

**Complaints Concerning GPA Personnel**

**GPA POLICY NO. 1301**

**GUAJOME PARK ACADEMY**

It is the policy of Guajome Park Academy (“GPA”) to manage complaints from parents, students or patrons, against its employees through a well conceived, established and objective process. Every effort will be made to resolve problems early and informally at the earliest possible stage. Established procedures shall be readily accessible to the public.

**DATE GPA POLICY ADOPTED BY THE BOARD: January 11, 2001**

**Procedures – Complaints**

**GPA A.P. NO. 1301**

**INTRODUCTION**

The complaint procedures described in this section are used on the occasion when administrators and leaders within GPA receive complaints from students, parents, and patrons for all types of complaints and from employees in any cases that may have legal ramifications such as discrimination and harassment. It is GPA’s policy to resolve these complaints informally and as early as possible. Often this can be achieved by arranging for the person making the complaint to meet with the person about whom they are complaining.

The purpose of this document is to help guide those who choose to file a formal complaint into the appropriate process. This is an important first step as complaints initiated in an improper procedure will create delays and make resolution difficult.

Each of the complaints listed below are governed by a different set of laws, procedures, and forms. The summary page indicates the procedure to be followed and the forms to be used. The detail sections contain the full written procedure and a copy of the appropriate form.

- A. Complaints Against GPA Personnel (Non-Management)
- B. Complaints Against GPA Personnel (Management)
- C. Complaints of Discrimination Against Individuals
- D. Complaints Concerning Programs and Programmatic Discrimination

Hopefully, this guide will be helpful. Please contact the GPA Central Administration Office for any questions regarding this document.

**A. COMPLAINTS CONCERNING GPA PERSONNEL (Non-Management)**

This procedure is to guide students, parents, and patrons in their complaints against GPA employees. This procedure is not to be used by employees to resolve complaints against other employees. Such complaints should be directed to their supervisor, the supervisor of the respondent, or resolved according to terms of contract.

The normal channel for complaints by patrons concerning GPA personnel (non-management) is as follows:

- 1. To employee
- 2. To site administrator or supervisor
- 3. To the Charter School Superintendent (“CSS”)

Every effort will be made to resolve the matter informally at the earliest possible stage. Complaints not resolved by employee or site administrator will be submitted formally in writing (utilizing designated form – Formal Complaint Against GPA Personnel) to the CSS for further processing.

Complainants must initiate resolution of the complaint, either informally or formally, within thirty (30) days of the events triggering the complaints. If the attempts at informal resolution are unsuccessful, the complainant must file a formal complaint within 30 days of the informal conference. Failure to meet these timelines may result in dismissal of the complaint.

Complaints that are unresolved by the site administrator or supervisor may be referred to the CSS.

The CSS shall receive a written report concerning the complaint from the site administrator or supervisor. Such written report shall include, but is not limited to, the following:

1. Name of the employee involved;
2. A brief but specific summary of the nature of the complaint and the facts surrounding same, sufficient to inform the CSS as to the precise nature of the complaint;
3. A true copy or the signed original of the complaint;
4. A summary of the action taken by the site administrator or supervisor, in connection with the complaint and his/her specific findings.

The CSS may decide whether to hear the complaint in person, assign a designee to hear the complaint, to act on the basis of the written report, or to allow the decision of the site administrator or supervisor to stand. The CSS or his/her designee shall reply to the complainant(s) within fifteen (15) days of receipt of the written report.

The GPA Central Administration Office shall cooperate with the parties involved so as to quickly and easily meet the requirements of these policies and procedures.

#### **B. COMPLAINTS AGAINST GPA PERSONNEL (Management)**

Ideally, when parents or patrons have complaints concerning management personnel, such complaints are to be presented initially to the manager who is the subject of the complaint. If unresolved at this level, the complaint may be processed by the complainant through the chain of command until solution is reached.

The chain of command is from site administrator/leader to Personnel Director to CSS. If the complaint has been unresolved at the first two stages, it is referred to the CSS.

Every effort will be made to resolve the matter informally at the earliest possible stage. Complaints not resolved at the site/department may be submitted by the complainant (utilizing designated form – Complaint Against GPA Personnel) to the appropriate Central Office administrator for further processing. If considered appropriate, the Personnel Director or CSS designee will become involved in the matter at this level.

Complainants must initiate resolution of the complaint either informally or formally, within thirty (30) days of the events triggering the complaint. If the attempts at informal resolution are unsuccessful, the complainant must file a formal complaint within thirty (30) days of the informal conference. Failure to meet these timelines may result in dismissal of the complaint. The manager involved shall be advised of the nature of the complaint, shall receive a copy of the complaint when applicable, and shall be given every opportunity to explain, comment, and make presentations of the facts as he/she sees them.

Timelines for informal and formal resolution of the complaint are as follows:

- Within five (5) working days of receipt of the complaint by a manager
- Within ten (10) working days of receipt of the Formal Complaint Form

Complaints that are unresolved by the Personnel Director or CSS designee may be referred to the CSS.

