

Centralized Complaint Assessment & Referral Evaluation System



Operations Manual

CENTRALIZED COMPLAINT ASSESSMENT & REFERRAL EVALUATION SYSTEM (CARES)

I. PURPOSE & AUTHORITY

As directed by School Board Policy 1.092.5.d and the authority of the School District of Palm Beach County Superintendent, CARES provides a centralized, uniform clearinghouse for the receipt, assessment, referral, and tracking of misconduct complaints received by the SDPBC. CARES is intended to provide a reliable and transparent way for District stakeholders' complaints to be heard and effectively addressed.

CARES is designed to build upon the District's existing systems for reporting complaints by ensuring that District stakeholders have a centralized mechanism for complaint resolution. District leaders, campus administrators, teachers, and staff should use CARES as a foundational aspect to supplement existing methods of complaint resolution.

Simply stated, CARES was designed to assist all District stakeholders with resolving complaints.

II. PROCESS

A. Complaint Intake

1. All District employees are required to report instances of, or reasonably suspected instances of, employee, visitor, volunteer, and contractor misconduct to CARES. Misconduct includes, but is not limited to, alleged violations of all federal and Florida laws, including Statutes, Rules and Regulations, local Ordinances, and School Board Policies, including alleged ethics violations.
2. In circumstances where misconduct is initially reported to District leadership, the highest-ranking District manager or supervisor in the District's organizational hierarchy to whom the complaint was reported has the duty to ensure the complaint is properly reported to CARES.
3. Complaints may be submitted to CARES in the following formats:
 - a. Written complaints (e.g. letters, memoranda, emails to CARES@palmbeachschools.org)
 - b. website (<https://pbcasd.ethicaladvocate.com/>)
 - c. toll-free Hotline (855-561-1010), and
 - d. in-person.
4. All complaints, including non-written, verbal complaints submitted to CARES (telephonic or in-person), will be thoroughly documented to include the necessary facts to assess and evaluate the complaint. Necessary facts include:
 - a. date the complaint was received by CARES;
 - b. name of the complainant (unless anonymous) and contact information;
 - c. name of subject(s) if known; and
 - d. specific description of allegation(s) as available

5. When possible and subject to practical limitations, CARES shall immediately document all complaints and complaint-related information at the time of receipt. Except in instances of permissible delay, CARES shall take no longer than 2 business days (excluding weekends and holidays) to document all complaints.
6. A correspondence number will be assigned for all CARES complaints and will be used to track the complaints as noted in sections C, D, and E.

B. Assessment and Categorization

1. All complaints received through CARES will be assessed and categorized. Categories will be amended as needed. Categories may include, but are not limited to:
 - a. Criminal
 - b. Code of Ethics
 - c. Contract Violation
 - d. Discrimination
 - e. Drug/Alcohol Related
 - f. Employee Misconduct
 - g. ESE/IEP/ESOL
 - h. FTE Reporting
 - i. Fraud-Related
 - j. Fundraising Irregularity
 - k. Grant Funds
 - l. No District Jurisdiction (e.g. complaint regarding an employee at a private, non-District school)
 - m. Overtime/Payroll Discrepancy
 - n. Retaliation
 - o. School Boundaries/Zones
 - p. Social Media
 - q. Standardized Testing
 - r. Student Curriculum
 - s. Student Health, Safety, and Welfare
 - t. Student Placement
 - u. Student Transportation
 - v. Sunshine Law
 - w. Supplements
 - x. Testing Procedures
 - y. Vendor Issues
 - z. Other (includes all other complaints)
 - aa. Accommodation
 - bb. Flexible/Remote Work
 - cc. Nursing Mothers
 - dd. Religious
 - ee. Other
 - ff. Service Animal
 - gg. Age
 - hh. Discrimination Disability
 - ii. Equal Pay/Compensation

jj. Gender/Gender Identity
 kk. Pregnancy
 ll. Race/Ethnicity
 mm. Religion
 nn. Sexual Orientation/Identification
 oo. Bullying
 pp. Harassment (Sexual/EEO) Hostile Work Environment
 qq. Other
 rr. Quid Pro Quo
 ss. Racial/Ethnic
 tt. Religion
 uu. Title IX
 vv. Performance Counseling to EE
 ww. Performance Management Performance Counseling to Manager
 xx. Performance Improvement Plan
 yy. Performance Review Concerns
 zz. Bullying/Harassment (Not EEO/Sexual)
 aaa. Policy and Practice
 bbb. Conversion of District Property Funds
 ccc. Collective Bargaining Agreement Violation
 ddd. Compensation/Benefits
 eee. Conflict of Interest
 fff. Driver's License Invalid
 ggg. Drug & Alcohol Free Workplace Violation
 hhh. EAP Referral
 iii. Employee Conflict - Verbal
 jjj. Employee Conflict - Physical
 kkk. Ethical Misconduct
 ll. Failure to Follow Policy/Rules/Procedures/Handbooks
 mmm. Failure to Fulfill Job Responsibilities
 nnn. Failure to Self-Report
 ooo. Failure to Supervise/Safeguard Students
 ppp. Falsification of Documents
 qqq. Gross Insubordination
 rrr. Inappropriate Comments/Interaction with Student(s)
 sss. Inappropriate Physical Contact with Student(s)
 ttt. Insubordination
 uuu. Left Scene of Accident/Failed to Notify Officer/Supervisor
 vvv. Mediation
 www. Medical Examiner's Certificate Invalid
 xxx. Misuse of District Property/Resources
 yyy. Misuse of District Technology
 zzz. Nepotism
 aaaa. Non-Reappointment
 bbbb. Off-Duty Criminal Arrest
 cccc. Termination
 dddd. Testing Irregularity

