103COMPLAINTS—
STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS

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.

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

Cross References: MSBA/MASA Model Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 514 (Bullying Prohibition)
MSBA Service Manual, Chapter 13, School Law Bulletin “I” (School Records - Privacy - Access to Data)

Adopted with revisions from MSBA/MASA Model Policy 103 Orig. 1995 Rev. 2005
Transferred with revisions from GBK to 103, 2008
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 followup 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 the investigation or followup 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 followup, 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, or reports about employees will be accepted if presented 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.

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.
103  COMPLAINTS –
    STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS

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.

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.
COMPLAINT ABOUT EMPLOYEE
report form

Name of person making complaint:

Address:

Telephone: Work site, Work site, if applicable:

Person about whom the complaint is expressed:

Nature of the complaint and evidence/examples used to support the complaint (attach additional information, if possible):

Person to whom the complaint was referred:

Date:

Signature of complainant:

(to be completed by person making complaint)

Name of person receiving the complaint:

Date and time complaint was received:

Supervisor's decision:

Administrative investigation set: (or) Dismiss: □

Explanations:

Signature of supervisor: Date:

Complaints, whether resolved or dismissed, must be filed in the personnel office with a copy of the complaint resolution form.
Concerns/Complaints/Reports About Employees

COMPLAINT RESOLUTION FORM

The expression of concern about the performance of

By

Which was made on:

Was resolved in the following manner:

☐ Mutual agreement of parties
☐ Dismissed after administrative investigation
☐ Disciplinary action -- explain:

Signature of supervisor: ___________________________ Date: ___________________________