

## **Community Relations**

### **UNIFORM COMPLAINT PROCEDURES**

These uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.3 - Nondiscrimination/Harassment/Intimidation/Bullying)

(cf. 5131.2 - Bullying)

#### **Legal Compliance Specialist**

The following individual is responsible for receiving complaints subject to these procedures, including Title IX complaints, coordinating the district's response to complaints, and ensuring the district's compliance with state and federal civil rights laws:

Legal Compliance Specialist  
Human Resources Department  
9510 Elk Grove-Florin Road  
Elk Grove, CA 95624  
(916) 686-7795  
[legalcompliance@egusd.net](mailto:legalcompliance@egusd.net)

The Legal Compliance Specialist will coordinate efforts to address each complaint in a manner consistent with the procedures stated herein. The Legal Compliance Specialist may designate a qualified individual, including a site administrator, to investigate and resolve the complaint. The Legal Compliance Specialist and/or designee shall ensure the complainant understands who is responsible for investigating or otherwise resolving their complaint.

In no instance shall the Legal Compliance Specialist be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint that is made against the Legal Compliance Specialist or that raises a concern about the Legal Compliance Specialist's ability to investigate the complaint fairly and without bias may be filed with the Superintendent or designee who shall determine how the complaint will be investigated or otherwise processed.

The Superintendent, Legal Compliance Specialist 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, sexual harassment or related retaliation, applicable standards for

**UNIFORM COMPLAINT PROCEDURES** (continued)

reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent, the Legal Compliance Specialist or designee.

**Interim Measures**

The Legal Compliance Specialist or designee, in consultation with the Legal Compliance Specialist, as necessary, shall determine whether interim measures are necessary during and pending the result of an investigation to stop the alleged discrimination and ensure that all students have access to the educational program and a safe school environment. Interim measures will be implemented on a case by case basis and shall be offered to both complainants and respondents, as appropriate. Any interim measures adopted to address unlawful discrimination, sexual harassment or related retaliation shall not, to the extent possible, disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination, sexual harassment or related retaliation. The district will also make every effort to avoid depriving any student, including the respondent, of his/her education in implementing interim measures. The interim measures shall remain in place until the Legal Compliance Specialist or designee determines that they are no longer necessary or until the district issues its final written decision, described below, whichever occurs first.

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.3 - Nondiscrimination/Harassment/Intimidation/Bullying)

(cf. 5131.2 - Bullying)

**Required Statements Regarding Complaint Procedures**

Specific statements summarizing the complaint procedures which are required by the CDE are set forth below.

1. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
2. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
3. A complaint alleging unlawful discrimination (as well as sexual harassment or related retaliation) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, sexual harassment or related retaliation. 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.

**UNIFORM COMPLAINT PROCEDURES** (continued)

4. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.

5. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

6. If the allegation involves unlawful discrimination, sexual harassment or related retaliation, or bullying, and the investigation determines that discrimination has occurred, the district will take steps to prevent recurrence of any discrimination and correct any discriminatory effects on the complainant, and on others, if appropriate.

7. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

8. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

9. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.

10. A foster youth, homeless student, former juvenile court school student, child of a military family, migratory student, or newly arrived immigrant student participating in a "Newcomer Program" who transfers into a district high school or between district high schools shall be notified of the district's responsibility to:

a. Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed

b. Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

c. If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1

**UNIFORM COMPLAINT PROCEDURES (continued)**

11. The complainant has a right to appeal the district's decision to CDE by filing a written appeal within 15 calendar days of receiving the district's decision.

12. The appeal to CDE must include a copy of the complaint filed with the district and a copy of the district's final written decision, described below.

13. Copies of the UCP, the district's annual notifications, complete contact information of the Legal Compliance Specialist, and information related to Title IX as required pursuant to Education Code 221.61 shall be available free of charge and are also available on the District's website at the following link: <http://www.egusd.net/about/district/policiesproceduresnotices/>

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, 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 policy, regulation, forms, and notices concerning the UCP 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 Complaint**

All complaints shall be filed in writing and signed by the complainant. For more information on the processing of oral complaints that allege or express a concern of unlawful discrimination, sexual harassment or related retaliation, see below. Additionally, for any oral complaint concerning bullying see BP 5131.2 – Bullying.

If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, the district shall assist the complainant in the filing of the complaint.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision is made. However, the Legal Compliance Specialist shall keep all complaints or allegations of unlawful discrimination, sexual harassment or related retaliation, and bullying confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process.

The district ensures that complainants are protected from retaliation.

