

Campbell Union High School District Uniform Complaint Compliance

If you have a complaint regarding any of the following issues:

Unlawful Discrimination in District Programs and Activities (Title IX)
Education for English Learners
Comprehensive Local Plans for Special Education
504
Free and Reduced Lunch Program
Title I Programs
Sexual Harassment
Discrimination

Please contact one of the following:

Chief Human Resources Officer
Assistant Superintendent Educational Services
Executive Director Special Education
Director Student Services
Director Curriculum & Instruction

@
Campbell Union High School District
3235 Union Avenue
San Jose, CA 95124
(408) 371-0960

- File a written complaint of non-compliance with the Chief Human Resources Officer or designee.
- Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation.
- 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.
- Within 60 days, the compliance officer will prepare and send the complainant a written report of the District's investigation and/or decision.
- The report shall include:
 1. Finding and disposition of complaint including corrective action(s)
 2. Rationale for above disposition
 3. Notice of right to appeal decision to the California Department of Education
 4. Detailed statement of specific issues brought up during the investigation and extent to which the issues were resolved
- Appeal may be made to California Department of Education within fifteen (15) days of receiving the District's decision.

NOTICE OF NON-DISCRIMINATION

It is the policy of the Campbell Union High School District to provide equal opportunity for all individuals in education and in employment. District programs and activities shall be free from discrimination based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or 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, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics. (Board Policy 5145.3 and 4030 through 4032)

TITLE IX EQUAL OPPORTUNITY

Equal opportunities for both sexes in all educational programs and activities run by the District is a commitment made by the District to all students (Title IX of the Education Amendments of 1972.) Inquires on all matters, including complaints, regarding the implementation of Title IX in the District should be referred to, Director of Student Services at (408) 371-0960 ext. 2016.

SEXUAL HARASSMENT

It is the policy of Campbell Union High School District to provide all individuals (employees, students, etc.) work and academic environment free from all forms of discrimination, including sexual harassment.

Sexual harassment includes, but is not limited to:

1. Making unsolicited and unwelcome written, verbal, physical and/or visual contact with sexual overtones. (Written examples: Suggestive or obscene letters, notes, invitations. Verbal examples: Derogatory comments, slurs, jokes, epithets. Physical examples: Leering gestures, display of sexually suggestive objects or pictures, cartoons, posters, or magazines.)
2. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment).
3. Offering favors or employment or academic benefits such as promotions, favorable grades or performance evaluations, favorable assigned duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.
4. Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response. For example, either implying or actually withholding support for an appointment, promotion, or change of assignment, or suggesting that a poor performance report will be given.
5. Engaging in implicit or explicit, coercive sexual behavior which is used to control, influence or affect the career, salary, and/or work environment of another employee.

This policy applies to all phases of the employment and academic relationships, including evaluating, recruiting, testing, hiring, upgrading, promotion/demotion, transfer, layoffs, termination, rates of pay, benefits and selection for training.

It is the stated policy of Campbell Union High School District to prevent and prohibit misconduct on the job, including sexual harassment by co-workers, subordinate employees, vendors, or supervisors. Any employee and/or student found to have acted in violation of the foregoing policies shall be subject to appropriate disciplinary action, including warnings, reprimand, suspension, demotion, and or termination.

SPECIAL EDUCATION

Under federal and state laws, free appropriate special education, both public and private, is available to pupils with exceptional needs. Information of these programs may be obtained from the school guidance advisor, school/district psychologist or the Executive Director of Special Education.

COMPLAINT PROCESS

Any employee or student who believes that they have been subjected to sexual harassment, discriminatory practices, or inappropriate procedures with respect to special education or other educational programs should follow the grievance process set forth in Board Policy 1312 through 1312.3 which is available in the principal's office at each school site and at the District Office located at 3235 Union Avenue, San Jose, CA 95124.

Questions or concerns may be directed to:

Meredyth Hudson
Chief Human Resources Officer
(408) 371-0960 extension 2010
(for Complaints filed by Employees)

German Cerda, Ed.D.
Assistant Superintendent Educational Services
(408) 371-0960 extension 2059
(For Complaints filed by Students/Guardians)

**Uniform Complaint Procedure
Board Policy &
Administrative Regulation 1312.3**

1. **Complaint Expressed Verbally**
Resolution shall be attempted by all parties involved. If not resolved, the complainant should get a copy of Board Policy 1312.3 and related administrative regulations, then file a written complaint.
2. **Complaint Expressed in Writing Using Standard Uniform Complaint Procedure**
 - a. Describe the complaint in detail.
 - b. File the complaint with the appropriate compliance officer.
 - c. An investigative meeting will be held with the complainant upon receipt of initial complaint.
 - d. District Compliance Officer will render a decision in writing to complainant within 60 days.
 - e. The final written decision shall be written in English and in the language of the complainant, 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.
3. **Appeal Process if Dissatisfied with Response**
 - a. File appeal with the California Department of Education within 15 calendar days.
 - b. In a complaint of unlawful discrimination, the complainant may seek civil law remedies no sooner than sixty (60) days from the filing of an appeal with CDE, except that such time limitation does not apply to injunctive relief.

