

Uniform Complaint Procedure Discrimination/Harassment Complaint Reporting Form

Monson-Sultana School Uniform Complaint Procedures

COMPLAINTS

The Superintendent/Principal shall determine whether a complaint should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures (Administrative Regulation 1312.1). All complaints shall be submitted in writing to the Superintendent/Principal. If the complaint is related to the Superintendent/Principal, the complaint should be submitted to the Governing Board. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.

Uniform Complaint Procedures (UCP) concern complaints alleging failure to comply with laws related to unlawful discrimination, harassment, intimidation, and bullying. UCP are also used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state/federal laws in consolidated categorical aid programs, migrant education, child nutrition programs, and special education programs (Board Policy 1312.3(a)).

All complaints shall be investigated by the Superintendent/Principal and resolved within 60 calendar days of the District's receipt of the complaint. (5 CCR 4631)

Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of alleged noncompliance with federal or state laws or regulations governing educational programs. (5 CCR 4630) Complaint(s) alleging unlawful discrimination, harassment, intimidation, or bullying may be filed by a person who alleges that he/she personally suffered unlawful discrimination harassment, intimidation, or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 calendar days. (5 CCR 4630) A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

Step 2: Mediation

Within three business days of receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. If the parties agree to mediation, the compliance officer shall make all arrangements for this process. Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information. If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the District's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

Step 3: Investigation of Complaint

Within 10 calendar days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to

support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

Refusal of the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation, or engage in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegations. (5 CCR 4631)

In accordance with law, the District shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the District to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Step 4: Response

Within 30 working 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, as described in Step 5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision is final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 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. (5 CCR)

Step 5: Final Written Decision

The report of the District's decision shall be written in English and, when required by Education Code 48985, in the primary language of the complainant (cf. 5145.6 - Parental Notifications)

The report will contain the following elements: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. Conclusion of law
3. Disposition of the complaint
4. The rationale for such a disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the District's decision within 15 calendar days to the California Department of Education and procedures to be followed for initiating such an appeal

The District's Williams uniform complaint procedures, AR 1312.4, will be used to investigate and resolve any complaints related to sufficiency of textbooks and instructional materials, facility conditions, teacher vacancies and/or miss-assignments.

**Monson-Sultana Jt. Union ESD
Uniform Complaint Procedure
Discrimination.Harassment Complaint Form**

In accordance with the District's Uniform Complaint Procedures (5 CCR 4620) each school district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation and bullying against any protected group. Protected groups are enumerated by Education Code §§ 200 and 220, Additionally, it is the policy of the State of California, pursuant to Section 200, that all individuals shall enjoy freedom from discrimination and/or harassment of any kind in the educational institutions of the state. This also includes sexual harassment, which is a form of sexual discrimination (EC § 231.5).

I. Contact Information:

Name: _____
Address: _____
City: _____ Zip: _____
Home Phone: _____ Work or Cell Phone: _____

II. Complainant

You are filing this complaint on behalf of: _____
 yourself your child or a (student) another student a group

III. School Information

School Name: _____
Principal's Name: _____
Address: _____ City: _____

IV. Basis of Complaint:

Please check the following box(s), based on the type(s) of discrimination, harassment, intimidation and bullying you experienced, (Education Code §§ 200 and 220

- | | |
|---|---|
| <input type="checkbox"/> Sexual orientation | <input type="checkbox"/> Ancestry |
| <input type="checkbox"/> Gender * | <input type="checkbox"/> Mental or physical disability |
| <input type="checkbox"/> Ethnicity | <input type="checkbox"/> Age |
| <input type="checkbox"/> Race | <input type="checkbox"/> Association with any of these categories |
| <input type="checkbox"/> National origin | <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Sex (Title IX) |
| <input type="checkbox"/> Color | |

V. Details of Complaint

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

Please **describe** the type of incident(s) you experienced that led to this complaint, including the events or actions, in as much detail as possible:

List the **individuals** involved in the incident(s) complaint of:

List any **witnesses** to the incident(s):

Describe the **location where** the incident(s) occurred:

Please list **all the date(s) and times** when the incident(s) occurred or when the alleged acts first came to your attention:

What steps, if any, have you taken to resolve this issue before filing a complaint?

Signature of person filing complaint

Date

Received by:
Title:

Date Filed:

Please provide a duplicate copy to the complainant.