

## INTERNAL COMPLAINT POLICIES AND PROCEDURES

It is the policy of the Magnolia Public Schools (MPS) (the “School”) to maintain a positive and productive working and educational environment where the charter school is compliant with all applicable federal and state laws and regulations. There are some circumstances, however, when employees may take issue with other employees or supervisors or employees or students believe that a violation of federal or state law is occurring in certain educational programs. Employees that have complaints against other employees or supervisors that do not involve complaints of discrimination or harassment or violations of law, are encouraged to first address the issue with the person directly using conflict resolution skills without the intervention of a supervisor or other School administrator. If, however, the employee does not feel comfortable with this approach or the complaint is made by a student and/or involves harassment, discrimination or other violation of state or federal law under the programs listed in 5 C.C.R. § 4610(b), the employee or student must use the below identified complaint procedures.

MPS Internal Complaint Policies and Procedures include:

- A. Uniform Complaint Policy and Procedures
- B. Policy Prohibiting Unlawful Harassment
- C. Employee Internal Complaint Review
  - a. Complaints by Employees Against Employees
  - b. Complaints by Third Parties Against Employees
- D. Internal Complaint Procedure for All Other Complaints

Appendices:

Appendix A: Internal Complaint Procedures Form

**A. Uniform Complaint Policy and Procedures****Scope**

The School's policy is to comply with applicable federal and state laws and regulations. The 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:

- 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 School 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, No Child Left Behind, migrant education, career technical and technical education training programs, child care and development programs, child nutrition program.

The School acknowledges and respects every individual's rights to privacy. Discrimination complaints shall be investigated in a manner that protects [to the greatest extent reasonably possible] the confidentiality of the parties and the integrity of the process. While the School cannot guarantee anonymity of the complainant, 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 CEO or designee on a case-by-case basis.

The 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.

**Compliance Officers**

MPS Board of Directors designates the following compliance officer(s) to receive and investigate complaints and to ensure the School's compliance with law:

Chief Executive Officer  
Magnolia Public Schools  
13950 Milton Ave. Ste 200B  
Westminster, CA 92683  
(714) 892-5066

In the event it is alleged that the Chief Executive Officer (CEO) took discriminatory action, the Board of Directors will either hire an outside, independent investigator to conduct the investigation or identify one or more members to serve as an investigator.

The CEO 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 CEO or designee.

**Notifications**

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

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

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.
3. Advise the complainant of the appeal process pursuant to Education Code Section 262.3, including the complainant's right to take the complaint directly to the California Department of Education ("CDE") or to pursue remedies before civil courts or other public agencies.
4. Include statements that:
  - a. The School is primarily responsible for compliance with state and federal laws and regulations;
  - b. The complaint review shall be completed within sixty (60) calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline;
  - c. An unlawful discrimination complaint must be filed not later than six (6) months from the date the alleged discrimination occurs, or six (6) months from the date the complainant first obtains knowledge of the facts of the alleged discrimination;
  - d. The complainant has a right to appeal the School's decision to the CDE by filing a written appeal within fifteen (15) days of receiving the School's decision; and
  - e. The appeal to the CDE must include a copy of the complaint filed with the School and a copy of the School's decision.

**Uniform Complaint Procedures**

The following procedures shall be used to address all complaints which allege that the 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. 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.

**Step 1: Filing of Complaint**

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the School.

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six (6) 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.

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.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, School staff shall assist him/her in the filing of the complaint.

### **Step 2: Mediation**

Within three (3) 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.

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 the School's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

### **Step 3: Investigation of Complaint**

The compliance officer is encouraged to hold an investigative meeting within five (5) 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 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.

The 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.

### **Step 4: Response**

#### **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 School's investigation and decision, as described in Step #5 below, within sixty (60) days of the School's receipt of the complaint.

#### **OPTION 2:**

Within thirty (30) days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the 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 (5) 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 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 shall be final.

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

#### **Step 5: Final Written Decision**

The School's decision shall be in writing and sent to the complainant. The School's decision 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 evidence gathered.
2. The conclusion(s) of law.
3. Disposition of the complaint.
4. Rationale for such disposition.
5. Corrective actions, if any are warranted.
6. Notice of the complainant's right to appeal the School's decision within fifteen (15) days to the CDE and procedures to be followed for initiating such an appeal.
7. For discrimination complaints arising under state law, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.
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.

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 School's expectations. The report shall not give any further information as to the nature of the disciplinary action.

