



## UNIFORM COMPLAINT POLICY AND PROCEDURES

Urban Montessori Charter School's (UMCS) policy is to comply with applicable federal and state laws and regulations. UMCS is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for conducting investigations shall be knowledgeable about the laws and programs which they are assigned to investigate. This complaint procedure is adopted to provide a uniform system of complaint processing for all types of complaints. The heart of this policy is that complainants should seek to solve a problem as direct or "low level" as possible. At each level, our policy is that employees seek to problem solve in partnership with one another and with families as much as they are able. When unsatisfied, complainants then work "up" the organizational structure to Head of School, and if need be, the Board of Directors. Complaints may include:

1. Complaints of discrimination against any protected group including actual or perceived, including discrimination on the basis of age, sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any UMCS program or activity; and
2. Complaints of violations of state or federal law and regulations governing the following programs including but not limited to: special education, Title II, Section 504 of the Rehabilitation Act, consolidated categorical aid, Every Student Succeeds Act, migrant education, career technical and technical education training programs, child care and development programs, child nutrition program.

The UMCS acknowledges and respects every individual's rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This includes keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Head of School or designee on a case-by-case basis.

UMCS prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

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### Compliance Officers

Except in cases where a complainant brings a complaint against the Head of School, the Governing Board designates the following compliance officer(s) to receive and investigate complaints and to ensure the Charter School's compliance with law:

Head of School, Urban Montessori Charter School

The Head of School or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Head of School or designee.

In the case of transition of the Head of School, the Interim Head(s) of School will be a compliance officer.

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### Notifications



The Head of School or designee shall annually provide written notification of the UMCS's uniform complaint procedures to students, employees, parents/guardians, the Governing Board, appropriate private officials or representatives, and other interested parties.

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## General Requirements

**Confidentiality:** All complainants will be notified that information obtained from the complainants and thereafter gathered will be maintained in a manner as confidential as possible, but in some circumstances absolute confidentiality cannot be assured.

**Non-Retaliation:** All complainants will be advised that they will be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.

**Resolution:** The Board (if a complaint is about the Head of School) or the Head of School or designee will investigate complaints appropriately under the circumstances and pursuant to the applicable procedures, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

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## General Complaint Procedures (these are further specified in sections below)

**Step 1:** A compliance officer receives a complaint form and the 60-day limit begins for final determination of the formal complaint 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 UMCS's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

### Step 2: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.

A complainant's refusal to provide the UMCS'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.

UMCS'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 3: Written Decision

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the Charter School's investigation and decision within 30 days of meeting with the complainant. The Charter School's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The written decision shall include:

1. The findings of fact based on evidence gathered.
2. The conclusion(s) of law.
3. Disposition of the complaint.

#### Step 4: Response

If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered, starting from the date the complaint was received. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of UMCS's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant.

The compliance officer's (or designee's) decision relating to the complaint shall be final unless it is appealed to the Board of Directors. The decision of the Board of Directors shall be final, unless appealed to the Alameda County Office of Education.

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#### Internal Complaints (Complaints by Employees Against Employees)

This section of the policy is for use when a UMCS employee raises a complaint or concern about a co-worker.

If reasonably possible, internal complaints should be resolved at the lowest possible level, including attempts to discuss/resolve concerns with the immediate supervisor. However, in the event an informal resolution may not be achieved or is not appropriate, the following steps will be followed by the Head of School or designee:

1. The complainant will bring the matter to the attention of the Head of School as soon as possible after attempts to resolve the complaint with the immediate supervisor have failed or if not appropriate; and
2. The complainant will reduce his or her complaint to writing, indicating all known and relevant facts. The Head of School or designee will then investigate the facts and provide a solution or explanation;
3. If the complaint is about the Head of School, the complainant may file his or her complaint in a signed writing to the Chair of the Board of Directors of the School, who will then confer with the Board and may conduct a fact-finding or authorize a third party investigator on behalf of the Board. The Chair or investigator will report



his or her findings to the Board for review and action, if necessary.

This policy cannot guarantee that every problem will be resolved to the employee's satisfaction. However, UMCS values each employee's ability to express concerns and the need for resolution without fear of adverse consequence to employment.

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#### Policy for Complaints Against Employees (Complaints by Third Parties Against Employees)

This section of the policy is for use when a non-employee raises a complaint or concern about a UMCS employee.

If complaints cannot be resolved informally, complainants may file a written complaint with the compliance officer (as described above). Formal complaints should be written and submitted as soon as possible after the events that gave rise to the concerns. The written complaint should set forth in detail the factual basis for the complaint.

In processing the complaint, the compliance officer shall abide by the following process:

The compliance officer or designee shall use his or her best efforts to talk with the parties identified in the complaint and to ascertain the facts relating to the complaint.

In the event that the compliance officer (or designee) finds that a complaint against an employee is valid, the compliance officer (or designee) may take appropriate disciplinary action against the employee. As appropriate, the compliance officer (or designee) may also counsel/reprimand employees as to their conduct without initiating formal disciplinary measures.

The compliance officer's (or designee's) decision relating to the complaint shall be final unless it is appealed to the Board of Directors. The decision of the Board of Directors shall be final, unless appealed to the Alameda County Office of Education.

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COMPLAINT FORM

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Alleged Incident(s): \_\_\_\_\_

Name of Person(s) you have a complaint against: \_\_\_\_\_

List any witnesses that were present: \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

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I hereby authorize Urban Montessori to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. If I am an employee, I further understand providing false information in this regard could result in disciplinary action up to and including termination.

\_\_\_\_\_  
Signature of Complainant

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name

To be completed by School:

Received by: \_\_\_\_\_

Date: \_\_\_\_\_



## UMCS Student Incident Investigation Protocol

Incidents and or complaints of harassment, discrimination or abusive conduct will be promptly investigated. If the investigation substantiates the accusations, the appropriate corrective action will be taken. This may include, but not be limited to, conflict resolution, suspension or dismissal, depending on the nature and severity of the offense.

### **Reporting**

UMCS encourages the prompt reporting of complaints or concerns so that rapid and appropriate remedial action can be taken before relationships become irreparably strained. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment or bullying.

### **Investigation**

Any reported allegations of harassment, discrimination, abusive conduct or retaliation will be investigated promptly. The investigation may include individual interviews with the students and staff involved and, where necessary, with student and staff who may have observed the alleged conduct or may have other relevant knowledge.

### **Confidentiality**

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation methods and appropriate corrective actions. The School has a compelling interest in protecting the integrity of its investigations. In every investigation, the School has a strong desire to protect witnesses from harassment, intimidation and retaliation, to keep evidence from being destroyed, to ensure that testimony is not fabricated, and to prevent a cover-up.

### **Retaliation**

Retaliation against an individual for reporting harassment, discrimination, abusive conduct or for participating in an investigation will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.