

Policy 5145.3: Nondiscrimination/Harassment

Status: ADOPTED

Original Adopted Date: 11/18/2024 | **Last Reviewed Date:** 11/18/2024

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a district school, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

Because unlawful discrimination may occur when disciplining students, including suspension and expulsion, the Superintendent or designee shall ensure that staff enforce discipline rules fairly, consistently and in a non-discriminatory manner, as specified in Board Policy and Administrative Regulation 5144 - Discipline, Board Policy and Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process (Students With Disabilities).

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the

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district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. (Education Code 234.1, 234.6)

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

All allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures.

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

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The district designates the individual(s) identified below as the Compliance Officer(s). The employee(s) is responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the Compliance Officer(s) specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination of a student, and the Title IX Coordinator specified in Administrative Regulation 5145.7 - Sex Discrimination and Sex-Based Harassment as the responsible employee to handle complaints alleging unlawful sex discrimination and sex-based harassment, as permitted by law. The Compliance Officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Stephanie Yang, Ed.D.
Director, Educational Services
Tustin Unified School District 300 South C Street
Tustin, CA 92780
714-730-7301 Ext. 51368
sang@tustin.k12.ca.us

In addition to the district level compliance officer, complainants may also contact their school site principal to file a uniform complaint.

School Compliance Officers - Elementary Schools:

Agnes Vasquez, Principal Arroyo Elementary School 11112 Coronel Rd. Santa Ana, CA 92705 (714) 730-7381 avasquez@tustin.k12.ca.us	Rena Fairchild, Principal Loma Vista Elementary School 13822 Prospect Ave. Santa Ana, CA 92705 (714) 730-7528 rfairchild@tustin.k12.ca.us
Jaclyn Spangler, Principal Benson Elementary School 12712 Elizabeth Way Tustin, CA 92780 (714) 730-7531 jspangler@tustin.k12.ca.us	Lauren Steinmann, Principal Myford Elementary School 3181 Trevino Dr. Irvine, CA 92602 (714) 734-1875 lsteinmann@tustin.k12.ca.us
Ray Hernandez, Principal Beswick Elementary School 1362 Mitchell Ave. Tustin, CA 92780 (714)730-7385 rhernandez@tustin.k12.ca.us	Ashly Mcnamara, Principal Ladera Elementary School 2515 Rawlings Way Tustin, CA 92782 (714)730-7505 amcnamara@tustin.k12.ca.us
Amanda Heineman, Principal Estock Elementary School 14741 North B Street	Shannon James-Olsen, Principal Nelson Elementary School 14392 Browning Ave.

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Tustin, CA 92780 (714)730-7390 aheineman@tustin.k12.ca.us		Tustin, CA 92780 (714) 730-7536 sjamesolsen@tustin.k12.ca.us
Dustin O'Malley, Principal Guin Foss Elementary School 18492 Vanderlip Ave. Santa Ana, CA 92705 (714)730-7552 domalley@tustin.k12.ca.us		Kristi Andre, Principal Peters Canyon Elementary School 26900 Peters Canyon Rd. Tustin, CA 92782 (714)730-7540 kandre@tustin.k12.ca.us
Deanna Parks, Principal Heideman Elementary School 15571 Williams St. Tustin, CA 92780 (714)730-7521 dparks@tustin.k12.ca.us		Teri Malpass, Principal Red Hill Elementary School 11911 Red Hill Ave. Santa Ana, CA 92705 (714)730-7543 tmalpass@tustin.k12.ca.us
Courtney Smith, Principal Heritage Elementary School 15400 Lansdowne Rd. Tustin, CA 92782 (714)430-2066 csmith@tustin.k12.ca.us		Brooke Carreras, Principal Tustin Memorial Academy 12712 Browning Ave. Santa Ana, CA 92705 (714)730-7546 bcarreras@tustin.k12.ca.us
Deena Vela, Principal Hicks Canyon Elementary School 3817 Viewpark Ave. Irvine, CA 92602 (714)734-1878 dvela@tustin.k12.ca.us		Kathi Denny, Principal Tustin Ranch Elementary School 12950 Robinson Dr. Tustin, CA 92782 (714)730-7580 kdenny@tustin.k12.ca.us

