

103 EXPRESSIONS OF CONCERNS/COMPLAINTS/CONFLICTS ABOUT DISTRICT 742 EMPLOYEES

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment where conflicts and concerns involving District 742 employees are kept to a minimum. It is the District's obligation to establish standards and hold accountable the behavior and conduct of employees 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 742 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 and data privacy rights of employees.

II. GENERAL STATEMENT OF POLICY

- A. Expressions of concerns/complaints/reports about a District employee will be accepted by the immediate administrator/supervisor of the employee against whom the complaint is directed and will be recorded, in writing, by either the complainant or the administrator/supervisor.
- B. 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 procedure is not provided, the purpose of this policy is to provide a procedure that may be used.
- C. The School District encourages the reporting party or complainant to use the Complaint About Employee Report Form available from the principal of each building, the School District Office or on the "forms" section of the District web page. If the complainant cannot put the complaint in written form the administrator/supervisor or District office (dependent upon the level at which the complaint is processed) will provide assistance.
- D. The administrator/supervisor must decide on further action on a case-by-case basis using the following guidelines:
 - 1) If the concern/complaint/report appears to be a conflict between parties, the administrator/supervisor will, if possible, attempt to resolve the issue.
 - 2) If the concern/complaint/report relates to the job performance of the employee, the administrator/supervisor will consider the nature of the

concern (neglect of duty, incompetence, failure to perform duties properly, improper conduct, etc.), the amount and frequency of the concerns, and the sources in order to determine further action if warranted.

- 3) If an investigation is warranted as determined by the administrator/supervisor, a fair, systematic, and objective investigation will be conducted while maintaining the due process and data privacy rights of the employee. Upon completion of the investigation, the administrator/supervisor will make every attempt to resolve the issue.
- 4) Any complaints against the immediate administrator/supervisor will be directed to the Executive Director of Human Resources immediately. Any complaints against the Executive Director of Human Resources will be directed to the Superintendent of Schools. If the complaint is against the Superintendent of Schools, it will be directed to the Board of Education Chair.

III. INVESTIGATION

- A. By authority of the School District, the administrator/supervisor, upon receipt of a written report or complaint as to the behavior/conduct of an employee shall, if deemed appropriate, immediately undertake or authorize an investigation. The initial investigation should be conducted by the immediate administrator/supervisor. If further investigation or referral is warranted, it may be conducted by School District officials or by a third party designated by the Executive Director of Human Resources. Any criminal complaints may also be referred to law enforcement.
- B. The investigation may consist of personal interviews 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.
- C. In determining whether alleged conduct constitutes a violation of this policy, the School District should 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. Whether a particular action or incident constitutes a violation of this policy, other District policies or state/federal law requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the School District may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation.
- E. The investigation will be completed as soon as practicable. If the complaint involves the Superintendent, the final outcome may be filed directly with the School Board. The final outcome shall include a determination of whether the

allegations have been substantiated as factual and whether they appear to be violations of the policy.

III. SCHOOL DISTRICT ACTION

- A. The administrator/supervisor responsible for resolution of the complaint will complete the Complaint Resolution Form documenting the administrative response to the complaint. The Complaint Resolution Form will be sent to the Human Resources Office and maintained pursuant to the district data retention schedule.
- B. If the administrator/supervisor finds cause for further action, the appropriate evaluation processes and/or Corrective Discipline procedures will be used.
- C. The administrator/supervisor will notify the parties involved upon conclusion of the investigation and share information about the resolution in a manner that is consistent with Data Privacy laws.
- D. Any investigation or complaint which does not result in disciplinary action shall not become part of the employee's personnel file.

***BOARD POLICY 103
St. Cloud Area School District 742
St. Cloud, Minnesota***

Adopted: April 26, 2001
Revised: February 9, 2005
Revised: November 9, 2016
Renumbered: June 14, 2017 (formerly Board Policy 499)
Reviewed/No Change February 2021
Revised: May 17, 2023

**COMPLAINT ABOUT EMPLOYEE
REPORT FORM**

Person About Whom the Complaint is Expressed: _____

Name of Person Making Complaint: _____

Address: _____

Telephone: _____ Email: _____

Work Site (if applicable): _____

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 Receiving the Complaint)

Name of Person Receiving the Complaint: _____

Date and *Time* Complaint was Received: _____

Signature of Administrator/Supervisor

Date

Complaints which are resolved or dismissed should be sent to the Human Resources Office with a copy of the Complaint Resolution Form. The completed Complaint Resolution Form will be maintained in a master complaint file pursuant to the district data retention schedule.

COMPLAINT RESOLUTION FORM

The expression of concern about the performance of _____
(Complaine)

which was made on _____ by _____ was resolved
(Date) (Complainant)

in the following manner:

- _____ Mutual agreement of parties
- _____ Dismissed without merit after administrator/supervisor investigation
- _____ Appropriate action taken by administrator/supervisor: _____

- _____ Other (explain) _____

Signature of Administrator/Supervisor: _____

Dated: _____

Complete this form whenever a complaint is resolved and send it together with the
Complaint About Employee Form to the Human Resources Office.