



Newark Teacher Induction Program

APPEALS (GRIEVANCE) POLICY

Based on Newark Unified School District Administrative Regulation Series 1000 (AR 1312.3)

Except as the Superintendent of Newark Unified School District may otherwise specifically provide in other district policies, these grievance process shall be used to investigate and resolve only the complaints filed with East Bay Induction as identified below:

- Complaints concerning admission, retention and graduation
- Complaints concerning program activities and documents
- Complaints concerning mentor selection and assignment

Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the program's response to complaints and for complying with state and federal civil rights laws.

Director of Newark Teacher Induction
5715 Musick Avenue, Newark, CA 94560
(510) 818-4143

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which they have a bias or conflict of interest that would prohibit them from fairly investigating or resolving the complaint. Any complaint filed against or implicating a compliance officer may be filed with the Superintendent or compliance officer.

The Superintendent or compliance officer shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned.



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Notifications

The Appeals Policy of Newark Teacher Induction shall be posted in the program website and published in the *Program Resource Guide*. The annual notification and complete contact information of the compliance officer(s) is posted on the program web site and, if available, provided through program-supported print or social media.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination, if applicable
3. Advise the complainant of the appeal process.
4. Include statements that the program has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
5. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline

Program Responsibilities

All complaints shall be investigated and resolved within 60 calendar days of the program's receipt of the complaint. The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance. All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation, unlawful discrimination.

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. All complaints shall be filed in accordance with the following:

A written complaint alleging violation of program narratives and standards may be filed by any individual, public agency, or organization.



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A complaint alleging unlawful discrimination, (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she

personally suffered the unlawful discrimination, or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination, occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination,. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation or bullying), is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

When the complainant or alleged victim of unlawful discrimination (such as discriminatory harassment, intimidation or bullying), requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Mediation

Within three (3) business days, after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints.

Before initiating the mediation of a complaint alleging retaliation or unlawful



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discrimination (such as discriminatory harassment, intimidation or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

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. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer also shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To



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investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation or bullying), compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate in the investigation, or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631) (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and/or other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631) 4631)

Report of Findings

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

Final Written Decision

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law.