



Board Policy 1312.3 Uniform Complaint Procedures

The following is a summary/overview of the Uniform Complaint Procedures of the Sequoia Union High School District (District). Complete copies of the District's board policies and administrative regulations relating to Uniform Complaint Procedures (Board Policy 1312.3 and Administrative Regulation 1312.3) can be obtained either at our District Office, at no charge, or via the following web link: <http://www.gamutonline.net/district/sequoiaunionhigh/DisplayPolicy/1129992/1>

AR 1312.3 - UNIFORM COMPLAINT PROCEDURES

The intent of the complaint procedures is to resolve complaints alleging a violation of applicable state and federal laws governing education programs which require a formal process, as specified in Title 5 of the California Code of Regulations, including allegations of unlawful discrimination. The District is committed to compliance with federal and state laws and regulations.

Definition of Complainant

Any individual, including a person's duly authorized representative or interested third party, public agency or organization, may be a complainant and may file a uniform complaint with the District.

Discrimination Complaints

Complainants are protected from retaliation and the identity of the complainant alleging discrimination shall remain confidential, as appropriate.

The District's Board of Trustees acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties when appropriate and as long as the integrity of the complaint process is maintained. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined, on a case-by-case basis, by the District.

I. UNIFORM COMPLAINT PROCEDURES

A. Step I - Filing of Complaint

1. When a complainant believes there is cause, a written and signed complaint may be filed with the immediate supervisor, the building principal, an administrator or Assistant Superintendent outlining the date and specific circumstances supporting the complaint. If the complainant is unable to put the complaint in writing, the District shall assist the complainant in the filing of the complaint.

2. Complaints alleging discrimination must be filed no later than six (6) months from the date when the alleged discrimination occurred, or six (6) months from the date the complainant first obtained knowledge of the facts of the alleged discrimination.
3. The District representative receiving the complaint will forward it to the appropriate compliance officer within 24 hours of receipt from the complainant.

B. Step II - Mediation

1. Within three (3) days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation to attempt to resolve the complaint. If the complainant agrees to mediation, the compliance office shall make arrangements for this process.
2. Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.
3. If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with investigation of the complaint.

C. Step III - Investigation by Compliance Officer

1. The compliance officer is encouraged to hold an investigative meeting within five (5) days of receiving the complaint or after an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.
2. A complainant's refusal to provide the District's investigator with documents or other evidence related to the allegations in the complaint, or complainant's failure or refusal to cooperate in the investigation or complainant's obstruction of the investigation may result in the dismissal of the complaint because of lack of evidence to support the allegation.
3. The District will provide the investigator with access to records and other information related to the allegations in the complaint and shall not in any way obstruct the investigation. The refusal of the District of any District-employed respondent to provide the investigator with access to records and/or other information related to the allegation in the complaint, or a failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.
4. The investigator applies a preponderance of evidence (i.e., more likely than not) standard in making factual determinations in the investigation.

D. Step IV - Response

1. The report of the District's investigation to the complainant shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the District will arrange a meeting at which an interpreter will be provided for the complainant.
2. Within thirty (30) days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the District's investigation and decision, together with corrective actions and appeal procedures, if appropriate. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five (5) days, file his/her complaint in writing with the District Board of Trustees.
3. The Board of Trustees may decide not to hear the complaint, in which case the compliance officer's decision shall be final. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within sixty (60) days of the District's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant.

E. Step V - Appeal to California Department of Education

1. If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education (CDE) within 15 days of receiving the district's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision.
- II. REPRESENTATION** - At all levels of this procedure, complainants may represent themselves or select whomever they wish to represent them at the presentation of their complaint and throughout the investigation and resolution process.
- III. FAILURE TO OBSERVE TIMELINE** - In the event the complainant fails to exhaust the remedies under this complaint procedure, or to abide by the time limit with respect to each step, the complaint shall be presumed to be abandoned and the matter shall be settled in accordance with the District's last answer thereto. In the event the District fails to give its answer at any step within the time limits prescribed, the complainant shall have the right to proceed immediately to the next step. Any time limit may be extended by written mutual agreement of the complainant and the District.

IV. TIMELINE

- Step I** **File Complaint**
- Step II-IV** **Mediation/Investigation/Response**
(within 30 days)
- Dissatisfied with Response – Request for Hearing**
(within 5 days of receipt of decision)
- Final decision rendered by Board**
(within 60 days of initial receipt of complaint)
- Step V** **Dissatisfied with District Response – Appeal to CDE**
(within 15 days of receipt of District’s decision)

V. PROGRAMS AND SERVICES COVERED UNDER THE UNIFORM COMPLAINT PROCEDURES - Complaints concerning or arising under the following programs are covered by the District Uniform Complaint Procedures. Please note that this is a partial list and you should see Board Policy 1312.3 and Administrative Regulation 1312.3 for a complete list of programs that are covered by these Procedures.

- Adult Education - General and Basic
- Consolidated Categorical Aid
- Migrant Education
- Vocational Education
- Child Care and Development Program
- Child Nutrition
- Special Education
- Nondiscrimination Requirements and Civil Rights Guarantees (Gender Equity and Title IX)
- Sexual Harassment

VI. CIVIL LAW REMEDIES - Nothing in this policy precludes a complainant from pursuing civil law remedies outside the District's complaint procedures. For assistance you may contact: Legal Aid Society, Community Mediation Program, County Bar Association or consult the local telephone directory.