School Compliance Officers - Middle Schools and K - 8 Schools:

Megan Galindo, Principal Columbus Tustin Middle School 17952 Beneta Way Tustin, CA 92780 (714)730-7352 mgalindo@tustin.k12.ca.us		Eric Kilian, Principal Orchard Hills School 11555 Culver Dr. Irvine, CA 92602 (714) 430-2078 ekilian@tustin.k12.ca.us
Estela Salas-Sarmiento, Co-Principal Yaneli Rivera, Co-Principal Sycamore Magnet Academy 1402 Sycamore Ave. Tustin, CA 92780 (714) 730-7360 esalassarmiento@tustin.k12.ca.us yrivera@tustin.k12.ca.us		Brett D'Errico, Principal Pioneer Middle School 2700 Pioneer Road Tustin, CA 92782 (714) 730-7534 bderrico@tustin.k12.ca.us

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Sahra Tanikawa, Principal Hewes Middle School 13232 Hewes Ave. Santa Ana, CA 92705 (714) 730-7348 stanikawa@tustin.k12.ca.us	Kristin Hartloff, Principal Utt Middle School 13601 Browning Ave. Tustin, CA 92780 (714) 730-7573 khartloff@tustin.k12.ca.us
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School Compliance Officers - High Schools and 6-12 Schools:

Donnie Rafter, Principal Beckman High School 3588 Bryan Ave. Irvine, CA 92602 (714) 734-2900 drafter@tustin.k12.ca.us	Tim O'Donoghue, Principal Hillview High School 1701 San Juan St. Tustin, CA 92780 (714) 730-7356 todonoghue@tustin.k12.ca.us
Michelle Villa, Principal Foothill High School 119251 Dodge Ave. Santa Ana, CA 92705 (714) 730-7464 mvilla@tustin.k12.ca.us	Heather Bojorquez, Principal Tustin High School 1171 El Camino Real Tustin, CA 92780 (714) 730-7414 hbojorquez@tustin.k12.ca.us

School Compliance Officers - Alternative Schools, Adult School, and School Readiness Programs

Erick Fineberg, Principal Tustin Connect K- 8 14741 North B Street Tustin, CA 92780 (714) 430-2052 efineberg@tustin.k12.ca.us	Erick Fineberg, Principal Tustin Connect High School 1151 San Juan St. Tustin, CA 92780 (714) 430-2052 efineberg@tustin.k12.ca.us
William Nedderson, Coordinator Adult Education 1701 San Juan Street Tustin, CA 92780 (714) 730-7395 wneddersen@tustin.k12.ca.us	Lauralee Cabibi, Principal School Readiness Programs 1151 San Juan St. Tustin, CA 92780 (714) 730-7592 lcabibi@tustin.k12.ca.us

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the Compliance Officer's contact information, to students, parents/guardians,

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employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications

2. Post the district's policies and procedures prohibiting discrimination, harassment, student sex-based harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.1, 234.6)
3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
4. Post in a prominent location on the district website in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex; sex characteristics; sexual orientation; gender; gender identity; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and parental, marital, and family status, including the following: (Education Code 221.6, 221.61, 234.6)
 - a. The name and contact information of the district's Title IX Coordinator, including the phone number and email address
 - b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the websites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
 - c. A description of how to file a complaint of noncompliance under Title IX, which shall include:
 - i. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
 - ii. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on OCR's website

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- iii. A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
 - d. A link to the Title IX information included on the California Department of Education's (CDE) website
 5. By April 1, 2025, post CDE's standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form to the district (Education Code 33353)
 6. Post in a prominent location on the district's website and include in each handbook, catalog, announcement, bulletin, and application form for students, parents/guardians or other authorized legal representative, and employees, the Title IX notice of nondiscrimination which includes the following: (34 CFR 106.8)
 - a. The district does not discriminate on the basis of sex in any education program or activity that it operates
 - b. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or OCR
 - c. The name or title, office and email address, and telephone number of the district's Title IX Coordinator
 - d. How to locate the district's nondiscrimination policy and the district's grievance procedures for Title IX complaints
 - e. How to report conduct that may constitute sex discrimination under Title IX
 - f. How to make a complaint of Title IX sex discrimination

If necessary due to the format or size of any publication specified above, the district may include only the statement that the district prohibits sex discrimination in any education program or activity that it operates, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the complete notice on the district's website.

