

VILLAGE CHARTER ACADEMY

Revised February, 2018

Uniform Complaint Procedure

It is the policy of Village Charter Academy to maintain a positive and productive working and educational environment. Village Charter Academy does not discriminate on a basis of disability, gender, gender identity, gender expression, nationality, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, race, color, ancestry or ethnicity, religion, sex, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in California Penal Code section 422.55 in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. Village Charter Academy is primarily responsible to ensure that it is compliant with all applicable federal and state laws and regulations.

Village Charter Academy's priorities are to provide all students access to credentialed teachers; instructional materials aligned with standards; safe facilities; the successful implementation of California's academic standards; for parent/staff inclusion, involvement and participation; improved student achievement and outcomes verified systematically by multiple measures; support for a high level student engagement; a positive school climate that supports positive school behavior outcomes; all students with access to a supportive learning environment and daily academic success in the their classrooms; and the establishment of a school environment where diversity is valued by all staff.

There are some circumstances, however, when employees or students take issue with other employees or students or someone may believe that a violation of federal or state law is occurring in identified educational programs. Village Charter Academy encourages complainants to first address the issue with the other person directly, using conflict resolution skills when needed. One of Village Charter Academy's Directors may also be included in the resolution of a complaint where appropriate.

Type of Complaints to be Filed Using the UCP:

If, however, the employee does not feel comfortable with this approach or the complaint involves harassment, discrimination, intimidation, or bullying based upon the above-identified characteristics, or any other legally protected category, in its activities, federal or state laws, regulations governing educational programs, or improper students fees, failure to accommodate lactating student, and Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) resources, failure to comply with statutes relating to foster care pupil records transfers or foster care pupil education or a complaint that Village Charter Academy has not complied with the requirements of Education Code sections 47606.5 (annual update to goals and annual actions) or 47607.3 (outcomes for pupil subgroups) as applicable, or other violation of state or federal under the following programs: **Federal Title I-VII programs, including improving academic achievement; compensatory education; English Learner programs; Child Nutrition Programs; Special Education Programs; Safety Planning Requirements; Physical Education Instructional Minutes Pupil Instruction Requirements; Consolidated Categorical Aid Programs, Every Student Succeed Act; and Rights of Foster and Homeless Youth; Civil Remedies for Discrimination: Discrimination, Harassment Intimidation**

and Bullying; Unauthorized Pupil Fees; and Failure to Comply With Legal Requirements As to Development, Adoption and Annual Update of the LCAP and LCFF. The complainant must use the below identified complaint procedure. Village Charter Academy will investigate complaints and seek to resolve them in compliance with this policy.

School Level of Investigation: Internal Procedures:

The Village Charter Academy Directors (Executive Director, Director of Instruction, Director of Student Services) have the responsibility to maintain a work place and educational environment free from any form of sexual or other unlawful harassment, discrimination or conduct. Unlawful discrimination or harassment may be based upon actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, age or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other category protected by law. Consequently, should a Director (or any other responsible employee) become aware of any conduct that may constitute discrimination, harassment or other prohibited behavior, immediate action will be taken to address and remediate such conduct.

Making a Complaint:

Any employee or student who has experienced or is aware of a situation that is believed to be sexually and/or otherwise unlawfully harassing or represents a violation of law as identified above has the responsibility to report the situation immediately to Jennifer Clark, Executive Director, at Village Charter Academy, 7357 Jordan Avenue, Canoga Park, CA 91303 or by calling (818) 716-2887. Employees who believe they have been the victim of any employment discrimination should follow the complaint procedures identified in the Employee Handbook. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, Village Charter Academy will assist the complainant in filing the complaint. The complainant should contact Jennifer Clark, Executive Director, if this assistance is needed.

If the employee or student is not comfortable contacting Jennifer Clark or if that individual is not available, the employee or student should contact Kerry Kletter, Director of Instruction, at (818) 716-2887 or Wendy Shmaeff, Director of Student Services at (818) 716-2887, who have been designated to handle inquiries regarding the non-discrimination policies and other complaints identified including OCR non-discrimination notice. A Harassment/Retaliation/Unlawful Conduct Complaint Form may be obtained from Ana Martinez, Office Manager, in the Village Charter Academy Main Office at 7357 Jordan Avenue, Canoga Park, CA 91303 or by calling 818) 716-2887.

