



## **1.0 Purpose**

1.1 The Nord Country School Governing Board recognizes the need for a formal process by which complaints may be expressed and resolved. The purpose for this policy is to ensure that such a process exists at Nord Country School.

## **2.0 Scope**

2.1 Nord Country School's ("Charter School") policy is to comply with applicable federal and state laws and regulations. The Charter School 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 the following types of complaints:

2.1.1 (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 Charter School program or activity; ; and

2.1.2 (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, No Child Left Behind, migrant education, and child nutrition program

2.2 The Charter School 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 Administrator or designee on a case-by-case basis.

2.3 The Charter School 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.

### **3.0 Compliance Officers**

3.1 The Governing Board designates the following compliance officer(s) to receive and investigate complaints and to ensure the Charter School's compliance with law:

Administrator  
Nord Country School  
5554 California Street  
Chico, CA 95973

3.2 The Administrator 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 Administrator or designee.

### **4.0 Notifications**

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

4.2 The Administrator or designee shall make available copies of the Charter School's uniform complaint procedures free of charge.

4.3 The notice shall:

- 4.3.1 Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
- 4.3.2 Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.
- 4.3.3 Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take the complaint directly to the State Superintendent of Public Instruction (SPI) or to pursue remedies before civil courts or other public agencies.
- 4.3.4 Include statements that:
  - 4.3.4.1 The Charter School is primarily responsible for compliance with state and federal laws and regulations;
  - 4.3.4.2 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;
  - 4.3.4.3 An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination;

4.3.4.4 The complainant has a right to appeal the Charter School's decision to the SPI by filing a written appeal within 15 days of receiving the Charter School's decision; and

4.3.4.5 The appeal to the SPI must include a copy of the complaint filed with the Charter School and a copy of the Charter School's decision.

## 5.0 Procedures

5.1 The following procedures shall be used to address all complaints which allege that the Charter School has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions.

5.2 All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

### 5.3 Step 1: Filing of Complaint

- 5.3.1 Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the Charter School.
- 5.3.2 A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint 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.
- 5.3.3 The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and date stamp.
- 5.3.4 If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, Charter School staff shall assist him/her in the filing of the complaint.
- 5.3.5 A process for filing anonymous complaints shall exist.

### 5.4 Step 2: Mediation

- 5.4.1 Within three 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 arrangements for this process.
- 5.4.2 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.

- 5.4.3 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.
- 5.4.4 The use of mediation shall not extend the Charter School's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

#### 5.5 Step 3: Investigation of Complaint

- 5.5.1 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.
- 5.5.2 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.
- 5.5.3 A complainant's refusal to provide the Charter School'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.
- 5.5.4 The Charter School'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.

#### 5.6 Step 4: Response

- 5.6.1 OPTION 1: 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, as described in Step #5 below, within 60 days of the Charter School's receipt of the complaint.
- 5.6.2 OPTION 2: Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the Charter School'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 days, file his/her complaint in writing with the Board.
- 5.6.3 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. The Board may decide not

to hear the complaint, in which case the compliance officer's decision shall be final.

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

### 5.7 Step 5: Final Written Decision

- 5.7.1 The Charter School's decision shall be in writing and sent to 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.
- 5.7.2 The decision shall include:
- 5.7.2.1 The findings of fact based on evidence gathered.
  - 5.7.2.2 The conclusion(s) of law.
  - 5.7.2.3 Disposition of the complaint.
  - 5.7.2.4 Rationale for such disposition.
  - 5.7.2.5 Corrective actions, if any are warranted, including reimbursement of any unlawful fees, to all affected students, parents, and guardians as required by Education Code Section 49013(d).
  - 5.7.2.6 Notice of the complainant's right to appeal the Charter School's decision within fifteen (15) days to the SPI and procedures to be followed for initiating such an appeal.
  - 5.7.2.7 For discrimination complaints arising under state law, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the SPI before pursuing civil law remedies.
  - 5.7.2.8 For discrimination complaints arising under federal law such complaint may be made at any time to the U.S. Department of Education, Office for Civil Rights.
- 5.7.3 If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of the Charter School's expectations. The report shall not give any further information as to the nature of the disciplinary action.

## 6.0 Appeals to the State Superintendent of Public Instruction (SPI)

- 6.1 If dissatisfied with the Charter School's decision, the complainant may appeal in writing to the SPI within fifteen (15) days of receiving the Charter School's decision. When appealing to the SPI, 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 shall be accompanied by a copy of the locally filed complaint and a copy of the Charter School's decision.