The district shall not distribute a publication stating that the district treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.

7. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based

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discrimination, harassment, intimidation, or bullying and to their families (Education Code 234.5)

Such resources shall be posted in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

8. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior
9. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students

The notice shall inform students and parents/guardians that they may request to meet with the Compliance Officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

10. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

11. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them

Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students.

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12. Provide to certificated employees serving students in grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying on the basis of any of the actual or perceived characteristics in Penal Code 422.55, including immigration status; Education Code 220; and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation; or association with a person or group with one or more of these actual or perceived characteristics (Education Code 234.1)
13. For the 2025-2026 school year through the 2029-2030 school year, provide annually to certificated employees serving students in grades 7-12 at least one hour of training to support LGBTQ+ cultural competency in accordance with Education Code 218.3
14. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so (Education Code 234.1)
15. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights

Process for Initiating and Responding to Complaints

Students who feel that they have been subjected to unlawful discrimination described above or in district policy are strongly encouraged to immediately contact the Compliance Officer, Title IX Coordinator, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the Compliance Officer, Title IX Coordinator, or principal, regardless of whether the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the Compliance Officer, Title IX Coordinator, or principal within one workday, regardless of whether the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal, Compliance Officer, or Title IX Coordinator, the principal, Compliance officer, or Title IX Coordinator shall notify the student or parent/guardian of the right to file a formal complaint in accordance with Administrative Regulation 1312.3 - Uniform Complaint Procedures or, for complaints of sex discrimination, including sex-

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based harassment, the right to initiate the Title IX grievance procedures as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. Once notified verbally or in writing, the Compliance Officer or Title IX Coordinator shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, Compliance Officer, Title IX Coordinator, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

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District Compliance Officers

The District designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints, and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 Nondiscrimination/Harassment, responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying, in AR 5145.7 - Sexual Harassment, for handling complaints regarding sexual harassment, and in BP 6164.6 - Identification and Education Under Section 504.

District Lead Compliance Officer(s) for discrimination, harassment, intimidation, bullying, sexual harassment, and Section 504:

District Lead Compliance Officer(s) for Equity Compliance (UCP - discrimination, harassment, intimidation)

Stephanie Yang, Ed.D.

Director, Educational Services

Tustin Unified School District 300 South C Street

Tustin, CA 92780

714-730-7301 Ext. 51368

syang@tustin.k12.ca.us

District Lead Compliance Officer(s) for Title IX (Student Against Student Sexual Harassment Complaints)

Stephanie Yang, Ed.D.

Director, Educational Services

Tustin Unified School District 300 South C Street

Tustin, CA 92780

714-730-7301 Ext. 51368

syang@tustin.k12.ca.us

District Lead Compliance Officer(s) for Title IX (Sexual Harassment Complaints Against Employees)

Rafael Plascencia

Director, Personnel Services

Tustin Unified School District 300 South C Street

Tustin, CA 92780

714-730-7301 Ext. 51328

rplascencia@tustin.k12.ca.us

District Lead Compliance Officer(s) for Bullying

Laura Rubio, Ed.D.

Director, Student Services

Tustin Unified School District 300 South C Street

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Tustin, CA 92780
714-730-7301 Ext. 51326
lrubio@tustin.k12.ca.us

District Section 504 Coordinator
Michelle Everitt
Coordinator, Student Services
Tustin Unified School District 300 South C Street
Tustin, CA 92780
714-730-7301 Ext. 51326
lrubio@tustin.k12.ca.us

Except as may otherwise be specifically provided in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying Board policy.

Compliance Officers

The district designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in Administrative Regulation 5145.7 - Sex Discrimination and Sex-Based Harassment for handling complaints regarding sex discrimination and sex-based harassment.

UCP Compliance Officer
Stephanie Yang, Ed.D.
Director of Educational Services
Tustin Unified School District
300 South C Street, CA 92780
(714)731-7301 ext. 51368
sang@tustin.12.ca.us

In addition to the district level compliance officer, complainants may also contact their school site principal to file a uniform complaint.

