

BARSTOW UNIFIED SCHOOL DISTRICT
NOTICE OF COMPLAINT PROCEDURES
FOR STAFF, STUDENTS, PARENTS AND GUARDIANS

The Barstow Unified School District (“District”) is responsible for investigating and responding to complaints that allege violations of state and federal law and District policies. The District has adopted Board Policies (“BPs”) and Administrative Regulations (“ARs”) which outline the District’s procedures for filing, investigating and responding to various complaints.

The District is committed to responding to complaints promptly, adequately, and impartially.

The District protects all complainants and witnesses from retaliation and ensures all parties are treated fairly throughout the District’s investigation process. This Notice summarizes the District’s complaint procedures.

Uniform Complaint Procedure (UCP)

Complaints alleging retaliation, discrimination, harassment, intimidation, or bullying on the basis of any protected characteristic including disability, gender, gender identity, gender expression, nationality, immigration status, national origin, race or ethnicity, religion, and/or sexual orientation, and complaints alleging violations of state or federal laws governing educational programs, including non-compliance with laws relating to pupil fees and the District’s Local Control and Accountability Plan (LCAP) are subject to the District’s Uniform Complaint Procedure (“UCP”), contained in BP and AR 1312.3.

UCP complaints may be filed in a written complaint or reported orally. The District will provide a prompt, adequate and impartial response to any complaint, either reported orally or provided in writing. The District will assist any complainant in the filing of a UCP complaint if the complainant is unable to put the complaint in writing, due to a disability or illiteracy. The District’s compliance officer(s) is responsible for receiving, coordinating the investigation and responding to UCP complaints.

The District’s UCP compliance officer(s) is:

Jorge Gutierrez, Asst. Supt., Personnel Services
551 S. Avenue H, Barstow, CA 92311
(760) 255-6041
jorge_gutierrez@busdk12.com

Complaints subject to the UCP will be investigated pursuant to the District’s BP and AR 1312.3. The District will commence an impartial investigation into the allegations in a UCP complaint within ten (10) days of receiving a complaint. The District will investigate anonymous complaints to the extent possible.

Within thirty (30) calendar days of the District’s receipt of the complaint, the District will prepare and send the complainant a written report of the investigation summarizing its findings, including a determination for each allegation. The timeline for completing the investigation and sending the written report may be extended by written agreement with the complainant. In certain situations, if the parties voluntarily agree to pursue an informal resolution and such resolution is permitted by BP/AR 1312.3, the District will provide notice of any resolution reached through the informal process. Additional information about the rights pursuant to the UCP, including appeal rights, and the UCP process may be found at [BUSD Uniform Complaint Procedures Board Policy/Admin. Regulation](#)

Title IX Complaints by Students or Parents/Guardians

Students or parent/guardians who believe any student has been subjected to sexual harassment by another student, District employee, or third party, may file a complaint using the District's Title IX Sexual Harassment Complaint Procedures, contained in BP and AR 5145.7. Complainants may file a Title IX complaint with a teacher, principal, the District's Title IX Coordinator, or any other District employee. District employees who receive a report or observe an incident of sexual harassment are required to file a complaint within one school day of receiving the report.

Sexual harassment complaints meeting the definition of sexual harassment under the Title IX regulations will be investigated in accordance with BP and AR 5145.7 and AR 5145.71. All other sexual harassment complaints will be investigated in accordance with the District's Uniform Complaint Procedures, contained in BP and AR 1312.3.

For complaints investigated pursuant with AR 5145.71, the District shall prepare and send the complainant and respondent (the accused) a written decision within forty-five (45) calendar days of the District's receipt of the complaint. This timeline may be extended by written agreement with the complainant and respondent.

The District will respond to complaints investigated pursuant to BP and AR 1312.3 within thirty (30) days of the District's receipt of the complaint. This timeline may also be extended by written agreement with the complainant and respondent.

The District's Title IX Coordinator is:

Scott Godfrey, Asst. Supt., Educational Services
551 S. Avenue H., Barstow, CA 92311
(760) 255-6021
scott_godfrey@busdk12.com

Complaints Concerning Employees

Complaints concerning District employees may be filed by anyone in accordance with the District's Complaints Concerning Employees procedure, contained in BP and AR 1312.1. Complaints regarding District employees may be filed in writing with the principal or other immediate supervisor of the employee. Complaints regarding a principal or District administrator may be filed with the Superintendent or designee. Any complaints regarding the Superintendent may be filed in writing with the Board. The District will provide assistance to any complainant who is unable to file a complaint in writing.

The District will attempt to resolve complaints regarding employees within thirty (30) days.

Complaints alleging that an employee engaged in discrimination, retaliation, harassment, intimidation or bullying in District programs and activities shall be filed and investigated in accordance to the District's Uniform Complaint Procedure, contained in BP and AR 1312.3. Any complaint by an employee, job applicant, volunteer, adult and non-enrolled district or school intern, or independent contractor alleging unlawful discrimination or harassment by an employee shall be filed in accordance with AR 4030 - Nondiscrimination in Employment.

Employees Filing a Complaint that They Have Experience Sex-based/Sexual Harassment

Sex-based harassment includes, but is not limited to, harassment that is based on sex, gender, gender identity, gender expression or sexual orientation, pregnancy, childbirth or related medical conditions. Sex-based harassment complaints, including sexual harassment complaints, filed by District employees, adult and non-enrolled interns, volunteers, contractors, job applicants and other persons with an employment relationship with the District may be filed using BP and AR 4119.11, or, as applicable, according to the District's Title IX Sexual

Harassment Complaint Procedures, contained in BP and AR 4119.12.

District employees who feel they have been harassed on the basis of sex at work or have knowledge of any incident of harassment on the basis of sex by or against another employee are required to report the incident to their direct supervisor, a District administrator or the District's Title IX Coordinator. Formal complaints may be filed with the Title IX Coordinator. Supervisors and administrators are required to report any sex-based harassment complaints they receive to the Title IX Coordinator.

Sex-based harassment complaints meeting the definition of sexual harassment under the Title IX regulations will be investigated in accordance with BP and AR 4119.12. All other sex-based harassment complaints will be investigated pursuant to AR 4030.

For sex-based harassment complaints investigated pursuant to BP and AR 4119.12, the complainant and respondent will receive a written decision within forty-five (45) calendar days of the District's receipt of the complaint. The timeline can be extended for good cause with written notice to the complainant and respondent.

Effective September 24, 2021