**Campbell Union High
School District
Compliance Officers**

Meredyth Hudson
Chief Human Resources Officer
3235 Union Avenue
San Jose, CA 95124
(408) 371-0960
for complaints filed by employees

German Cerda, Ed.D.
Assistant Superintendent
Educational Services
3235 Union Avenue
San Jose, CA 95124
(408) 371-0960
For complaints filed by students/guardians

or

School site principals for textbook,
teacher mis-assignment
or facilities complaints

Note: The Campbell Union High School District Board Policy Manual is available for review at the District Office and at www.cuhsd.org

June, 2017

Campbell Union High School District



**Uniform
Complaint
Procedures**

Authorized by
California Code of Regulation,
Title 5, Sections 4600-4671
**Uniform Complaint Procedures
Board Policy 1312.3**

The Board of Trustees expects that complaints regarding public agencies' alleged violations of federal or state laws or regulations relating to the provisions of a free and appropriate public education including allegations of unlawful discrimination on the basis of characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Ed Code 200/220, Penal Code 422.55, or Govt Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics at any district site and/or activity be resolved by the Uniform Complaint Procedure. Complaints regarding teacher vacancy and mis-assignment, sufficiency of instructional materials, textbooks, and unsafe facilities can be made using the Williams Uniform Complaint process. Every effort will be made to resolve complaints of discontent, disagreement or violations informally whenever possible.

Williams Uniform Complaint Procedures

Administrative Regulation 1312.4

1. Describe the complaint regarding insufficiency of instructional materials, textbooks, teacher mis-assignment or unsafe facilities on a Williams Uniform Complaint form.
 - a. Complaints can be anonymous, but if a response is requested, the complainant must provide contact information.
 - b. File the written complaint with the building principal.
 - c. The principal shall resolve the complaint within 30 working days of receipt of the complaint.
 - d. Within 45 days the principal shall report the resolution to the Compliance Officer.
2. Appeal to Board of Trustees
 - a. If dissatisfied, the complainant may appeal to the local Board of Education.
 - b. Request must be in writing within 20 working days after receiving the Compliance Officer's decision.
 - c. Board will grant hearing request for the next regular meeting for which it can be placed on the agenda. The board will render its decision within 10 working days.
 - d. Complaints regarding a facility condition that poses an urgent threat to health and safety can be appealed to the Superintendent of Public Instruction within 15 calendar days of receiving the district's decision.

Responsibilities of the California

Department of Education

1. Keeps a file for every written complaint received
2. Refers each complaint to the district for local resolutions when appropriate.
3. Requests report of the actions of a local educational agency (LEA) such as Campbell Union High School District when appropriate.
4. Conducts a mediation or investigation when:
 - a. The LEA fails to act within 60 days or an agreed-upon time line
 - b. A complainant appeals an LEA decision
 - c. The Department determines that direct intervention is necessary
5. Requires corrective action by the LEA concerning compliance issues identified through investigations of complaints.
6. Provides technical assistance to correct compliance issues.

Referring a Complaint Issue to appropriate agencies within 15 days of the receipt of report

1. Allegations of child abuse to County Department of Social Services, CPS, or law enforcement agency.
2. Health and Safety complaint regarding a Child Development program referred to Department of Social Services.
3. Child Nutrition or Title IX should be referred to U.S. Office of Civil Rights Discrimination Complaints or to the State Department of Employment and Housing.

Sexual Harassment

As stated in Board Policy 4321 Campbell Union High School District does not tolerate sexual harassment of or by any employee of the District. The Board considers sexual harassment to be a major offense which may result in disciplinary action or dismissal of the offending employee.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Behavior which constitutes sexual harassment includes:

1. Submission to the conduct is made either an explicit or implicit condition of employment
2. Submission to, or rejection of, the conduct is used as the basis for an employment decision
3. The harassment interferes with employee's work performance or creates an offensive work environment which may include jokes, innuendos and other comments of a sexual nature
4. Submission to, or rejection of, the conduct is the basis for decision affecting activities

Procedures for Reporting Incidents of Sexual Harassment

1. Incidents should be immediately reported to direct supervisor or a district office administrator.
2. A signed written complaint should be filed with Meredyth Hudson, chief human resources officer. Title IX complaints should be addressed to Abra Evanoff, Director of Student Services

Management Response

Each reported incident of sexual harassment will be thoroughly and promptly investigated with the confidence and sensitivities of all persons involved in the incident protected.

Standard Uniform Complaint Procedure will serve to guide the investigation and response.

UNIFORM COMPLAINT FORM

Please complete all information and send to the Chief Human Resources Officer, Campbell Union High School District, 3235 Union Ave, San Jose, California 95124

Please indicate whether you are: An Employee or A Student or Guardian

Date: _____

Name of Complainant

Phone (Day)

School

Address

Phone (Eve.)

Name of Student

Name of Parent if not Complainant

Please check and complete "A", "B", or "C":

A. _____ I am filing a complaint against a district employee: The employee's name is _____ and he/she works at _____. I (have/have not) talked with the employee and his/her supervisor.

B. _____ I am filing a complaint alleging a violation of federal or state statutes related to this program: _____. I (have/have not) talked with the principal/program manager.

C. _____ I am filing a complaint alleging a violation of Board Policy and subject: _____.
I (have/have not) talked with the Chief Human Resources Officer or Assistant Superintendent of Educational Services.

Please describe your complaint. Be as specific as possible, giving date of incident, name and time, and remedy sought.