School Compliance Officers - Elementary Schools:

Agnes Vasquez, Principal Arroyo Elementary School 11112 Coronel Rd. Santa Ana, CA 92705 (714) 730-7381 avasquez@tustin.k12.ca.us	Rena Fairchild, Principal Loma Vista Elementary School 13822 Prospect Ave. Santa Ana, CA 92705 (714) 730-7528 rfairchild@tustin.k12.ca.us
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<p>Ray Hernandez, Principal Beswick Elementary School 1362 Mitchell Ave. Tustin, CA 92780 (714)730-7385 rhernandez@tustin.k12.ca.us</p>	<p>Ashly Mcnamara, Principal Ladera Elementary School 2515 Rawlings Way Tustin, CA 92782 (714)730-7505 amcnamara@tustin.k12.ca.us</p>
<p>Amanda Heineman, Principal Estock Elementary School 14741 North B Street Tustin, CA 92780 (714)730-7390 aheineman@tustin.k12.ca.us</p>	<p>Shannon James-Olsen, Principal Nelson Elementary School 14392 Browning Ave. Tustin, CA 92780 (714) 730-7536 sjamesolsen@tustin.k12.ca.us</p>
<p>Dustin O'Malley, Principal Guin Foss Elementary School 18492 Vanderlip Ave. Santa Ana, CA 92705 (714)730-7552 domalley@tustin.k12.ca.us</p>	<p>Kristi Andre, Principal Peters Canyon Elementary School 26900 Peters Canyon Rd. Tustin, CA 92782 (714)730-7540 kandre@tustin.k12.ca.us</p>
<p>Deanna Parks, Principal Heideman Elementary School 15571 Williams St. Tustin, CA 92780 (714)730-7521 dparks@tustin.k12.ca.us</p>	<p>Teri Malpass, Principal Red Hill Elementary School 11911 Red Hill Ave. Santa Ana, CA 92705 (714)730-7543 tmalpass@tustin.k12.ca.us</p>
<p>Courtney Smith, Principal Heritage Elementary School 15400 Lansdowne Rd. Tustin, CA 92782 (714)430-2066 csmith@tustin.k12.ca.us</p>	<p>Brooke Carreras, Principal Tustin Memorial Academy 12712 Browning Ave. Santa Ana, CA 92705 (714)730-7546 bcarreras@tustin.k12.ca.us</p>
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Estela Salas-Sarmiento, Co-Principal Yaneli Rivera, Co-Principal Sycamore Magnet Academy 1402 Sycamore Ave. Tustin, CA 92780 (714) 730-7360 esalassarmiento@tustin.k12.ca.us yrivera@tustin.k12.ca.us	Brett D'Errico, Principal Pioneer Middle School 2700 Pioneer Road Tustin, CA 92782 (714) 730-7534 bderrico@tustin.k12.ca.us
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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 and respondent if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee 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. Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

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The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, students experiencing homelessness, children of military families, former juvenile court school students now enrolled in the district, students who are migratory, and students participating in a newcomer program as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30

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calendar days of receiving the district's decision

10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable

11. A statement that copies of the district's UCP are available free of charge
The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.6 shall be posted on the district and district school websites and may be provided through district-supported social media, if available.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's UCP policy, regulation, forms, and notices shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

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. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4600)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or

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with the Superintendent or designee.

3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that 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)
6. When a complaint alleging unlawful discrimination, 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.
7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim 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.

Mediation

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination,

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harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all 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 an 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 upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

The compliance officer shall begin an investigation into the complaint within 10 business days of receiving the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or 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 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. The compliance officer 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. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), 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, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding

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based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Investigation Report

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.

