

**COMPLAINTS ABOUT SCHOOL PERSONNEL**

Complaints about school personnel shall be handled by the East Quogue Board of Education in a manner that balances the interests of the public with the individual rights of the school district's employees. Complaints should be referred to the administration for investigation and review prior to any action at the Board level.

In order to express support and confidence in its staff and faculty and to ensure that they be free from unnecessary or defamatory negative criticism and complaint, the Board of Education has established this policy and procedure to handle complaints about school personnel in a manner that balances the interests of the public with the individual rights of school district employees.

Whenever a complaint is made directly to the Board as a whole or to a Board member as an individual, it should be referred to the school Principal for investigation and review, as well as possible solution or disposition as appropriate, prior to any action at the Board level. Complaints not resolved at lower levels of supervision may be referred to the Superintendent. The individual employee involved may be advised of the nature of the complaint and given an opportunity for explanation, comment, and presentation of the facts as he or she sees them.

Upon allegations against any employee of a school district, an executive session may be convened to evaluate the allegations and the substance of the complaint. Matters concerning the employment of individuals, in particular those leading to the demotion, discipline, suspension, dismissal or removal of a particular person, are subjects for which an executive session may properly be covered under the Open Meetings Law. In addition, Regulations of the Commissioner of Education provide that personnel records of school personnel may be examined by a Board only at executive session, to enable the Board to fulfill its legal responsibilities concerning employee personnel matters.

As a general rule, discussion and charges relating to the competence or personal conduct of individuals are to be ruled out of order at public Board meetings. Accusations demand responses, and the East Quogue Board of Education will not permit public "trials by accusation". A public meeting is not the appropriate forum for a dialogue which might be injurious to the rights of individuals.

Reference:

Education Law §§ 3012; 3020-a  
Civil Service Law § 75  
Public Officers Law § 100(1)(f)  
8 NYCRR Part 84

Codd v. Velger, 429 US 624 (1977)  
Bishop v. Wood, 426 US 341 (1976)  
Paul v. Davis, 424 US 693 (1976)  
Wisconsin v. Constantineau, 400 US 433 (1971)  
Gentile v. Wallen, 562 F.2d 193 (2<sup>nd</sup> Circ. 1977)  
Russell v. Hodges, 470 F.2d 212 (2<sup>nd</sup> Circ. 1972)  
Matter of Hirsch, 17 EDR 237 (1978)

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