure to perform duties properly, improper conduct) and frequency of the concerns and the sources.
4. If further investigation appears warranted and/or if the complainant requests further investigation, the supervisor will conduct a fair, systematic and objective investigation while maintaining the due process rights of the employee.

Investigation

1. By authority of the School District, the administrative supervisor, upon receipt of a written report or complaint as to the behavior/conduct of an employee, shall, if appropriate, immediately undertake or authorize an investigation. This investigation may be conducted by School District officials or by a third party designated by the Superintendent. The investigator will file a report with the personnel office.
2. The investigation may consist of a personal interview with the complainant, the individual(s) against whom the complaint is filed and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

**103 COMPLAINTS - STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS**

3. In determining whether alleged conduct constitutes a violation of policy, the School District shall consider the surrounding circumstances – the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred.
4. In addition, the School District will take necessary steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation.
5. The investigation will be completed as soon as practicable. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of policy.
6. If the supervisor finds just cause for further action, the appropriate evaluation processes and/or corrective discipline procedures will be used.
7. If the supervisor finds no cause for further action, documentation will be kept in the personnel office substantiating the basis upon which the complaint was dismissed.
8. The supervisor will notify the parties involved of any determination and of any disciplinary action.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

**Cross References:** Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)  
Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
Policy 413 (Harassment and Violence)  
Policy 514 (Bullying Prohibition)  
MSBA School Law Bulletin “I” (School Records - Privacy - Access to Data)