6.2 Upon notification by the SPI that the complainant has appealed the Charter School's decision, the Administrator or designee shall forward the following documents to the SPI:

- 6.2.1 A copy of the original complaint.
- 6.2.2 A copy of the decision.
- 6.2.3 A summary of the nature and extent of the investigation conducted by the Charter School, if not covered by the decision.
- 6.2.4 A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by all parties and gathered by the investigator.
- 6.2.5 A report of any action taken to resolve the complaint.
- 6.2.6 A copy of the Charter School's complaint procedures.
- 6.2.7 Other relevant information requested by the SPI.

6.3 The SPI may directly intervene in the complaint without waiting for action by the Charter School when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 5 CCR 4650 exists, including cases in which the Charter School has not taken action within 60 days of the date the complaint was filed with the Charter School.

## **7.0 Civil Law Remedies**

7.1 A complainant may pursue available civil law remedies outside of the Charter School's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints arising under state law, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the SPI before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the Charter School has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

## **8.0 Adoption and Review**

- 8.1 Originally Adopted: 11/13/2013
- 8.2 Most Recent Review: 4/24/2019

## **UNIFORM COMPLAINT PROCEDURE FORM**

Last Name: \_\_\_\_\_ First Name/MI: \_\_\_\_\_

Student Name (if applicable): \_\_\_\_\_ Grade: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Street Address/Apt. #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

School/Office of Alleged Violation: \_\_\_\_\_

**For allegation(s) of noncompliance, please check the program or activity referred to in your complaint, if applicable:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Adult Education            | <input type="checkbox"/> Consolidated Categorical Programs | <input type="checkbox"/> Nutrition Services |
| <input type="checkbox"/> Career/Technical Education | <input type="checkbox"/> Migrant and Indian Education      | <input type="checkbox"/> Special Education  |
| <input type="checkbox"/> Child Development Programs |  |   |

**For allegation(s) of unlawful discrimination/harassment, please check the basis of the unlawful discrimination/harassment described in your complaint, if applicable:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Age   | <input type="checkbox"/> Ethnic Group Identification | <input type="checkbox"/> Religion                                 |
| <input type="checkbox"/> Ancestry  | <input type="checkbox"/> Gender                      | <input type="checkbox"/> Sex (Actual or Perceived)                |
| <input type="checkbox"/> Color   | <input type="checkbox"/> National Origin             | <input type="checkbox"/> Sexual Orientation (Actual or Perceived) |
| <input type="checkbox"/> Disability (Mental or Physical)   | <input type="checkbox"/> Race                        |   |
| <input type="checkbox"/> Based on association with a person or group with one or more of these actual or perceived characteristics |  |   |

Please give facts about the complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.

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Have you discussed your complaint or brought your complaint to any School personnel? If you have, to whom did you take the complaint, and what was the result?

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Please provide copies of any written documents that may be relevant or supportive of your complaint.

I have attached supporting documents.

Yes

No

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

Mail complaint and any relevant documents to:

Administrator  
Nord Country School  
5554 California Street  
Chico, CA 95973  
530-891-3138

## **HARASSMENT COMPLAINT FORM**

*It is the policy of NCS that all of its employees be free from harassment including sexual harassment. This form is provided for you to report what you believe to be harassment, so that NCS may investigate and take appropriate disciplinary or other action when the facts show that there has been harassment.*

*If you are an employee of NCS, you may file this form with the Administrator or Board Chair.*

*Please review NCS's policies concerning harassment for a definition of sexual harassment and a description of the types of conduct that are considered to be harassment.*

*NCS will undertake every effort to handle the investigation of your complaint in a confidential manner. In that regard, NCS will disclose the contents of your complaint only to those persons having a need to know. For example, to conduct its investigation, NCS will need to disclose portions of your factual allegations to potential witnesses, including anyone you have identified as having knowledge of the facts on which you are basing your complaint, as well as the alleged harasser.*

*In signing this form below, you authorize NCS to disclose to others the information you have provided herein, and information you may provide in the future. Please note that the more detailed information you provide, the more likely it is that NCS will be able to address your complaint to your satisfaction.*

*Charges of harassment are taken very seriously by NCS both because of the harm caused to the person harassed, and because of the potential sanctions that may be taken against the harasser. It is therefore very important that you report the facts as accurately and completely as possible and that you cooperate fully with the person or persons designated to investigate your complaint.*

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

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

Name of Person(s) you believe harassed you or someone else: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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): \_\_\_\_\_

I acknowledge that I have read and that I understand the above statements. I hereby authorize NCS 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.**

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Signature of Complainant \_\_\_\_\_ Date: \_\_\_\_\_

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**Print Name**

Date:

T-1      14-11-S-1-1

Received by:

Date:

## **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):

I hereby authorize Nord Country School 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. I further understand providing false information in this regard could result in disciplinary action up to and including termination.

\_\_\_\_\_  
Signature of Complainant      Date: \_\_\_\_\_

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Print Name

To be completed by School:

Received by:

Date: