

## **Employee Uniform Complaint Procedure**

The Governing Board recognizes the District is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The District shall investigate any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying and shall seek to resolve those complaints in accordance with the District's uniform complaint procedures.

The District shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code section 200 and 220 and Government Code section 11135, including those with actual or perceived characteristics such as race or ethnicity, color, ancestry, national origin, nationality, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by the District or that is funded directly by, or that receives or benefits from any state financial assistance.

Uniform complaint procedures shall also be used to address any complaint alleging the District's failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs, and the development and adoption of the school safety plan.

Uniform complaint procedures shall be used to address any complaint alleging the District's non-compliance with Article 5.5 of Chapter 6 of Part 27 of Division 4 of Title 2 of the Education Code (commencing with Section 49010) regarding pupil fees.

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The Board encourages the early, informal resolution of complaints at the site level whenever possible. The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving the problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

The District's Williams uniform complaint procedures, BP 7703.01, shall be used to investigate and resolve any complaint related to the following:

1. Textbooks or Instructional Materials

2. Facility Conditions
3. Teacher Vacancies or Misassignments
4. High School Exit Examination

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

37254 Intensive instruction and services for students who have not passed exit exam

41500-41513 Categorical education block grants

48985 Notices in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

52160-52178 Bilingual education programs

52300-52490 Career technical education

52500-52616.24 Adult schools

52800-52870 School-based program coordination

54000-54028 Economic impact aid programs

54100-54145 Miller-Unruh Basic Reading Act

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56867 Special education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs

6601-6777 Title II preparing and recruiting high quality teachers and principals

6801-6871 Title III language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

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## **THE COMPLAINT PROCEDURE**

### **Step 1 – Filing a Complaint**

The Board designates the Assistant Superintendent of Human Resources as the Compliance Officer designated to receive and investigate complaints and ensure District compliance with state and federal laws and regulations including Title IX. The Compliance Officer may designate another District administrator to investigate complaints. If you have a complaint, you are to submit it in writing to:

Dr. Jaron Fried, Assistant Superintendent

Anaheim Union High School District–Human Resources

501 N. Crescent Way / P.O. Box 3520 Anaheim, CA 92803

A complaint concerning unlawful discrimination, harassment, intimidation, or bullying may be filed only 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, harassment, intimidation, or bullying. The complaint shall be initiated no later than six (6) months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred, or six (6) 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 days. (5 CCR 4630)

A complaint alleging non-compliance with the law regarding student fees and charges (Education Code section 49010 et seq.) may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of non-compliance.

The Assistant Superintendent will acknowledge receipt of the complaint and, if necessary, refer it to the appropriate site or district office, notifying the complainant of the person to whom it is being referred. The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

### **Step 2 – Resolution of the Complaint**

Each complaint shall be investigated by the appropriate site or district office and shall be resolved within 60 days of the original receipt of the written complaint unless an extension of the timelines has been agreed upon in writing by you. You may seek the assistance of local mediation centers or legal assistance agencies.

The site or District Office shall:

1. Informally discuss with the complainant the possibility of using mediation.

2. Hold an investigative meeting after receiving the complaint or after an unsuccessful attempt to mediate the complaint.
3. Prepare and send to the complainant a written report of the district's investigation and decision within 60 calendar days of the district initially receiving the complaint.
4. Inform the complainant of their right to appeal the district's decision to the California Department of Education (CDE) and the procedures to be followed for initiating an appeal.

### **Step 3 – Appeal Procedures**

You may appeal the district's decision to the California Department of Education by filing a written appeal with the State Superintendent, 1430 N. Street, Sacramento, CA 92814-4785 within 15 days after receiving the district's decision. Extensions for filing appeals may be granted in writing for good cause.

1. You shall specify the reason(s) for appealing the decision.
2. The appeal shall include a copy of the original complaint and a copy of the district's decision.

### **Civil Law Remedies**

Civil law remedies may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code section 262.3.

A complainant may pursue available civil law remedies outside of the District's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For complaints of discrimination, harassment, intimidation, or bullying based on state law, a complainant shall wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided the District has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to complaints of discrimination, harassment, intimidation, or bullying based on federal law.

If you have any questions about your rights, call the office of the Assistant Superintendent of Human Resources at (714) 999-3544, or write to: Anaheim Union High School District, Human Resources, 501 Crescent Way, Anaheim, CA 92803-3520. Copies of the district's complaint procedures are available free of charge.