

Monterey County Office of Education

UNIFORM COMPLAINT FILING FORM

In accordance with Board Policy 1312.3, the Monterey County Office of Education shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination on the basis of actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or failure to comply with adult education programs, consolidated categorical programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, special education programs, and federal school safety planning requirements. Please reference the attached Board Policy 1312.3 in filing a complaint.

Complainant's Information:

_____	_____	_____
Last	First	M.I.
_____	_____	_____
Address	City	Zip
		Phone #

Name of Other Party Involved:

_____	_____	_____
Last	First	M.I.
_____	_____	
School/Site which is subject to complaint	Name of student (if relevant)	

Description of Complainant (please be clear and concise in your statement of the circumstances involved in your complaint)

UNIFORM COMPLAINT PROCEDURES

Compliance Officers

The Governing Board designates the following compliance officers as internal investigators. They are responsible for receiving and investigating complaints and ensuring County Office compliance with law:

Consolidated Categorical Aid Programs

Assistant Superintendent Educational Services	755-0373
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Migrant Education

Migrant Education Director	755-6402
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Child Care and Development

Head Start Director	755-0352
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Child Nutrition

Head Start Director	755-0352
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Special Education

Associate Superintendent Special Education	755-0340
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Civil Rights Guarantees

(including but not limited to harassment & discrimination) Personnel Director	755-0382
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Internal Investigator Training

On an annual basis, internal investigators and all persons responsible for implementing the UCP and related County policies regarding discrimination will be trained on conducting prompt, thorough and impartial investigations. Specifically, they will receive training on: 1) County policies prohibiting discrimination; 2) the legal requirements prohibiting discrimination; 3) proper

investigation of complaints of discrimination including but not limited to techniques in neutral fact finding; and, 4) accessing County staff, files and other resources pertinent to investigating complaints.

Notifications

The Superintendent or designee shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, including the annual dissemination of County Office complaint procedures and information about available appeals, civil law remedies, and conditions under which a complaint may be taken directly to the California Department of Education.

Procedures for Addressing Complaints

The following procedures shall be used to address all complaints which allege that the County Office has violated federal or state laws or regulations governing educational programs.

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the Code of Regulations, Title 5, Section 4632.

The County Office will use its uniform complaint procedures when addressing all complaints regarding sex equity.

Investigations of discrimination complaints shall be conducted in a manner that protects confidentiality of the parties and the facts to the extent possible and practicable. (Title 5, Section 4630)

All parties involved in allegation shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance.

The complaint shall be presented to the Personnel Director, who will then give it to the appropriate compliance officer. The Personnel Office will maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, County Office staff shall help him/her to file the complaint. (Title 5, Section 4600)

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or 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. (Title 5, Section 4630)

Step 2: Mediation

Within ten (10) days of receiving the complaint, the compliance officer shall informally discuss with the complainant the possibility of using mediation. If all parties agree 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 law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the County Office's time lines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

Step 3: Investigation of Complaint

The Compliance Officer shall hold an investigative meeting within five days of receiving the complaint or as soon as practicable, or within five (5) working days of 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 investigative procedure will include: 1) interviews with the complainant, the individual(s) alleged to have engaged in the discriminatory acts, witnesses, and others who may have knowledge of the relevant events; 2) gathering of all relevant documents; and, 3) analysis of all information.

Meetings between the complainant and the alleged perpetrator are at the complainant's option.

To ensure that all pertinent facts are made available, the compliance officer and the complainant may ask other individuals to attend this meeting and provide additional information.

Confidentiality to the complainant, victim, witnesses, and alleged perpetrator is ensured to the extent possible and practicable.

Step 4: Response to the Complainant and The Appeals Process

Within 60 calendar days of receiving the complaint, the Compliance Officer shall prepare and send to the complainant a written report. This report will include:

1. The findings and disposition of the complainant, including corrective actions, if any.
2. The rationale for the above disposition based on all specific issues that were brought up during the investigation and the extent to which these issues were resolved.
3. Notice of the complainant's right to appeal the decision to the Board of Education in the following manner:

Within five (5) calendar days after issuance of the Compliance Officer's report, the complainant may file his/her appeal in writing to the Superintendent or his designee. The Compliance Officer shall send the Superintendent's decision to the complainant within 120 days of the County Offices' initial receipt of the complainant or within the time period that is specified in a written agreement with the complainant.

4. Notice of the complainant's right to appeal the decision to the California Department of Education in the following manner:

If dissatisfied with the County Office's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the County Office's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals.

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the County Office's

decision and must include a copy of the locally filed complaint and the County Office's decision (Title 5, Section 4652).

The report of the County Office's decision shall be written in English and in the language of the complainant wherever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the County Office will arrange a meeting at which a community member will interpret it for the complainant.

Step 5: Final Written Decision

The Compliance Officer's final written decision will include: 1) findings about the complaint allegations, which are based on facts established during the investigation; 2) conclusions based on the applicable legal standards; 3) a determination as to necessary corrective actions, punishment and discipline; and, 4) a determination as to who is responsible for implementing corrective actions, punishment and discipline.

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 County Office expectations. The report shall not give any further information as to the nature of the disciplinary action.

Approved: 3/1/95