- a. Complaints Alleging Unlawful Discrimination, Sexual Harassment and Bullying

**UNIFORM COMPLAINT PROCEDURES** (continued)

A complaint alleging unlawful discrimination, sexual harassment or related retaliation, bullying, shall be filed no later than six months from the date the alleged unlawful discrimination, sexual harassment or related retaliation occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, sexual harassment or related retaliation. However, the time for filing an unlawful discrimination, sexual harassment or related retaliation complaint may be extended by up to 90 calendar days, by the Superintendent, Legal Compliance Specialist or designee for good cause, upon receipt of written request from the complainant setting forth the reasons for the extension.

The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, sexual harassment or related retaliation, or bullying, or by one who believes an individual or any specific class of individuals has been subjected to unlawful discrimination, sexual harassment or related retaliation, or bullying.

When the complainant or alleged victim (when he/she is not the complainant) of unlawful discrimination, sexual harassment or related retaliation, or bullying, requests confidentiality, the Legal Compliance Specialist shall inform him/her 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.

When a complaint alleging unlawful discrimination, sexual harassment or related retaliation, or bullying is filed anonymously, the Legal Compliance Specialist may pursue an investigation or respond otherwise, as deemed appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

(cf. Bullying- BP 5131.2)

**b. Complaints Alleging Noncompliance with Student Fees and the LCAP**

A pupil fees complaint and/or an LCAP complaint 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 with the Superintendent or designee. Any such complaint shall be filed no later than one year from the date the alleged violation occurred.

**c. Complaints Alleging Violations of Laws or Regulations Regarding Specified Programs**

A complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs,

**UNIFORM COMPLAINT PROCEDURES** (continued)

child nutrition programs, and special education programs may be filed by any individual, public agency, or organization.

**Informal Resolution**

The Legal Compliance Specialist or designee may discuss with all the parties to a complaint the possibility of using informal resolution. However, informal resolution 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 would feel compelled to participate. If the parties voluntarily agree to informal resolution, the Legal Compliance Specialist shall make all arrangements for this process.

Before initiating the informal resolution of a complaint alleging unlawful discrimination, sexual harassment or related retaliation, or bullying, the Legal Compliance Specialist or designee shall ensure that all parties agree to make any involved mediator a party to relevant confidential information. The Legal Compliance Specialist or designee shall also notify all parties of the right to end the informal process at any time.

If the informal resolution process does not resolve the problem within the parameters of law, the Legal Compliance Specialist or designee shall proceed with his/her investigation of the complaint. The use of informal resolution shall extend the district's timelines for investigating and resolving the complaint should the Legal Compliance Specialist or designee determine an extension of time is necessary and reasonable. If informal resolution is unsuccessful, the district shall then continue with subsequent steps specified herein.

**Investigation of Complaint**

During the investigation the complainant and/or the complainant's representative shall be provided an opportunity to present to the Legal Compliance Specialist or designee 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 Legal Compliance Specialist or designee 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 Legal Compliance Specialist or designee shall individually interview all available witnesses with information pertinent to the complaint, as is deemed necessary and appropriate, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the Legal Compliance Specialist or designee shall inform both parties of the status of the investigation.

**UNIFORM COMPLAINT PROCEDURES** (continued)

To investigate a complaint alleging unlawful discrimination, sexual harassment or related retaliation, or bullying, the Legal Compliance Specialist or designee shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations. Similarly, a respondent's refusal to provide the district's with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. Refusal by the district to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage 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.

In accordance with BP 5131.2 – Bullying, if during the investigation it is determined that a complaint is about nondiscriminatory bullying, the Legal Compliance Specialist or designee shall inform the complainant and shall take all necessary actions to resolve the complaint. A Final Written Decision, outlined below, will not be issued.

**Final Written Decision**

A UCP complaint will be investigated and a written report (also known as the Decision) will be issued to the complainant and respondent within 60 calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

Information about the relevant part of the Decision may also be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the Decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, sexual harassment or related retaliation, notice of the district's Decision to the victim shall include information about any sanction to be imposed upon the respondent that relates directly to the victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the Decision shall also be translated into that language. In all

**UNIFORM COMPLAINT PROCEDURES** (continued)

other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

The Decision shall be based on the evidence and will contain the following elements:

1. The findings of fact based on the evidence gathered, which may take into account: witness statements; the relative credibility of individuals involved; how the complaining individual reacted to the incident; any evidence relating to the alleged conduct; past instances of similar conduct by alleged offenders; and past false allegations made by the complainant.
2. The conclusion(s) of law
3. The disposition of the complaint
4. The rationale for such disposition

For complaints of unlawful discrimination, sexual harassment or related retaliation, the disposition of the complaint shall include a determination for each allegation as to whether unlawful discrimination (including bullying based on a protected class), sexual harassment or related retaliation has occurred.