- eeee. Theft
- ffff. Time/Attendance
- gggg. Transfers/Placement
- hhhh. Travel and Expenses
- iiii. Uniform Violations (Dress Code)
- jjjj. Unsafe Operation of District School Bus/Vehicle
- kkkk. Violation of Safe Driver Plan
- llll. Retaliation (Non-EEO/ADA/Title IX)

2. Except in circumstances where employee performance results from misconduct as defined in section II.A.1, all complaints arising out of employee job performance, including related deficiencies addressed via performance evaluations, are expressly excluded from the requirement to report the complaint to CARES.
3. Violations of the Student Code of Conduct and matters pertaining to student discipline are expressly excluded from the CARES reporting requirement. Unless the complaint is directly related to one of the aforementioned categories, matters involving students' violations of the Code of Conduct or otherwise related to student discipline will be categorized as "Other" and will be reported to the necessary school-based administrator for action deemed appropriate.
4. Due to existing substantive and procedural legal requirements, complaints regarding law enforcement officers employed by School Police initially received by School Police and resolved through the internal affairs process are not subject to CARES reporting. Unless prohibited by law, School Police will provide a report of all complaints received and resolved through the internal affairs process as part of the collaborative monitoring and communication outlined in section II.D.1-2.

C. Referrals and Evaluation

1. Upon complaint receipt and after the initial assessment, CARES will evaluate each complaint and determine a course of action. Complaint referrals will be categorized as follows:
 - a. Referred to District management (e.g. OPS, Superintendent, or Title IX Coordinator)
 - b. Referred to external state agency (e.g. Florida Commission on Ethics, FDOE, or DCF)
 - c. Referred to school-based administration
 - d. Referred to other external entity
 - e. Retained by the OIG
 - f. Retained for information purposes only
 - g. Insufficient Information to retain for further action or refer ("Information Only")
 - h. Other
2. Every complaint CARES receives will be documented, categorized, annotated, and referred by the CARES Intake Coordinator or designee.

3. Complaints received by CARES that cannot be immediately closed as “Information Only” shall be promptly referred to the appropriate District department or entity. Unless otherwise prohibited by law, Board Policy, or extenuating circumstances, CARES will assess and refer all complaints to the appropriate department within 2 business days (excluding weekends and holidays) of complaint receipt.
4. In the event CARES refers a complaint to a District department lacking the authority or means to accept and resolve a complaint via referral, the District department shall within 7 calendar days, excluding holidays, return the complaint to CARES and explain in writing why it is unable to address the complaint. Upon receipt of the returned referral, CARES shall record the returned complaint, reevaluate it based on the facts, and refer it to the appropriate District department.

D. Collaborative Monitoring & Communication

1. To encourage effective and efficient resolution of all complaints and foster a uniform, enterprise approach to addressing complaints, CARES will issue a monthly report of all complaints received, referred, and notices of action over the past 30 days.
2. The monthly CARES report will be shared with District leaders across all departments to ensure efficient complaint resolution and limit duplication of efforts regarding addressing complaints. District departments receiving the monthly CARES report will include, but are not limited to:
 - a. School Police
 - b. Superintendents’ Offices
 - c. OGC
 - d. OIG
 - e. OPS
 - f. School Board
 - g. Title II
 - h. Title VII
 - i. Title IX
 - j. Risk Management

E. Referral Tracking and Notice of Action

1. All complaint referrals will be tracked and sortable for review, except where prohibited by law, via a complaint category, subject of complaint, complainant’s name, department receiving referral, or action report.
2. All complaint referrals within the District will contain an acknowledgment of receipt from CARES. The acknowledgment of receipt must be returned to CARES as evidence that the referral was received from CARES.
3. Upon receipt of a CARES referral, the receiving department will, within 90 calendar days, provide CARES a notice of action regarding the complaint.

