



TEMPLE CITY UNIFIED SCHOOL DISTRICT

Discrimination/Harassment Complaint Reporting Form

Board Policy 1312.3 - Uniform Complaint Procedures

Instructions: Complainant to complete and submit to Mari Montgomery, Director of Enterprise & Risk Management
mmontgomery@tcusd.net

In accordance with the District's Uniform Complaint Procedures (5 CCR 4620) each school district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group. Protected groups put forth under Title IX and in California are enumerated by Education Code §§ 200 and 220, Government Code §11135, and include actual or perceived sex, sexual orientation, gender, ethnicity, race, ancestry, national origin, religion, color, mental or physical disability, and age, as well as association with member of a protected class. Additionally, it is the policy of the State of California, pursuant to Section 200, that all persons should enjoy freedom from discrimination and/or harassment of any kind in the educational institutions of the state. This also includes sexual harassment, which is a form of sexual discrimination (EC § 231.5).

I. Contact Information:

Name: _____

Address: _____

City: _____ Zip: _____

Home Phone: _____ Work or Cell Phone: _____

II. Complainant

You are filing this complaint on behalf of: _____

yourself your child or a (student) another student a group

III. School Information

School Name: _____

Principal's Name: _____

Address: _____ City: _____

IV. Basis of Discrimination or Harassment:

Please check the following box(s), based on the type(s) of harassment you experienced, (Education Code §§ 200 and 220, Government Code §11135) including *actual or perceived*:
Complaints related to:

- Sexual orientation
- Gender *
- Ethnicity
- Race
- National origin
- Religion
- Color

- Ancestry
- Mental or physical disability
- Age
- Association with any of these categories
- Sexual Harassment
- Sex (Title IX)

*According to state law, "Gender" means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth." CA Education Code § 210.7 & CA Penal Code § 422.56(c).

V. Details of Complaint

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

Please **describe** the type of harassment or discrimination that you experienced, including the events or actions, in as much detail as possible:

List the **people** involved in harassing or discriminating against you:

List any **witnesses** of the incident:

Describe the **location where** the harassment/discrimination occurred:

Please list **all the date(s) and times** when the harassment/discrimination occurred or when the alleged harassment/discrimination first came to your attention:

What steps, if any, have you taken to resolve this issue before filing a complaint?

Signature of person filing complaint

Date

Received by:
Title:

Date Filed:

Please provide a duplicate copy to the complainant.

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the District has primary responsibility for ensuring that it complies with applicable State and Federal laws and regulations governing educational programs. The District shall investigate and seek to resolve complaints at the local level. The District shall follow the Uniform Complaint Procedures (UCP) when addressing complaints alleging:

Unlawful discrimination based on ethnicity, religion, age, gender, sexual orientation, sex, race, ancestry, national origin, color, physical or mental disability, or failure to comply with State and/or Federal laws in Adult Education, Consolidated Categorical Aid, Vocational Education, and Special Education Programs.

The Board acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation as determined by the Superintendent or designee on a case-by-case basis.

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. (5 CCR 4630)

The Superintendent 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.

Compliance Officers

The Governing Board designates the Superintendent or designee to receive and investigate complaints and ensure District compliance with law:

Director of Enterprise & Risk Management
9700 Las Tunas Drive
Temple City, CA 91780
(626) 548-5000

Notifications

Students and parents or guardians will receive their annual UCP notice through distribution of the District's annual notification of *Information for Parents/Guardians and Students* and through a UCP flyer that will be translated into Chinese and Spanish.

Certificated and classified employees will receive their annual notification through their respective handbooks that are reviewed at the first staff meeting of the year or upon employment.

District/site advisory councils and committees will receive their annual notification at the first meeting of the year.

Procedures

The following procedures shall be used to address all complaints that allege that the District has violated Federal or State laws or regulations governing educational programs. Compliance Officers shall maintain a record of each complaint as required for compliance with the California Code of Regulations Title 5, Section 4632.

Step 1: Filing a Complaint

Any individual, public agency or organization may file a written complaint of alleged non-compliance by the District. 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.

Step 2: Mediation

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. The Superintendent shall ensure that the mediation results are consistent with State and Federal law regulations. The use of mediation shall not extend the District's timelines for investigating and resolving the complaint unless the complainant agrees to an extension of time in writing. (5 CCR 4631)

Step 3: Investigation of Complaint

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. (5 CCR 4631)

Step 4: District Response

Within 30 days of receiving the complaint, the Compliance Officer shall prepare and send to the complainant a written report of the District's investigation and decision as described in Step #5 below. If the complainant is dissatisfied with the Compliance Officer's decision, he/she may within five days file his/her complaint in writing with the Board.

If the Board hears the complaint, the Compliance Officer shall send the Board's decision to the complainant within 60 days of the District's initially receiving the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Step 5: Final Written Decision

Complainant will receive the final written decision within 60 days of filing the complaint. The report shall include notice of the complainant's right to appeal the decision to the California Department of Education within 15 days and procedures to be followed for initiating such an appeal. (5 CCR 4631)

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 15 days of receiving the District's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR 4652)

Civil Law Remedies

Nothing in this Policy precludes a complainant from pursuing available civil law remedies outside of the District's complaint procedures. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. For discrimination complaints, however, a complainant must wait until 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. For assistance, you may contact: Community Legal Center at (888) 860-5500.

Referring Complaints to Other Appropriate State or Federal Agencies

The following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to local and California Department of Education complaint procedures set forth unless these procedures are made applicable by separate interagency agreements:

American Civil Liberties Act 504: Office for Civil Rights

Child Abuse: Department of Social Services, Protective Services Division or Sheriff's Department

Health and Safety/Child Development: Department of Social Services

General Education: Temple City Unified School District

Discrimination/Nutrition Services: U.S. Secretary of Agriculture; U.S. Department of Agriculture, Western Region

Employment Discrimination: Department of Fair Employment and Housing; Equal Employment Opportunity Commission

Fraud: California Department of Education Directors or Legal Counsel

Basis for Direct State Department of Education Intervention

The State Superintendent of Public Instruction shall directly intervene when:

- The local agency fails to comply with complaint procedures
- Discrimination is alleged and/or there is indication of immediate loss of benefits such as employment or education for students
- The complainant requests anonymity and has proven retaliation
- The local agency fails to implement the final decision resulting from a local investigative or meditative process
- The local agency fails to respond to the complainant within 60 days
- For Special Education issues:
 - The public agency (other than the LEA)
 - Fails/refuses to follow provisions for free, appropriate public education
 - Fails to comply with due process procedures
 - The complainant alleges that a student is not receiving services specified in the student's IEP
 - Violation of Federal law governing Special Education