The CSS shall receive a written report concerning the complaint. Such written report shall include, but not be limited to, the following:

1. Name of the employee involved;
2. A brief but specific summary of the nature of the complaint and the facts surrounding same, sufficient to inform the CSS as to the precise nature of the complaint;
3. A true copy of the signed original of the complaint;
4. A summary of the findings and actions taken in the preceding steps. The CSS may decide whether to hear the complaint in person, to act on the basis of the written report, or to allow the decision of his/her designee or Personnel Director to stand.

The CSS shall reply to the complainant(s) within fifteen (15) days of receipt of the written report.

The GPA Central Administration Office shall cooperate with the parties involved so as to quickly and easily meet the requirements of these policies and procedures.

### **C. COMPLAINTS OF DISCRIMINATION**

#### **1. Nondiscrimination Philosophy and Policy Statement**

GPA is an equal opportunity employer and is committed to an active Nondiscrimination Program. It is the stated policy of GPA that harassment is prohibited and that all employees and applicants shall receive equal consideration and treatment. All recruitment, hiring, placements, transfers, and promotions will be based on the basis of qualifications of the individual for the positions being filled regardless of **Race/Color, National Origin, Ancestry, Sex/Gender, Sexual Orientation, Pregnancy, Citizenship, Marital Status, Age, Religion, Disability, Medical Condition, Whistleblower, or Military Service.**

To achieve the goals of our Nondiscrimination Program, it is necessary that each member of GPA understand the importance of the program and his or her individual responsibility to contribute toward its maximum fulfillment. Each employee of GPA making decisions affecting employment shall fully comply with GPA's nondiscrimination policy.

The following procedures shall apply in handling discrimination complaints filed by persons against GPA.

#### **2. Definitions**

In the implementation of this procedure, the following definitions shall pertain:

1. **Complaint** – Any allegation by an employee or applicant for employment of a violation, misapplication, or misinterpretation of written GPA employment policies and/or procedures resulting in adverse conditions personally affecting the employee, and that such treatment was based on race, ancestry, national origin, color, sex, religion, physical disability, and/or age (over 40). Other employer-employee relations' matters for which a specified method of review is prescribed by law or within a negotiated agreement are not within the scope of this procedure.
2. **Complainant** – The employee or applicant for employment filing the complaint.
3. **Workday** - A day when the administration center of GPA is open for business.

#### **3. General Provisions**

1. All parties need to recognize their mutual responsibilities to secure, at the lowest possible administrative level, prompt and equitable solutions to a complaint and to agree that these proceedings shall be as informal and confidential as possible.
2. A complaint must be initiated within thirty (30) workdays after the alleged age or condition giving rise to the occurrence of the complaint.
3. The administrator will establish a meeting within the limits described in this procedure.

4. All parties involved in allegations of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The complainant also shall be notified of his/her right to appeal the decision to the next level.
5. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.

#### **4. Level I**

The complainant will first meet informally with his/her immediate supervisor or site administrator. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the supervisor or site administrator shall prepare, within ten (10) working days, a written summary of his/her meeting(s) with the complainant. This report shall be available when requested by the Director of Human Resources or the CSS.

An applicant for employment shall present his/her complaint at Level II.

#### **5. Level II**

If a complaint cannot be satisfactorily resolved at Level I, the complainant shall submit his/her complaint in writing on the GPA form designated for complaints regarding discrimination, and present it to the Director of Human Resources, describing specifically the time, place, nature, and participants of the alleged discriminatory acts or policies. The Director of Human Resources or a designee of the CSS shall assist the complainant with this writing if such help is needed. The Director of Human Resources or designee of the CSS will respond to the complainant in writing within fifteen (15) working days.

The Director of Human Resources or the designee of the CSS shall conduct any investigation necessary to respond to the complaint, including discussion with the complainant, person(s) involved, and appropriate staff members, and review of the supervisor/site administrator's report and all other relevant documents. If a response from third parties is necessary, the Director of Human Resources or designee of the CSS may designate up to ten (10) additional working days for investigation of the complaint. With the complainant's consent, an additional period of time may be allowed for resolution of the complaint. Every reasonable effort will be made to resolve the problem in a manner acceptable to all parties. Complaint forms will be available from the Personnel office.

#### **6. Level III**

If the problem cannot be resolved at the second level, the complainant shall have the right to present the complaint to the CSS or a designee (different individual from the one referred to in Level II), following the same procedures as in Level II.

#### **7. Level IV**

If the matter cannot be resolved at the third level, the complainant may request a hearing before the Board of Directors. Any such request must be made in writing within twenty (20) days after receiving the CSS's or designee's decision. The Board may grant the hearing request for the next regular Board meeting for which it can be placed on the agenda. If the Board elects to hear the case, the Board shall hear all information relevant to the complaint and shall render its decision within fifteen (15) working days.

