

Complainants

Know Your Rights!

What are my rights when someone makes a complaint about me?

The union contract says you must be promptly notified of any complaint made against you and be made aware of the identity of the complainant. (In some rare cases, state law protects the anonymity of the complainant.) After that, the union contract lays out a 4 step process for the informal resolution of complaints:

1. The supervisor must ask the complainant to contact the union member involved directly to resolve the complaint
2. If the complainant and the union member can't resolve the complaint, the supervisor may schedule a meeting with the complainant and the union member, but only if the union member agrees.
3. If the supervisor, complainant and union member cannot resolve the complaint, the complainant may chose to contact the appropriate division head to request his/her help.
4. If the complaint is not resolved through the above steps, the complainant may submit the complaint as a formal complaint to the SDUSD Board of Education.

DEFINITIONS

"Formal Complaint"

Written and signed complaint submitted on SDUSD complaint form. Alleges a violation of a specific policy.

"Informal Complaint"

Any complaint which does not meet the definition of a formal complaint.

Should I meet with my supervisor and the complainant together?

It's worth repeating that your supervisor must ask a complainant to contact you directly to resolve the complaint. If that doesn't work, it's your decision whether you choose to meet with the supervisor and complainant together. If you choose to participate in the meeting, but believe that the meeting could result in discipline, you may bring an Association Representative (AR) to the meeting.

What should I do if I want to make a complaint against another union member?

There is an alternative to making a complaint to a supervisor against a fellow union member. Check out the mediation program offered by the third-party Employee Assistance Program (EAP). EAP provides mediation by trained professionals free of charge to SDEA members. Both you and your co-worker must agree to participate. Using EAP means that the issue will not be made a part of your personnel file, or that of your co-worker. Contact the SDEA office for EAP contact information and password.

Sources: Collective Negotiations Contract, July 1, 2006 – June 30, 2008 (Section 14.12)