

Step 1: Filing of Complaint

Any individual, public agenda or organization may file a written complaint of alleged noncompliance by the district.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination of by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (T5CCR 4632)

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint. (T5CCR 4600)

Step 2: Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

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.

If the mediation process does not resolve the problem within the parameters of the 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. (T5CCR 4631)

Step 3: Investigation of Complaint

The compliance officer shall make all reasonable efforts to hold an investigative meeting within ten days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative and the District's representatives shall have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (T5CCR 4631)

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstructions of the

investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations. [T5CCR 4631]

Refusal by the district to provide the investigator with access to records and/or others information related to the allegation in the complaint, or 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]

Step 4: Response

Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the districts investigation and decision, as described in Step 5 below, unless the complainant agrees in writing to extend the time line. (T5CCR 4631)

Step 5: Final Written Decision

The report of the District's decision shall be in writing and sent to the complainant. (T5CCR 4631)

The report of the District's decision 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 shall arrange a meeting at which a community member of the complainant's choosing will interpret it for the complainant.

The report will contain the following elements [T5CCR 4631]: (1) the findings of fact based on the evidence gathered; (2) conclusion of law; (3) disposition of the complaint; (4) the rational for such a disposition; (5) corrective actions, if any are warranted; (6) notice of the complainant's right to appeal the District's decision to the California Department of Education (CDE); The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary actions.

Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. The district ensures that complainants are protected from retaliation and that the identity of a complainant alleging discrimination will remain confidential as appropriate, except to the extent necessary to carry out the investigation or proceedings, as determined by the

Superintendent or designee on a case-by-case basis. [T5CCR 4621]

The Board prohibits retaliation in any form for participation in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

APPEALS

If dissatisfied with the District's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the District's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (T5CCR 4652)

When appealing to the CDE, the complainant must specify the reason(s) for appealing the District's decision and must include a copy of the locally filed complaint and the District's decision. (T5CCR 4652)

The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in T5CCR 4650 exists. In addition, the CDE may also intervene in those cases when the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

CIVIL LAW REMEDIES

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 discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE 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 in accordance with T5CCR 4622.

NOTIFICATIONS

The Director of Human Resources shall meet the notification requirements of Title 5 CCR 4622: (1) annual dissemination of district complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the CDE; and (2) ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies. Complainants will receive written acknowledgement including a statement that ensures the investigator is knowledgeable about the laws/programs that he/she is assigned to investigate. [T5CCR 4621, 4631]

PROGRAM ADMINISTRATORS

Rebecca Changus, Superintendent
530-458-7791 x4001

Scott Lantsberger, Chief Business Official
530-458-7791 x4002

Callie Barber, Director of Student Nutrition
530-458-7791 x4040

UNIFORM COMPLAINT PROCEDURES SHALL BE AVAILABLE FREE OF CHARGE:

Contact the Superintendent's Office at 530-458-7791 x4006
(T5CCR 4622)

The Board of Trustees is committed to providing equal opportunity for all individuals in education. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics, or in any program or activity that receives or benefits from state financial assistance.



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COLUSA UNIFIED SCHOOL DISTRICT

2021-2022

Uniform Complaint Procedures

(From BP/AR 1312.3)

Community Options for Resources in Education

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