



John A. Bowes, Ed.D.
Superintendent

526 B Street ♦ Davis, CA 95616 ♦ (530) 757-5300 ♦ FAX: (530) 757-5323 ♦ www.djUSD.net

UNIFORM COMPLAINT

To be used for any complaint alleging unlawful discrimination/harassment/intimidation/bullying against any student, employee, or other person participating in district programs and activities based on the person’s actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics. A Uniform Complaint is used if the complaint alleges the District failed to comply with state or federal law or regulations governing adult education. After School Education and Safety programs, agricultural vocational education, American Indian education centers and early childhood education program assessments, bilingual education peer assistance and review programs for teachers, career technical and technical education and training programs, childcare and development programs, child nutrition programs, compensatory education, consolidated categorical aid programs, Economic Impact Aid, English Learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and programs, school safety plans, Special Education programs, State Preschool programs, and Tobacco-Use Prevention Education programs. In addition any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP will be investigated as a Uniform Complaint.

Name of person filing the complaint: _____ Date: _____

Address: _____ Phone #: _____ Email: _____

The person making the complaint is a: Staff Member Parent Student Community Member

A. Statement of the problem: (Please be as detailed as possible and include facts such as names, dates, times, location, witnesses, etc. Attach additional pages if necessary.)

B. What do you want to happen as a result of your complaint?

C. The District wants to use restorative practice measures and mediation to resolve complaints whenever possible. Would you be interested in first attempting to resolve this complaint through restorative practice measures and mediation? Yes No

D. Do you request a conference after the mediation or complaint has been investigated? Yes No

E. Signature of Complainant: _____

A Uniform Complaint Form is to be filed at the Office of the Director of Student Support Services, Davis Joint Unified School District, 526 B Street, Davis, CA 95616. Within five (5) days the Director will provide you the name of the compliance officer who will investigate the complaint.

UNIFORM COMPLAINT PROCESS AND PROCEDURES

(Board Policy and Administrative Regulations 1312.3)

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the District. Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be started no later than six (6) 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 given to the Director of Student Support Services who will maintain a log of complaints received, providing each with a date stamp and will determine who will investigate the complaint. If the 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. 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 2: Informal Resolution

The District encourages the early, informal resolution of complaints at the site/district level when appropriate and whenever possible. This includes talking directly to the school employee involved in the situation that is causing the complaint

Step 3: Investigation

Within three (3) business 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, or if the complainant does not want mediation, the compliance officer shall proceed with his/her investigation of the complaint. Within ten (10) business days of receiving the complaint or within five (5) business days of an unsuccessful attempt to mediate the complaint, the compliance officer shall begin the investigation. The complainant and/or his/her representative shall have an opportunity to present evidence, or information leading to evidence, to support the allegations.

Step 4: Response and Appeal

Within thirty (30) calendar days of receiving the complaint, 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. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five (5) business days, file his/her complaint in writing with the Board. Such a filing shall include the specific facts of the complaint and the reasons that cause the complainant to feel that the administrative response is unsatisfactory. The filing shall also identify what specific district actions would provide a remedy to the complaint. The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the sixty (60) day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision is final.

Step 5: Final Written Decision

The report of the District's decision by the compliance officer shall be written in English and in the language of the complainant whenever feasible or as required by law. The decision shall include:

1. The findings of fact based on the evidence gathered, the disposition of the complaint, and corrective actions taken. If an employee is disciplined as a result of the complaint, the report shall state that effective action was taken and that the employee was informed of district expectations. The report shall not give specific information as to the nature of the disciplinary action.
2. The rationale for the above disposition and conclusions of law.
3. Notice of the complainant's right to appeal the compliance officer's decision within five (5) days to the Board of Education, and their right to appeal to the California Department of Education (CDE) if they are dissatisfied with the Board's decision or if the Board declines to hear the complaint.
4. Notice that the complainant may pursue available civil law remedies outside the district's complaint procedures. For discrimination complaints a complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies (5 CCR 4631; Education Code 262.3).

Appeals to the California Department of Education

If dissatisfied with the District's decision, or if the Board decides not to hear the appeal of the compliance officer's decision, the complainant may appeal in writing to the CDE within fifteen (15) calendar days of receiving the District's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal must be accompanied by a copy of the locally filed complaint and a copy of the District's decision.