#### **Appeals to the California Department of Education**

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

Upon notification by the CDE that the complainant has appealed the School's decision, the CEO or designee shall forward the following documents to the CDE:

1. A copy of the original complaint.

2. A copy of the decision.
3. A summary of the nature and extent of the investigation conducted by the School, if not covered by the decision.
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.
5. A report of any action taken to resolve the complaint.
6. A copy of the School's complaint procedures.
7. Other relevant information requested by the CDE.

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

### **Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the 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 sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the 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. For discrimination complaints arising under federal law, a complainant may file a civil suit at any time.

### **Filing a Complaint with the DFEH**

Employees or job applicants who believe that they have experienced unlawful employment discrimination may file a complaint directly 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. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission (the "Commission") or a lawsuit filed by the DFEH on behalf of the complaining party.

If the Commission finds that discrimination has occurred, it can order remedies including: fines or damages for emotional distress from each employer or person found to have violated the law; hiring or reinstatement; back pay or promotion; changes in the policies or practices of the involved employer.

Employees can 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 and Commission toll free at (800) 884-1684, in the Sacramento area and out of state at (916) 227-0551 or visit its website at [www.dfeh.ca.gov](http://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 the School'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, proceeding or hearing conducted by the Commission or 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 or Commission, 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 the School 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 so as to justify the denial of an employment benefit.

**B. Policy Prohibiting Unlawful Harassment**

MPS is committed to providing a work and educational atmosphere that is free of unlawful harassment. MPS's policy prohibits sexual harassment and harassment based upon race, color, creed, gender (including gender identity and gender expression), religion, marital status, registered domestic partner status, age, national origin or ancestry, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, sexual orientation, military or veteran status, or any other consideration made unlawful by federal, state, or local laws. MPS will not condone or tolerate harassment of any type by any student, employee, independent contractor or other person with which the School does business.

This policy applies to all employee actions and relationships, regardless of position or gender. Sexual harassment regulated by this policy pertains to behavior of a sexual nature while students are under the jurisdiction of the School.

Students may receive age-appropriate training and/or instruction on the prohibition of sexual harassment at the School. Copies of this policy, implementing administrative regulations containing rules and procedures for reporting charges of sexual harassment and for pursuing available remedies shall be available at the School's Administrative Office.

Any student who believes that he or she has been harassed or has witnessed sexual harassment is encouraged to immediately report such incident to his or her teacher or to the School's Sexual Harassment Investigator. The Investigator will promptly investigate all such incidents in a confidential manner.

MPS will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted.

**Prohibited Unlawful Harassment:**

- Verbal conduct such as epithets, derogatory jokes or comments or slurs;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;
- Retaliation for reporting or threatening to report harassment; or
- Deferential or preferential treatment based on any of the protected classes above.

**Prohibited Unlawful Sexual Harassment:*****Statement against Sexual Harassment***

- No toleration policy - Sexual harassment of or by any faculty, staff or student is illegal and will not be tolerated. The Governing Board prohibits sexual harassment, and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state or local law or ordinance or regulation.
- To whom the policy applies - This policy applies to all persons involved in the operation of the School and prohibits unlawful harassment by faculty, staff, and students.
- Discipline - The Governing Board considers sexual harassment to be a major offense and any individuals who violate this policy are subject to discipline up to and including dismissal, expulsion or other appropriate sanction.



- Prompt and Thorough Investigation - All claims of harassment will be taken seriously and will be investigated promptly and thoroughly.
- Confidentiality - Sexual harassment advisers and others responsible to implement this policy will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent appropriate.
- No Retaliation - Retaliation against any employee or student who in good faith reports or provides information related to harassment in violation of this policy is against the law and will not be tolerated. Intentionally providing false information, however, is grounds for discipline.

In accordance with existing policy, discrimination on the basis of gender in education institutions is prohibited. All persons, regardless of the gender, are afforded equal rights and opportunities and freedom from unlawful discrimination in education programs or activities conducted by the School.

MPS is committed to provide a workplace free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action, up to, and including dismissal, of the offending employee.

Sexual harassment consist of sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature, regardless of whether or not the conduct is motivated by sexual desire, when: (1) submission of the conduct is either made explicitly or implicitly a term or condition of an individual's employment; (2) an employment decision is based upon an individual's acceptance or rejection of that conduct; (3) that conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

It is also unlawful to retaliate in any way against an employee who has articulated a good faith concern about sexual harassment against him or her or against another individual.