#### **8. Alternate Steps**

The existence of this complaint procedure does not effect the right of any individual or group to file a complaint with the Equal Employment Opportunity Commission (EEOC).

**9. Civil Law Remedies** Persons who have filed a complaint with an educational institution are advised that civil law remedies, including, but not limited to, injunctions, restraining orders, or other orders may also be available to them.

The U.S. Department of Education, Office for Civil Rights, enforces compliance with Section 504, the ADA, and Title IX and may be contacted for assistance with compliance relating to these laws and their regulations. The EEOC is an agency that enforces compliance with federal laws and regulations protecting individuals from employment discrimination and may be contacted for assistance with complaints of employment discrimination.

**D. COMPLAINTS CONCERNING SPECIAL PROGRAMS AND SERVICES AND ALLEGATIONS OF DISCRIMINATION IN ALL PROGRAMS AND SERVICES**

GPA recognizes that all programs and services must be administered in full compliance with state and federal laws and regulations governing such program and as applicable to charter schools. These programs and services include:

- Special Education Program
- National School Lunch Program

Additionally, the Board of Directors expects that all GPA programs and services shall be free from discrimination with respect to gender, race, color, religion, national origin, ethnic group, marital or parental status, and physical or mental disability.

All complaints alleging violation of state or federal law or regulations governing the programs or services listed above, or complaints of alleged unlawful discrimination brought by students, employees, parents/guardians, or other members of the community will be resolved in a prompt and equitable manner.

GPA will investigate and seek to resolve complaints at the local level and will follow Uniform Complaint Procedures when addressing complaints alleging unlawful discrimination or failure to comply with the law in the programs and services listed above.

The Board of Directors prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in complaint procedures. The Board acknowledges and respects students and employee rights to privacy and all complaints shall be investigated in a manner that protects these rights.

- The CSS will designate staff members to receive complaints, investigate complaints and ensure compliance with the state and federal laws and regulations governing the programs listed above. Designated staff members will be responsible for complaint resolution, and will annually notify parents, employees, students, and other interested parties of the Uniform Complaint Procedures, including the opportunity to appeal GPA's decision to any civil law remedies that may be available.

**1. Uniform Complaint Procedures**

Any individual, public agency, or organization may file a written complaint of alleged noncompliance with the office of the CSS. The CSS will forward the complaint to the director of the program or the appropriate administrator. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, GPA staff shall help him/her to file the complaint.

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.

Unlawful discrimination is prohibited by the following Federal statutes:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin;
- Title IX of the Educational Amendments of 1972, which prohibits discrimination on the basis of sex in educational programs;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability;
- The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age; and
- Title II of the American with Disabilities Act of 1990, which prohibits discrimination on the basis of disability.

Any individual, public agency, or organization may also file a complaint with the applicable official entities.

## **2. Appropriate Investigation of Complaint**

The director or the site administrator shall hold an investigative meeting no later than 10 calendar days of receiving the complaint. This meeting will provide an opportunity for the complainant and/or his/her representative and GPA's representatives to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other. To ensure that all pertinent facts are made available, the site administrator and the complainant may ask other individuals to attend this meeting to provide additional information.

## **3. Written Decision**

Within twenty (20) calendar days of receiving the complaint, the appropriate director or administrator shall send to the complainant a written report of GPA's investigation and decision, including:

1. The findings and disposition of the complaint, including corrective actions, if any.
2. The rationale for the above disposition.
3. Notice of the complainant's right to appeal the decision to the CSS.

## **4. Appeal to the CSS**

If a complainant is dissatisfied with the director's or site administrator's decision, he/she may, within five (5) calendar days, forward the written complaint to the CSS. Within five calendar days of receiving the complaint, the CSS shall discuss with the complainant the possibility of using mediation or shall attempt to resolve the issue by administrative review. If all parties agree to mediation, the CSS shall make all arrangements for this process.

If the mediation process or the administrative review do not resolve the problem, within ten (10) calendar days, the CSS will send the complainant a written report of the decision, including:

1. The findings and disposition of the complaint, including corrective actions, if any.
2. The rationale for the above disposition.
3. Notice of the complainant's right to appeal the decision to the Board of Directors.

## **5. Appeal to the Board of Directors**

If the mediation process or administrative review does not resolve the problem, the complainant may appeal to the Board of Directors. This complaint shall be forwarded to the CSS within five calendar days after the termination of mediation or administrative review. The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened to meet the sixty (60) calendar day limit with which the complaint must be answered. The Board may decide not to hear the written decision. If the Board hears the complaint, the CSS shall send the Board's decision to the complainant within sixty (60) days of GPA's initially receiving the complaint or within an extended time period that has been specified in a written agreement with the complainant.

**DATE GPA ADMINISTRATIVE PROCEDURE ADOPTED BY THE BOARD: MAY 2, 2002**

**FIRST REVISION ADOPTED BY THE BOARD: AUGUST 5, 2010**