All employees and students are encouraged to file the initial complaint at the local school level not the CDE, to ensure a timely and satisfactory resolution of any complaint.

Anonymous Complaints;

Any employee or student who believes that there has been a violation of state or federal law in education programs listed above, or an improper imposition of student fees, should make a written complaint to the Jennifer Clark, Executive Director at Village Charter Academy at 7357 Jordan Avenue, Canoga Park, CA 91303. Students making a complaint of improper fees or complaints that the School has failed to comply with Education Code Sections 47606.5 or 47607.3 may make the complaint anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the applicable Education Codes.

6 -Month Limit on Certain Complaints:

Complaints relating to discrimination (other than employment discrimination) must be filed within six months of the alleged discrimination or when the complainant first obtained knowledge of the alleged discrimination, unless an extension has been obtained from the Executive Director or his/her designee and shall be made in writing. The period for filing may be extended by the Executive Director or his/her designee for good cause for period not to exceed 90 days following the expiration of the six-month time period. The Executive Director shall respond immediately upon a receipt for extension.

Informal Resolution: An informal resolution process will be followed if all of the parties mutually agree. The complainant and the School may resolve the matter through mediation or otherwise informally. If the mediation fails to resolve the matter, or the parties do not agree to mediate that matter, the formal complaint procedure identified below shall be followed.

Investigation of Complaints:

If the complaint alleges wrongdoing involving discrimination (other than employee discrimination) or claims of failure to comply with applicable state or federal laws or regulations, Jennifer Clark, the Executive Director, will complete an investigation and submit to the complainant a written decision regarding the complaint within 60 days of receipt of the complaint. During the investigation, the complainant, his/her representation, or both, will have the opportunity to present the complaint and evidence or information leading to evidence to support the allegations of the complaint.

Refusal by the complainant to provide the investigator, at any level of the investigation, with documents or other evidence 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 the dismissal of the complaint. The 60-day time-frame may be extended by the written consent of the complainant.

Complaints will be handled as discreetly as possible, consistent with the need to investigate effectively and promptly resolve the matter.

The Executive Director will be knowledgeable of the laws/programs that he/she is assigned to investigate. If the complaint alleges employment discrimination, the Board of Directors will send it to the Department of Fair Employment and Housing (DFEH) for investigation as required by law.

Written Decision:

The Executive Director shall prepare a written decision, which shall contain the following: 1) finding of fact based on the evidence gathered; 2) conclusions of law; 3) disposition of the complaint; 4) the rationale for such disposition; 5) the corrective actions, if any are warranted; 6) notice of the complainant's right to appeal the School's decision to the Village Board of Directors; 7) notice of the complainant's right to appeal the School's decision to the California Department of Education; and 8) the procedures to be followed for initiating an appeal to the Department of Education. The written decision shall be in English and in the Primary Language of the complainant if necessary. Within 60 days of the receipt of the complaint, the Executive Director will send a copy of the written decision to the complainant.

Appeal of School's Decision: Village Charter Academy Board of Directors Level of Investigation:

If the employee or student is not satisfied with the outcome of the school level investigation of a discrimination claim or allegations of failure to comply with applicable state and federal laws and regulations, the employee or student, in writing, should appeal the school's decision by contacting Cheryl Sanders, President of the Board of Directors in writing (Village Charter Board of Directors, 7357 Jordan Ave. Canoga Park, CA 91303) or by telephone at (818) 716-2887.

If the parties mutually agree, the complainant and the Board of Directors may resolve the matter through mediation or informally before a written complaint is filed. If mediation fails to resolve the matter, or the parties do not agree to mediate the matter, the formal complaint procedure identified below shall be followed.

Within 60 days of receipt of the original complaint when filed at the school level, an hired investigator/arbitrator will complete an investigation where the complainant, his/her representative or both, and representatives of the school have the opportunity to present the complaint and evidence or information leading to evidence to support the allegations of non-compliance with state or federal laws and/or regulations. The 60-day time frame may be extended by written consent of the complainant.

The Investigator shall prepare a written decision which shall containing the following: findings on fact based on evidence gathered; conclusions of law; disposition of the complaint; corrective actions, if any are warranted; and notice of the complainant's to appeal to the Department of Education.