All supervisors of staff will receive sexual harassment training within six (6) months of their assumption of a supervisory position and will receive further training once every two (2) years thereafter. All staff will receive sexual harassment training and/or instruction concerning sexual harassment in the workplace as required by law.

Each employee has the responsibility to maintain a workplace free from any form of sexual harassment. Consequently, should any individual, in particular those with supervisory responsibilities, become aware of any conduct that may constitute sexual harassment or other prohibited behavior, immediate action should be taken to address such conduct. Employees and students are expected to act in a positive and professional manner and to contribute to a productive School environment that is free from harassing or disruptive activity. Any employee who believes they have been sexually harassed or has witnessed sexual harassment is encouraged to immediately report such harassment to the School Principal (or CEO for MPSCO employees). See Appendix for the "Internal Complaint Procedures Form."

### ***Sexual Harassment Defined***

Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
  - Rape, sexual battery, molestation or attempts to commit these assaults and
  - Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another's body.
- Unwanted sexual advances, propositions or other sexual comments, such as:

- Sexually oriented gestures, notices, remarks, jokes, or comments about a person's sexuality or sexual experience.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct.
- Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of the employee's sex.
- Sexual or discriminatory displays or publications anywhere at the workplace by employees, such as:
  - Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing to work or possessing any such material to read, display or view at work.
  - Reading publicly or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
  - Displaying signs or other materials purporting to segregate an employee by sex in an area of the workplace (other than restrooms or similar rooms).

The illustrations of harassment and sexual harassment above are not to be construed as an all-inclusive list of prohibited acts under this policy.

Complainants and witnesses under these policies will be protected from further harassment and will not be retaliated against in any aspect of their employment due to their participation, filing of a complaint or reporting sexual harassment.

MPS will investigate complaints promptly and provide a written report of the investigation and decision as soon as practicable. The investigation will be handled in as confidential a manner as possible consistent with a full, fair, and proper investigation.

While in most situations a personal relationship is a private matter, these relationships are not appropriate in a professional setting, particularly where one of the parties has management or supervisory responsibilities.

### **Notification**

- A copy of the Policy Information Sheet shall be provided to all School students and employees at the beginning of the first semester of each school year with the disbursement of the first paycheck, noting whether any amendments have been made. *(It will be included in the Employee and Student handbooks.)*
- A copy of the Board Sexual Harassment Policy # shall appear in any publication of the School that sets forth the comprehensive rules, regulations, procedures and standards of conduct from the School.
- Employees or students who have questions concerning this Board Policy are encouraged to contact the School's Administrative Office (or HR department for MPSCO Employees).

### **Complaint Filing Procedure**

- Informal Resolution - The Board encourages communication among its employees and students. If you feel that you are being harassed by another student, if reasonably possible, we suggest informing the party directly that his or her conduct is unwelcome or offensive and it must stop. If this is not possible, or if the alleged harasser is an employee of the School, or if the behavior continues, follow the complaint filing procedure.

- Written Complaint – Complaints should be submitted within one (1) year of the alleged incident to ensure a prompt, thorough investigation.
- Any student who believes he or she has been harassed, or believes he or she has witnessed harassment by a peer, or agent of the School should promptly report in writing, using the attached form, incident(s) to the his or her supervisor and/or the Principal (or CEO for MPSCO employees).
- A complaint form is attached to this Policy. It is important to fill in as much information as accurately as possible. A copy of this form can be obtained from the School's Administrative Office (or HR department for MPSCO Employees).
- The Principal (or CEO for MPSCO employees), or designee, will investigate all reported incidents within 10 days of receiving a written complaint form, unless the Principal (or CEO for MPSCO employees), or designee, is the subject of the investigation, in which case the Governing Board shall appoint an investigator. The individual responsible for the investigation will hereinafter be referred to as the "Investigator." If the Investigator deems it necessary, he or she will convene a Team of trained investigators to proceed in the investigation.

