

# WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

## **Amended** Annual Notification Regarding

### UNIFORM COMPLAINT PROCEDURES - COMPLAINTS OF DISCRIMINATION CONCERNING DISTRICT EMPLOYEES

This document constitutes an amendment to the district's uniform complaint procedures policy found on page 33 of the Parent Student Handbook.

#### **Uniform Complaint Procedure**

The Board of Education recognizes that the district has primary responsibility for ensuring that it complies with the applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve complaints against employees and school resource officers at the local level. The district shall follow the Uniform Complaint Procedures (UCP) when addressing complaints alleging:

Unlawful discrimination based on **race, ancestry, national origin, ethnic group identification**, religion, age, gender, **actual or perceived sex, sexual orientation**, color or physical or mental disability, a person's association with a person or group with one or more of these actual or perceived characteristics, or failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child care and development programs, child nutrition programs, and special education programs.

The Board acknowledges and respects students and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation, as determined by the Superintendent or designee on a case-by-case basis. Complainants will be protected from retaliation.

The Superintendent shall ensure that employees designated to investigate complaints are knowledgeable about laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. The Superintendent or designee shall ensure that the mediation results are consistent with state and federal laws and regulations.

#### **COMPLIANCE OFFICER**

The Board of Education designates the following compliance officer to receive and investigate complaints and ensure district compliance with the law:

Assistant Superintendent  
Human Resources  
Room No. 230  
1108 Bissell Avenue  
Richmond, CA 94801  
Telephone: 510-231-1167  
Facsimile: 510-620-2074

Copies of the District's complaint procedures shall be available free of charge.

## NOTIFICATIONS

Uniform Complaint Procedures are distributed to every student and family in the Parent-Student Handbooks that are sent home every year. Procedures are distributed at parent-teacher meetings, site council meetings, and to new students as part of the enrollment process. Procedures and forms are available at every school site; from appropriate private school officials or representatives; and from the following administrative offices: Bilingual, Transfer, Preschool, Student Welfare and Attendance, Executive Directors, and Assistant Superintendents, and to every ethnic group in the district. UCP are distributed to classified and certificated employees at their annual meetings the beginning of each school year. UCP are distributed in different languages to students of school where 15% or more students speak a primary language other than English.

The District will provide an opportunity for complainants and/or representatives to present relevant information to an investigator. Refusal by 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. [T5CCR 4631]

## PROCEDURES

The District is to provide the investigator with access to records and/or other information related to the allegation in the complaint. To otherwise fail to refuse or cooperate in the investigation or engage 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. [T5CCR 4631]

The following procedures shall be used to address all complaints that allege a violation of federal or state laws or regulations governing educational programs. The compliance officer shall maintain a record of each complaint as required for compliance with the California Code of Regulations, Title 5, Section 4632.

### 1. FILING OF A COMPLAINT

Any individual, parent, public agency or organization may file a written complaint of alleged noncompliance. Complaints alleging discrimination must be initiated no later than 6 months from the date the alleged discrimination occurred or when knowledge was first obtained. Written complaints are filed with the compliance officer.

### 2. INFORMAL PROCESS

Within 15 days of the receipt of the complaint, the principal/department head will conduct a meeting with all parties. The purpose of the meeting is discussion and resolution with the compliance officer/designee acting as an impartial chairperson. If resolution is not reached at this level, the compliance officer will proceed with formal investigation of the complaint.

### 3. FORMAL PROCESS

Within 10 days of an unsuccessful resolution through the informal process, the compliance officer shall hold an investigative meeting with all parties and their representatives with the compliance officer/designee acting as impartial chairperson.

### 4. DISTRICT'S WRITTEN RESPONSE

The compliance officer will prepare a written report of the finding and decision within 60 days of receiving the complaint unless the complainant agrees in writing to extend the timeline.

If the complainant does not accept the decision, he/she may request a review by the Board of Education within 5 days of receiving the written response. The Board may, at its own discretion, consider the request.

If the Board chooses not to hear the appeal, the compliance officer's decision will be considered final. The district has 60 days to process a formal complaint.

The District's decision will be reported in writing, sent to the complainant within 60 calendar days of receipt of the complaint. The report will contain the following elements: [T5CCR 4631(e)]

- a. The findings of fact based on the evidence gathered.
- b. Conclusion of law
- c. Disposition of the complaint
- d. The rationale for such a disposition.
- e. Corrective actions, if any are warranted.
- f. Notice of the complainant's right to appeal the LEA's Decision to CDE.
- g. Procedures to be followed for initiating an appeal to CDE.

#### APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION

The complainant may appeal in writing to the California Department of Education (CDE) within 15 days of receiving the District's response. The appeal to the CDE must include a copy of the locally filed complaint and a copy of the District's decision.

#### CIVIL LAW REMEDIES

Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of the district's complaint procedures. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. For discrimination complaints, however, a complainant must wait until 60 days has elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint.

The complainants are protected from retaliation and that the identity of a complainant alleging discrimination will remain confidential as appropriate. [T5CCR4621]

For assistance you may contact:  
American Civil Liberties Union  
Contra Costa Legal Services  
NAACP Legal Defense Fund