Uniform Complaint Procedures ("UCP") and Investigation of Complaints, Including Unlawful Discrimination

What is a UCP Complaint?

A complaint under the Uniform Complaint Procedures ("UCP") is a written and signed statement by an individual, public agency, or organization alleging that the District has violated federal or California laws governing certain educational programs.

Complaints of sexual harassment or unlawful discrimination should also be reported, and will be investigated, in accordance with these Uniform Complaint Procedures.

Complaints Subject to These Uniform Complaint Procedures

These Uniform Complaint Procedures shall apply to complaints of:

1. Sexual harassment or sexual violence;
2. Other unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified in the District's Nondiscrimination policy, Education Code Sections 200 and 220, and Government Code Section 11135; and
3. Violations of federal or California law governing various educational programs and services:
    - Adult Education
    - After School Education and Safety
    - Agricultural Vocational Education
    - American Indian Education Centers and Early Childhood Education Program Assessments
    - Bilingual Education
    - California Peer Assistance and Review Programs for Teachers
    - Career Technical and Technical Education; Career Technical; Technical Training
    - Career Technical Education
    - Child Care and Development
    - Child Nutrition
    - Compensatory Education (Title I)

- Consolidated Categorical Aid
- Course Periods without Educational Content
- Economic Impact Aid
- Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district
- English Learner Programs
- Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Safety Plans
- Special Education
- State Preschool
- Tobacco-Use Prevention Education

All Other Complaints Are Not Subject to These Uniform Complaint Procedures

Unless the subject of a complaint is specifically covered by this UCP policy, this policy and its procedures shall not apply to the complaint or the investigation of the complaint.

Complaints not covered by this UCP policy include, but are not limited to, complaints regarding:

1. Hiring and evaluation of staff;
2. Student classroom assignments;
3. Student advancement and retention;
4. Student discipline;
5. Homework policies and practices;

6. Provision of core curricula subjects;

7. Student discipline;

8. Student records; and

9. Board meetings and agendas.

Filing a UCP Complaint; Deadlines

A written UCP Complaint shall be filed with a site Principal or the Superintendent. A complainant is not required to attempt resolution through the school site before contacting the Superintendent.

A written complaint of unlawful discrimination, harassment, intimidation or bullying shall be filed not later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying. However, if a complainant makes a written request to extend this deadline that sets forth the reasons for an extension, the Superintendent may, but is not required to, agree in writing to extend the deadline for filing a complaint by 90 days following the expiration of the six month time period if the Superintendent finds good cause for the extension. The Superintendent shall respond promptly upon receipt of a written request for extension.

A written complaint of violations of federal or California law governing the educational programs and services covered by this UCP Policy, identified above, shall be filed not later than three years from the date the alleged violation occurred, or the date the complainant first obtained knowledge of the facts of the alleged violation.

Investigation; Confidentiality; Interim Measures

Within 60 days of receipt of a UCP complaint, the Principal, Superintendent, or his/her designee shall conduct and complete a prompt, thorough, and impartial investigation in accordance with this UCP policy. This time period may be extended by mutual agreement with the complainant.

The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations, including the identity of witnesses. The accused shall also be interviewed and provided an opportunity to present evidence and information related to the allegations, including potential witnesses. Interviewees shall be informed that the District prohibits retaliation against any participant in the complaint process, including witnesses.

To the extent possible, complaints shall be kept confidential and investigated in a way that respects the privacy of all concerned. However, the District cannot guarantee anonymity or

complete confidentiality in the investigation process as complete confidentiality may severely limit the District's ability to thoroughly investigate and resolve the complaint. 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.

When a complaint alleges unlawful discrimination, harassment, intimidation or bullying, the investigating Principal or Superintendent shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes, transferring a student to a class taught by a different teacher, or separating employees in the workplace.

Decision on Complaint

The District shall issue a Decision based on the evidence collected during the investigation of the complaint. The Decision shall be in writing and shall be sent to the complainant within 60 days from receipt of the complaint unless this time period is extended by mutual agreement with the complainant.

The Decision shall contain, as warranted by the specifics of the complaint:

1. Findings of fact based on the evidence gathered;
2. Conclusions of law;
3. Disposition of the complaint;
4. The rationale for such disposition;
5. Corrective actions, if they are warranted, and to the extent the District can reveal such details without violating student or employee rights to privacy and confidentiality;
6. Notice of the complainant's right to appeal the Decision to the California Department of Education ("CDE"); and
7. Procedures to be followed for initiating an appeal to the CDE.

In reaching a determination on a complaint, the Principal, Superintendent, or his/her designee may consider the following to the extent it is applicable to a particular complaint:

1. Statements made by the complainant, the accused, and any witnesses;
2. The details and consistency of each person's account;
3. Evidence of how the complainant reacted to an alleged incident;

4. Evidence of any past instances of similar alleged behavior or actions;

5. Evidence of any past complaints that were found to be untrue; and

6. Independent written or recorded evidence that corroborates or refutes witness statements.

To judge the severity of unlawful harassment, intimidation, or bullying, the Principal, Superintendent, or his/her designee may consider:

1. How misconduct affected any student's education or any employee's work environment;

2. The manner, frequency, severity, and duration of the misconduct;

3. The identity, age, and sex of the harasser and the student or employee who complained, and the relationship between them;

4. The number of persons engaged in the harassing conduct and at whom the harassment was directed;

5. The location of the incidents, and context in which they occurred; and

6. Other similar incidents at the school involving different students or different employees.

No Retaliation

The District prohibits retaliatory behavior or action against any person who complains, testifies, assists, or otherwise participates in the complaint process. However, disciplinary action may be taken against any person who is found to have made a complaint that he or she knew to be false.