

Community Relations

UNIFORM COMPLAINT PROCEDURES

Compliance Officer

The Governing Board designates the following compliance officer to receive and investigate complaints and to ensure district compliance with law:

Deputy Superintendent
5860 Labath Ave.
Rohnert Park, CA 94928
(707) 792-4714

The Superintendent or designee shall ensure that the employee designated to investigate complaints is knowledgeable about the laws and programs for which he/she is responsible. Such employee may have access to legal counsel as determined by the Superintendent or designee.

Notifications

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures in the following manner:

- To employees in the employee handbook
- To students in student handbooks or other publications
- To parents in the school information packet
- To members of district and site advisory committees at a meeting
- To appropriate private school officials by First Class Mail
- To adult school students with the enrollment form
- To other interested parties, upon request, by First Class Mail

All copies of the district's uniform complaint procedures shall be provided free of charge.

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. The compliance officer shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4632.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the district.

A person who alleges that he/she personally suffered unlawful discrimination or a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination may file complaints alleging 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.

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 complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint.

Step 2: Mediation

Within five days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

Step 3: Investigation of Complaint

As soon as practical following the receipt of the complaint or following an unsuccessful attempt to mediate the complaint, the Compliance Officer will convene a meeting to investigate the complaint. The complainant and/or his/her representative and the district's representatives shall 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.

To ensure that all pertinent facts are made available, the compliance officer and the complainant may ask other individuals to attend this meeting and provide additional information.

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

The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

Step 4: Response

Unless extended by written agreement with the complainant, 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, within 60 days of the district's receipt of the complaint.

Step 5: Final Written Decision

The report of the district's decision shall be in writing and sent to the complainant.

The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district shall arrange a meeting at which a community member will interpret it for the complainant.

The decision shall include:

1. The findings of fact based on the evidence gathered
2. The conclusion (s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. A statement detailing the Board's prohibition of retaliation.
7. Notice of the complainant's right to appeal the district's decision within 15 days to the California Department of Education and procedures to be followed for initiating such an appeal
8. For discrimination complaints, notice that the 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.

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

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.

When appealing to the California Department of Education, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision.

Upon notification by the California Department of Education that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the California Department of Education.

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. 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
5. A report of any action taken to resolve the complaint
6. A copy of the district's complaint procedures
7. Other relevant information requested by the California Department of Education

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. 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 in accordance with 5 CCR 4622.

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 12-12-06

COTATI-ROHNERT PARK
 UNIFIED SCHOOL DISTRICT