Investigation Report

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

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For complaints alleging unlawful discrimination, harassment, intimidation, or bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

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1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the

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district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures
2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law
3. The material findings of fact in the district's investigation report are not supported by substantial evidence
4. The legal conclusion in the district's investigation report is inconsistent with the law
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

Health and Safety Complaints in License-Exempt Preschool Programs

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements

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of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from the CDE website. (Education Code 8212; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8212; 5 CCR 4692)

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

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On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent. (5 CCR 4693)



Tustin Unified School District
UNIFORM COMPLAINT FORM

APPENDIX A
1312.3

DATE: _____
Name(s) _____
Address _____ Zip Code _____
Telephone (Home) _____ Email _____
School: _____

TYPE OF UNIFORM COMPLAINT (Please check below):

1. _____ A violation of federal or state law or regulation governing the following program(s):

- Accommodations for pregnant, lactating and parenting students (Ed. Code 222, 46015)
- Adult Education (Ed. Code 8500-8538, 52334.7, 52500-52617)
- After School Education and Safety (Ed. Code 8482-8484.65)
- Career Technical Education (Ed. Code 52300 – 52462)
- Child Care and Development (Ed. Code 8200-8488)
- Compensatory Education (Ed. Code 54400)
- Consolidated Categorical Aid / School Plan for Student Achievement (Ed. Code 33315, 64001; 35 CFR 299.10 – 299.12)
- Course Periods without Educational Content (Ed. Code 51228.1 – 51228.3)
- Every Student Succeeds Act - ESSA (Ed. Code 52059.5; 20 USC 6301 et seq.)
- Foster Youth (Ed. Code Sections 48853, 48853.5, 49069.5, 51225.1, 51225.2)
- Homeless Students (Ed. Code Sections 51225.1 and 51225.2)
- Local Control and Accountability Plan (Ed. Code 52075)
- Migrant Education (Ed. Code 54440-54445)
- Military Family Students Education (Ed. Code Section 49701)
- Physical Education, instructional minutes (Ed. Code 51210, 51222, 51223)
- Regional Occupational Centers and Programs (Ed. Code 52300 – 52334.7)
- School Safety Plans (Ed. Code 32280 – 32289)
- School Site Council (Ed. Code 65000)
- State Preschool (Ed. Code 8207 – 8225)
- Student Fees (Ed. Code 49010 – 49013)

2. _____ Discrimination, harassment (including sexual harassment), intimidation, or bullying against any protected group based on the person’s actual or perceived characteristics of:

- | | |
|---|--|
| <input type="checkbox"/> Race or ethnicity | <input type="checkbox"/> Marital or parental status |
| <input type="checkbox"/> Color | <input type="checkbox"/> Medical condition |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Physical or mental disability |
| <input type="checkbox"/> Nationality | <input type="checkbox"/> Sex |
| <input type="checkbox"/> National origin | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> Ethnic group identification | <input type="checkbox"/> Gender |
| <input type="checkbox"/> Age | <input type="checkbox"/> Gender identity |
| <input type="checkbox"/> Genetic Information | <input type="checkbox"/> Gender expression |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Immigration status |
| <input type="checkbox"/> Association of a person or group with one or more of these actual or perceived characteristics | <input type="checkbox"/> Pregnancy |

- Please check if this is a complaint concerning **sexual harassment**.
- Please check if this is a complaint concerning **bullying**.

- 3. _____ **Education and graduation rights of students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students and immigrant students participating in a newcomer program. (Ed. Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)**
- 4. _____ **Retaliation against a complainant or other participant in the complaint process**

NATURE OF COMPLAINT. (This should be a description in your own words of the grounds of your complaint, including names of individuals involved, dates, events, locations, and witnesses necessary for a complete understanding of your complaint. Attach additional sheets, if necessary):

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

Has the complaint been **discussed** with the employee and/or immediate supervisor named in the complaint (if applicable)? Yes No

If so, with whom have you spoken? _____ Date: _____

What was the **result** of the discussion?

What **solution or remedy** are you seeking?

I understand that the District may request further information about this matter, and if such information is available, I agree to present it upon request. I also understand that a copy of this complaint may be given to the employee or supervisor against whom the complaint is made (if applicable). I acknowledge that the District prohibits retaliation or harassment against any individual or the child of a parent who submits a complaint.

Signature of Person Filing Complaint

Date

For Uniform Complaints regarding **student-to-student sexual harassment or bullying**, please return this form to the **School Principal**.

For all other Uniform Complaints, please return this form to:

Director, Educational Services
Tustin Unified School District
300 South C Street
Tustin, CA 92780

=====

FOR OFFICE USE ONLY:

Received by: _____ Date Filed: _____

Title: _____