The notice of action must include the following:

- a. The name of the person receiving the referral
 - b. The documentation reviewed in response to the referral
 - c. Individuals contacted and, if necessary, interviewed regarding the referral
 - d. Any other investigative activity conducted
 - e. Adjudication/findings
 - f. Written synopsis of findings, and
 - g. Corrective measures, if any, taken by the referral recipient
4. Notices of action must be returned to CARES within 90 days of receipt of a complaint even if the complaint has not been fully resolved (e.g. investigation still active or pending disciplinary outcome.) In the event a notice of action cannot be provided within 90 days, upon request from the person or department receiving the referral, CARES may issue an enlargement of time to provide notice of action. When granting enlargements of time beyond 90 days, CARES shall consider the complexity of the review, level of cooperation by the department, subject(s), victim(s), witness(es), and referral caseload. If the due date falls on a holiday or weekend, it is due the following business day. Enlargements of time will be granted in 30-day increments; however, in special circumstances, such as summer vacation, the extension can be longer if information indicates a longer timeframe is required.
 5. Failure to report a complaint of misconduct, violation of law, or Board Policy, to CARES or failure to provide a notice of action to CARES or, in the alternative, failure to timely seek an enlargement of time as outlined above, may result in administrative or disciplinary action by the Superintendent, or the Superintendent's designee, up to and including termination or other actions as required by law.

F. Complainant Receipt and Referral Confirmation

1. Subject to legal limitations, CARES will notify the complainant, in writing, via e-mail, memorandum, hotline, or letter of the receipt, evaluation, and referral of the complaint within 3 business days (excluding weekends and holidays) of initial receipt.
2. Maintaining consistency with Board Policy 3.28.5.c, anonymous complainants' reports may be received and accepted by CARES. However, some anonymous complaints may be insufficient to take further action in response to the complaint. In those circumstances, anonymous complaints, although received and assessed, may result in closure due to insufficient information.

G. Complaint Assessment and Referral Timeframes

1. All emergency complaints shall be disposed of via contacting 9-1-1 or other emergency services as outlined in Board Policy 1.092.5.d.v
2. Complaints involving matters of significant concern, including allegations of child abuse, abandonment, neglect, or other misconduct affecting the health, safety, and welfare of a student shall be assessed and reported as required under existing federal and Florida law.
3. All complaints not otherwise emergencies or matters of significant concern received by CARES will be categorized and an appropriate course of action will be initiated within 2 business days (excluding weekends and holidays) from receipt of the initial complaint.

CARES TRAINING SCENARIOS

Scenario 1

A Human Resources Manager receives a call from a school principal regarding a school employee's unwillingness to monitor the bus ramp before 7:30 a.m. The employee claims it interferes with his other duties and states he'll take on the bus ramp assignment before 7:45 only if the principal agrees the employee's other duties are no longer required.

Q: Does the HR Manager report this complaint to CARES?

A: No. This is neither a policy violation nor misconduct. This is an issue of employee performance and should not be addressed via CARES. This is a matter for the principal to handle with guidance and input from the HR Manager.

Scenario 2

The same facts as scenario 1, however the principal determines that the school employee's unwillingness to monitor the bus ramp before 7:30 a.m. is due to the employee finishing work duties from his second, night-time job: selling and delivering old textbooks the employee allegedly pilfered from the school's library storage closet.

Q: Does the HR Manager report this complaint to CARES?

A: Yes. The HR Manager should report this to CARES. These facts contained in the principal's call contain potential policy violations and perhaps violations of criminal law (e.g. conflict of interest, improper remunerative conduct, theft, etc.). CARES would need to log this complaint, assess it, and refer it to the appropriate department or entity (e.g. School Police, OIG, or OPS)

Scenario 3

An assistant in the Regional Superintendent's Office gets a call from a concerned parent who is angered that her 6th grade daughter received Saturday school after getting into a fight with a 7th grade male student. The parent states her daughter had been bullied for weeks by the male and upon having enough of his bullying, she punched him in the face in the middle of the cafeteria. The mother feels that because the male only received a detention, the school's principal discriminated against her daughter because she's a girl and the student she punched is a boy.

Q: Should the Regional Superintendent's assistant report this parent's complaint to CARES?

A: Yes. However, *before* reporting to CARES, the Regional Superintendent should *immediately* determine whether the Title IX Coordinator was contacted. If the complaining parent says no, or isn't sure, the Regional Superintendent's assistant should immediately contact the Title IX Coordinator to verify that this matter has been reviewed through the lens of a Title IX gender-based discrimination claim. Although this complaint on its face appears to be a matter of student discipline that would otherwise not be handled by CARES, there is another, more serious component to the complaint that triggers legal reporting requirements under federal law. Once the Regional Superintendent's assistant determines the Title IX Coordinator's role, then the matter must be reported to CARES. The report may be made either by the Regional Superintendent's assistant, or, if the role is established via the Title IX Coordinator's response, the Title IX Coordinator (as the more senior employee with knowledge of the complaint) must

report the matter to CARES. CARES will then refer the matter to the Title IX Coordinator for disposition pursuant to District Policy and law.

Scenario 4

The Director of Department X receives a verbal complaint from her subordinate manager that one of the line staff members has been promoting and performing personal, non-District-related work during regular work hours, including using District-owned property to advertise and fulfill orders.

Q: Who has the duty to report this matter to CARES?

A: The Director has an obligation to report this matter to CARES. The Department Director is the “highest ranking” member of the District’s organizational chart with knowledge of the complaint. (See section II.A.2)