

## THIRD-PARTY COMPLAINTS AGAINST EMPLOYEES

Any parent or guardian of a student enrolled in the Albemarle County Public Schools or any resident of Albemarle County may file a complaint regarding an employee of the Albemarle County School Board (“School Board”). Such a complaint will be filed with the Superintendent/designee. If the complaint involves allegations that an employee of the Albemarle County Public Schools has abused or neglected a child in the course of his/her employment, the complaint will be investigated in accordance with Va. Code §§ 63.2-1503, 63.2-1505, and 63.2-1516.1.

The School Board supports site-based management and invests authority in school principals and operational department heads to solve problems at their level of the organization. When appropriate, it is expected that the matter is first attempted to be remedied at the school/department level prior to proceeding with filing a complaint via this policy. At the mutual request of the Complainant and Respondent during the investigative process, the matter may be resolved.

The complaint must be filed in writing with the Superintendent’s designee, which will be the Department of Human Resources, within thirty (30) calendar days of the alleged incident. The complainant should provide the nature of the complaint, name and work location of the employee subject to the complaint, and should also include specific times, dates, locations, and witnesses and any relevant documentation. Subsequently, should the complainant fail to communicate for a period more than seven (7) calendar days or does not provide the requested information necessary to properly investigate, the Division will deem the matter dismissed and final. The complaint should be processed within a reasonable period of time, normally sixty (60) calendar days or less. The Superintendent/designee may authorize extensions with notices provided to both parties. The superintendent/designee may deny the investigation of any complaint of an alleged incident occurring more than thirty (30) calendar days after the alleged incident, but may share the complaint with the Complainant and Respondent. Complaints regarding former employees of the School Board may be investigated to the extent that it is possible to do so. -The Superintendent/designee may also deny the complaint under this policy if another process is a more appropriate means to address the matter.

The investigator is responsible for communications with the parties. The Complainant and Respondent are notified in writing that the complaint is received and is/is not being investigated. Complainants are notified that the investigation has concluded. The investigator may determine the information, if any, that will be shared with the complainant regarding findings and/or outcome of the investigation, but will not provide information regarding disciplinary and personnel actions. The respondent is notified whether the complaint is founded or unfounded, and if founded, any disciplinary actions that will be imposed.

Information determined to be unfounded after a reasonable administrative review will not

be maintained in any employee personnel file; but may be retained in a separate sealed file by administration if such information alleges civil or criminal offenses. Any dispute over such unfounded information, exclusive of opinions retained in the personnel file, or in a separate sealed file, notwithstanding the provisions of the Government Data Collection and Dissemination Practices Act, Va. Code §2.2-3800 et. seq will be settled through the employee grievance procedure as provided in Va. Code §§22.1-306 and 22.1-308 through 22.1-314.

~~The complaint must be filed within 30 days after the alleged incident and should be processed after a reasonable period of time, normally within 60 days or less.~~

Adopted: July 1, 1993  
Amended: December 8, 1997; August 9, 2007; August 22, 2013; May 8, 2014, April 27, 2023  
Reviewed: May 27, 2004, April 27, 2023  
Equity Review: April 27, 2023

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Legal Refs.: Code of Virginia, 1950, as amended, §§2.2-3800 et seq., 22.1-70, 22.1-78, 22.1-295.1

Cross References: GB, Equal Employment Opportunity/Nondiscrimination  
~~GBA, Prohibition Against Harassment and Retaliation~~  
GBCA, Employee Discipline  
GBL, Personnel Records  
JB, Equal Educational Opportunities/Nondiscrimination  
JHG, Child Abuse and Neglect Reporting

