

TRACY PUBLIC SCHOOLS
Complaint Procedure for Title IX, P.L. 92-318

A. Purpose and Scope

To provide guidance and direction for District employees and the Governing Board regarding discrimination complaints on the basis of sex.

B. General

The District is required by Title IX to implement regulations that ensure and promote non-discrimination on the basis of sex. All complaints of sex discrimination may be referred to the Association Superintendent of Human Resources who has been designated by the Tracy Public Schools as the official responsible for the Title IX compliance, or to the Director of the Office of Civil Rights Department of HEW at 760 Market, Phone 415-556-8586, in San Francisco. The Associate Superintendent of Human Resources Office is located at 315 East Eleventh Street, Tracy, Phone 831-5046.

C. Forms Used and Additional References

Complaint Form

D. Procedure

1. Definitions

- a. “Days” means working days, for complaints filed by employees; and school attendance days, for complaints filed by students or their parent(s) on behalf of the student.
- b. “District” means the Tracy Public Schools.
- c. “Employee” means a person who is on the payroll of the District.
- d. A “complaint” is an action alleging the District to be in violation of title IX or the implementing regulations.

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- e. “Compliance officer” means the employee designated by the district to coordinate its efforts to comply with and carry out its responsibilities under Title IX and the implementing regulations.
- f. “Student” means a person enrolled in one of the schools operated by the District.
- g. “Superintendent” means the superintendent of schools or his/her designee.

2. Procedure

Students with complaints may appear with their parent(s), if desired, at all levels. All complaints brought by students or employees shall be handled in the following manner:

Step One - Informal

Within twenty (20) days of the time that the complainant knew, or reasonably should have known of the complaint (or within twenty (20) days of the publication of this complaint procedure, whichever is later), the complainant shall present the complaint orally to the building principal (if the complainant is a student and unable to work out the complaint with the teacher or other employee involved) or to the immediate supervisor (if the complainant is an employee). Within five (5) days after presentation of the complaint, the principal or immediate supervisor shall orally answer the complaint.

Step Two - The Compliance Officer

- a. Within five (5) days of the oral answer, if the complaint is not resolved, it shall be stated in writing, signed by the complainant and submitted to the compliance officer on the form provided as part of this procedure.

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- b. The complaint shall (1) name the employee or student involved, (2) state the facts giving rise to the complaint, (3) identify the specific provisions of title IX or the implementing regulations alleged to be violated, and (4) indicate the specific relief requested.
- c. Within five (5) days after receiving the written complaint the compliance officer shall give an answer in writing to the complainant.

Step Three - The Superintendent

- a. If the complaint is not resolved in step two, the complainant may, within five (5) days of receipt of the “compliance officer’s” answer, appeal to the superintendent by filing the complaint and the compliance officer’s answer, along with any written response of the complainant and the answer of the compliance officer, with the office of the superintendent, which shall receipt therefor.
- b. The superintendent shall hear the complaint within ten (10) days after receipt of any written complaint properly filed with the superintendent’s office and shall render his decision in writing within ten (10) days after such hearing.
- c. The complainant shall be furnished a copy of the decision of the superintendent.

Step Four - School Board

- a. If the complaint is not resolved in step three, the complainant may appeal the decision in writing to the School Board.
- b. The complainant shall be afforded a full and fair opportunity to present evidence relevant to the facts and to the issues raised by the complainant and may be represented by counsel at the hearing of a complaint by the School Board.

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- c. The School Board shall schedule the matter for a hearing within ten (10) days following receipt of the appeal. A decision will be rendered by the School Board within twenty (20) days of the board's meeting.

3. Failure to Observe Time Limits

In the event the complainant fails to exhaust its remedies under the complaint procedure provided above, or to abide by the time limits with respect to each step, the complaint shall be presumed to be abandoned and the matter shall be settled in accordance with the District's last answer thereto. In the event the District fails to give its answer at any step within the time limits prescribed, the complainant shall have the right to proceed immediately to the next step. Any time limit may be extended by written mutual agreement of the complainant and the District.

4. Effect of Settlement

Any settlement of a complaint shall be applicable to that complaint only and shall not be binding authority for the disposition of any other complaints. Any complaint initiated under this procedure shall be brought by and for the student or employee alleging action in violation of Title IX and the implementing regulations by the District, affecting the student or employee initiating the complaint.

E. Reports Required

- 1. Compliance Officers report regarding written response of the complainants allegations
- 2. Superintendent's report/written response regarding complainants allegations

F. Record Retention

Personnel file if applicable

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G. Responsible Administrative Unit

Human Resources

H. Approved By

Associate Superintendent for Human Resources

Regulation Approved:

Joint Board: 2/11/97

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Complaint # _____ DATE _____

NAME OF COMPLAINANT _____

Building _____ Assignment _____

1. Date Cause of Complaint Occurred _____

2. Statement of Complaint _____

3. Identify specific provision of the law or regulations violated _____

4. Identify Specific Relieve Sought _____

SIGNATURE

DATE

Disposition by Compliance Officer _____

SIGNATURE

DATE

Nondiscrimination on Basis of Sex

It is the policy of the Tracy Public Schools not to discriminate on the basis of sex in the educational programs or activities which it operates.

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Policy #5260 & Complaint Procedure

Adopted:

HS BD: 5/25/76

EL BD: 5/25/76

Revised:

TUSD: 10/28/97