

GILROY UNIFIED SCHOOL DISTRICT
Uniform Complaint Procedures

Compliance Officers

The Governing Board designates the following compliance officers to receive and investigate complaints and ensure district compliance with law:

Paul Winslow
Assistant Superintendent, Human Resources
7810 Arroyo Circle
Gilroy, California 95020
669-205-4000
paul.winslow@gilroyunified.org

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

Notifications

The Superintendent or designee shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, including the 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 California Department of Education. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies. Remedies may include court orders, preliminary injunctions and/or restraining orders. The notification shall state that complainants may seek help from agencies such as legal assistance agencies or local mediation centers, or from private attorneys.

Procedures

The following procedures shall be used to address all complaints which allege that the district 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 district shall use its uniform complaint procedures when addressing all complaints regarding gender equity.

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

All parties involved in allegations 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 is initially filed with the school principal or designee and may be filed anonymously. If it involves problems beyond that person's authority, it must be forwarded to the appropriate district official no later than ten (10) working days after it was filed with the principal.

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 (6) 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)

The complaint shall be presented to the Superintendent or designee, who shall then give it to the appropriate compliance officer. The Superintendent or designee shall 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 disabilities, district staff shall help him/her to file the complaint (Title 5, Section 4600)

Step 2: Mediation

Within three (3) 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 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. (Title 5, Section 4631)

Step 3: Investigation of Complaint

The principal (or the district superintendent's designee, as applicable), is required to make all reasonable efforts to investigate any problem within the principal's or designee's authority.

The compliance officer shall hold an investigative meeting within five 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 also 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. (Title 5, Section 4631)

Step 4: Resolution

The principal or superintendent's designee is required to remedy a valid complaint within a reasonable time period not exceeding thirty (30) working days from receipt of the complaint.

Step 5: Response

The principal or superintendent's designee shall provide a response, if requested by a complainant who identifies himself or herself, within forty-five (45) days of the date the complaint was filed. Responses to these complaints are considered public records.

Step 6: Final Written Decision

The report of the district's decision shall be in writing and sent to the complainant. (5 CCR 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 will interpret it for the complainant.

This report shall include:

1. The finds and disposition of the complaint, including corrective actions, if any (Title 5, Section 4631)
2. The rationale for the above disposition (Title 5, Section 4631)
3. Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education, and procedures to be followed for initiating such an appeal (Title 5, Section 4631)
4. For discrimination complaints, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies (5 CCR 4631; Education Code 262.3)
5. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved.

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 action.

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within fifteen (15) days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals (Title 5, Section 4652)

When appealing to the California Department of Education, 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. (Title 5, Section 4652)

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within sixty (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 center 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 sixty (60) days have elapsed from the filing of an appeal with the California Department of Education 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 5 CCR 4622.

Forms to Sign and Return

Specialized Forms

Uniform Complaint Form – Complaints shall be filed with:

Human Resources
Gilroy Unified School District
7810 Arroyo Circle, Gilroy CA 95020 ♦ (669) 205-4000

From: _____ School/Department _____
Or if not an employee: _____

Address: _____

Telephone: _____

1. Identify the offending person or persons (if known)

2. State what happened to cause the complaint. Be specific. (If more space is required, please attach additional pages.)

3. What remedy are you seeking?

4. Describe the informal efforts you made to correct the situation.

Your signature: _____ Date: _____

Board Policy 1312.3 Uniform Complaint Procedures

To be completed by Human Resources

Date Received: _____ By: _____

Optional Uniform Complaint Policy Complaint Form # _____ Reference Code: _____

Resolved: _____ By: _____