The Board of Directors may call a special meeting to resolve the issue in a timely manner to allow compliance with the CDE timeline if the complaint is not resolved at the Charter School level and the complainant is appealing to the CDE for resolution.

Appeal to CDE: Except for complaints regarding instructional materials and teacher vacancies or miss-assignments, a complainant may appeal a decision to the California Department of Education (CDE) at 1430 N Street, Sacramento, CA 95814, by filing a written appeal within 15 days of receiving the decision. The complainant shall specify the basis for appeal and whether the facts of incorrect and/or the law is misapplied. The appeal should be accompanied by a copy of the locally-filed complaint and a copy of the Village Charter Academy's decision. If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to the School for resolution. If the CDE determines that the decision failed to address an issue raised by the complaint, the CDE will refer the matter to the School to make the necessary findings and conclusions on any issue not addressed. The School will have 20 days to make those findings.

Any employee found to have participated in improper harassment or discrimination will be subject to disciplinary action, up to and including possible dismissal. Any student found to have participated in improper harassment or discrimination will be subject to disciplinary action, up to and including possible suspension or expulsion.

External Procedures: Filing a Complaint with the DFEH:

Employees or job applicants who believe that they have experienced unlawful employment discrimination or harassment may file a complaint with the DFEH. The DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If the DFEH finds sufficient evidence to establish discrimination occurred and settlement efforts fail, the DFEH may file a formal accusation.

Employees may also pursue the matter through a private lawsuit in civil court after a complaint has been filed with the DFEH and a Right to Sue Notice has been issued. For more information, contact the DFEH toll free at (800) 884-1684 or email the DFEH at contact.center@dfeh.ca.gov or visit its website at www.dfeh.ca.gov. To contact the nearest field office of the Equal Employment Opportunity Commission ("EEOC"), call 1-800-669-4000. You should be aware that state and federal law provide time limits within which complaints must be filed. Contact the relevant agency to determine the applicable time limit.

Retaliation Policy:

It is in violation of Village Charter Academy's policy for the School or any employee to demote, suspend, reduce, fail to hire or consider for hire, fail to give equal consideration in making employment decisions, fail to treat impartially in the context of any recommendations for subsequent employment that the School may make, adversely affect working conditions or otherwise deny any employment benefit to an individual because that individual has opposed practices prohibited by law or has filed a complaint, testified, assisted or participated in any manner in an investigation conducted by the DFEH

or their staff. Any employee retaliating against another employee, applicant or student will be disciplined, up to and including termination.

Examples of protected activities under the School's retaliation policy include seeking advice from the DFEH or Commission; filing a complaint with the DFEH, irrespective of whether the complaint is actually sustained; opposing employment practices the employee reasonably believes to exist and believes to be a violation of the law; participating in an activity that is perceived by the School as opposition to discrimination, whether or not so intended by the employee expressing the opposition; Participating in the proceeding of a local human rights or civil rights agency on a legal basis.

Nothing in this policy shall be construed to prevent Village Charter Academy from enforcing reasonable disciplinary policies and practices, nor from demonstrating that the actions of an applicant or employee were either disruptive or otherwise detrimental to legitimate business interests as to justify the denial of an employment benefit.

Dissemination:

Village Charter Academy will send to students, employees, parents or guardians of its students, school advisory committees, and other interested parties a notice of rights under this policy on an annual basis. Upon request, a copy of this policy will be made available free of charge and is also available on the Village Charter Academy website.

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Summary of Village Charter Academy’s Complaint Investigation and Response: Each complaint is investigated by Jennifer Clark, Executive Director (or designee in some cases as appropriate) upon receiving a filed complaint. The investigation procedure is as follows:

- Provide an opportunity for complainant and Village Charter Academy personnel to present information to the complainant.
- Obtains relevant information from other persons or witnesses who can provide evidence or information.
- Review related documents
- Prepare a written “Report of Findings” in English or Primary Language of the complainant, which contains the investigative findings and the school’s decision, including corrective actions(s) in any, and suggested remedies, if applicable.
- Conclude the investigation within 60 days from the date of receipt of the written complaint, unless the complainant agrees in writing to investigative timeline.
- Notify the complainant of the appeal procedures to the Village Board of Directors.
- Notify the complainant of the appeal procedures to the CDE if Village Board of Directors does not resolve the complaint.

Adopted: _____

February, 2018

Amended: _____