The determination of whether an unlawful hostile environment exists may involve consideration of: the manner in which the misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the relationship between the alleged victim(s) and offender(s); the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

5. Corrective actions, if any are warranted, including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (including bullying based on a protected class), sexual harassment or related retaliation, the decision may, as required by law, include: the corrective actions imposed on the respondent; individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent; and systemic measures the school has taken to eliminate a hostile environment and prevent recurrence.

6. Notice of the complainant's right to appeal the district's Decision to the CDE and procedures to be followed for initiating such an appeal, as detailed below.

**UNIFORM COMPLAINT PROCEDURES** (continued)

An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

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

For complaints alleging unlawful discrimination, sexual harassment or related retaliation, based on state law, the Decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE.
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law.
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](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

**Corrective Actions**

When a complaint is found to have merit, the Legal Compliance Specialist or designee may 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 unlawful discrimination (including bullying based on a protected class), sexual harassment or related retaliation, 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

**UNIFORM COMPLAINT PROCEDURES** (continued)

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
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving unlawful discrimination (including bullying based on a protected class), sexual harassment or related retaliation, appropriate corrective actions that focus on a student respondent may include, but are not limited to, the following:

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 co-curricular 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 unlawful discrimination (including bullying based on a protected class), sexual harassment or related retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

For any complaint involving allegations of unlawful discrimination (including bullying based on a protected class), sexual harassment or related retaliation, regardless of whether the allegations are substantiated, 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 (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

**UNIFORM COMPLAINT PROCEDURES (continued)**

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

If the district finds merit in any other UCP complaint, the district shall provide an appropriate remedy to the affected pupils, parents and guardians, which in the case of pupil fees, also includes reasonable efforts by us to ensure full reimbursement to all affected pupils, parents and guardians subject to procedures established through regulations adopted by the state board.

**Appeals to the California Department of Education**

To appeal the Decision the complainant must file a written appeal within 15 days of receiving the Decision to the CDE. This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of the district's Decision are incorrect and/or the law is misapplied.

The appeal shall be sent with a copy of the locally filed complaint, and a copy of the Decision.

Upon notification by CDE that the complainant has appealed the district's Decision, the Superintendent, Legal Compliance Specialist, or designee shall forward the following documents to CDE:

1. A copy of the original complaint;
2. A copy of the written 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 UCP; and
7. Other relevant information requested by CDE.

**Oral Reporting of Concerns of Unlawful Discrimination**

Any individual who believes that he/she or another student or group has been subjected to unlawful discrimination, sexual harassment or related retaliation, may orally report the alleged unlawful discrimination, sexual harassment or related retaliation to the involved student's teacher (or a teacher of a student in the alleged group), or to the principal, or to the principal's designee

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of the school site where the alleged unlawful discrimination, sexual harassment or related retaliation occurred. If the report of alleged unlawful discrimination, sexual harassment or related retaliation is made to the student's teacher or a teacher of a student in the alleged group, that teacher shall notify the principal of the report. The principal or principal's designee shall, in process of following up on the report, inform the individual making the report of the right to file a written complaint.

Oral reports of unlawful discrimination, sexual harassment or related retaliation involving the student's teacher shall be made to the school site principal or to the school site principal's designee. Oral reports of unlawful discrimination, sexual harassment or related retaliation involving the principal's designee shall be made directly to the school site principal. Oral reports of unlawful discrimination, sexual harassment, or related retaliation involving the principal shall be made directly to the Legal Compliance Specialist.

The district, at its option, may document an oral report of alleged discrimination, sexual harassment or related retaliation in writing for the person making the report to sign. The purpose of this shall be to memorialize the district's understanding of the specific concerns being alleged. This action shall not be interpreted to be the filing of a formal written complaint by the individual making the report, unless so requested by the individual making the report, and the Legal Compliance Specialist or designee shall determine the proper means of processing the report.

The principal/designee shall inform the individual making the report of the resolution options, including the option to file a formal written complaint, which shall be processed in a manner consistent with this policy. If a complainant wishes to file a formal written complaint but is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of a written complaint.

If the individual making the oral report does not want to file a written complaint, does not want to be identified, or does not give names of the perpetrators, the school may still have a duty to respond in some way depending on the seriousness of the allegations and the risk of future harm to the student or others (for example, the notification of other district administration, law enforcement or Child Protective Services). However, the extent to which these concerns can be investigated and/or responded to may be limited given the lack of information made available to the district. A Decision shall be required only for written complaints submitted consistent with this Board Policy 1312.3.

**UNIFORM COMPLAINT PROCEDURES** (continued)

Regulation ELK GROVE UNIFIED SCHOOL DISTRICT

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