

# Know Your Rights!

# Complaints

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

The union contract requires that **before the district can take an adverse action that will become a matter of record and which may affect the evaluation of a unit member**, the complaints procedure must be exhausted. The unit member must be promptly notified of any complaint made against them and must be made aware of the identity of the complainant. The intent of this right is to resolve at the lowest level possible any complaints brought by parents, other employees, or members of the community (not student complaints). In some rare cases, state law protects the anonymity of the complainant. 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. If all parties do not agree, then the supervisor may meet separately with the complainant and the unit member to resolve the complaint.
3. If the supervisor, complainant, and union member cannot resolve the complaint, the complainant may choose 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 and request a formal hearing.

### 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 enrolled in a district health plan. 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, 2014 – June 30, 2017 (Section 14.12)*

SAN DIEGO EDUCATION ASSOCIATION

[www.sdea.net](http://www.sdea.net)

(619) 283-4411