### **Investigation**

- Complaints will be treated seriously and investigated immediately.
- Complaints will be handled confidentially.
- Complainants will be promptly and fully informed of their rights pursuant to this policy.
- All witnesses and the accused will be properly and fully informed of their rights and remedies pursuant to this policy.
- All interviews of the accused, witnesses and the complainant shall be conducted in a private area.
- The Investigator will be properly trained to listen to the allegations, make complete notes, attempt to identify all persons involved, as well as all possible witnesses, and interview the accused.
- No complainant, witness, or party who assists in the investigation will be retaliated against.
- The School will take steps to prevent the recurrence of any harassment and will correct any discriminatory effects on the complainant and others.
- The Investigator will initiate an investigation to determine whether there is reasonable cause to believe that a violation of the Board's sexual harassment policy has occurred. "Reasonable cause" is shown if a person of ordinary caution or prudence would be led to believe and conscientiously entertain a strong suspicion of a violation of the sexual harassment policy.
- All individuals involved in the investigation including the complainant, witnesses and the accused shall be fully informed of their rights under this policy.
- The accused shall be provided with a copy of the complaint form and an opportunity to respond to the allegations within seven (7) days of receipt of the request for a formal inquiry. The investigation will include interviews with the complainant and other witnesses as determined by the circumstances.
- The Investigator shall fully and effectively conduct an investigation that includes interviewing:
  1. The complainant;
  2. The accused;
  3. Any witnesses to the conduct; and
  4. Any other person who may be mentioned during the course of the investigation as possibly having relevant information.

- When appropriate, interim protections or remedies for the complainant, such as limitations on contact, alternative course schedules, and the like, may be recommended to the appropriate School administrator at any time during the process. The complainant will be kept informed of the status of the complaint, consistent with the Board's policy and regulation and applicable law.
- The formal investigation shall typically be completed within sixty (60) days of the date of the filing of the request.
- The final determination of the Investigator's investigation shall result in a report which shall contain, at the minimum:
  1. a statement of the allegations and issues;
  2. the positions of the parties;
  3. a summary of the evidence received from the parties and the witnesses;
  4. any response the accused wishes to add to the report; and
  5. all findings of fact.
- The final determination report shall state a conclusion that the Investigation Team:
  1. Found reasonable cause that the accused violated the sexual harassment policy; or
  2. Did not find sufficient evidence to find reasonable cause that the accused violated the sexual harassment policy. Where the Investigator did not find reasonable cause but believes the behavior complained of may constitute misconduct, the Investigator may state such a conclusion and refer the matter to the appropriate School administrator.
- The report shall be submitted to the appropriate School administrator(s) for action, within thirty (30) days of the completion of the investigation or as soon thereafter as is feasible. The Investigator will inform the complainant and the accused that the report has been forwarded and to whom. The appropriate administrator(s) will ensure that the complainant and the accused are timely notified in writing of the disciplinary action taken.
- Within fifteen (15) days of disciplinary action being taken against the accused, or as required by applicable Board procedures, the appropriate administrator(s) shall provide written notification to the complainant indicating:
  1. individual remedies available to the complainant; and
  2. all sanctions against the accused of which the complainant needs to be aware in order for the sanctions to be fully effective
- Within fifteen (15) days of taking disciplinary action against the accused, the appropriate administrator(s) shall provide written notification to the Investigator indicating
  1. the results of any disciplinary actions and the initiation of any appeals; and
  2. all further individual remedies available to the complainant.
- If the final determination is that sexual harassment has occurred, a prompt, relevant and effective remedy shall be provided to the complainant and appropriate disciplinary action taken against the harasser.

### **Appeal**

Appeal of Sexual Harassment Investigation Finding of No Reasonable Cause - There are different ways to appeal a finding of no reasonable cause depending on whether the complainant is a student, faculty, or staff. In most cases, existing School complaint procedures provide a mechanism for such an appeal, and where available, such procedures must be utilized.

**Notice to the Complainant**

Where the Investigator concludes that there is no reasonable cause to believe that a violation of the Board's sexual harassment policy has occurred and the complaint is to be dismissed, a copy of the report will be sent to the complainant and the accused in accordance with the Board policies/regulations applying to the disclosure of information from School records.

**Written Appeal**

A written appeal must be directed to the appropriate administrator, as designated by the CEO, within thirty (30) days of notification to the complainant of the dismissal of the complaint.

Basis for Appeal - The appeal may be based only on one of the following grounds:

1. There is newly discovered important evidence not known at the time of the report;
2. Bias on the part of an Investigator member; or
3. The Investigator failed to follow appropriate procedures.

**Decision**

The CEO or his or her designee will consider the appeal and will provide a written decision to the complainant and the Investigator within thirty (30) days of receipt of the appeal.

**Extensions of Deadlines**

Extensions of all deadlines contained in these procedures may be granted at the discretion of the Investigator for good cause. The CEO shall be consulted before a decision is made on requests for extensions involving faculty and staff.

**C. Employee Internal Complaint Review**

The purpose of the “Internal Complaint Review Policy” is to afford all employees of the School the opportunity to seek internal resolution of their work-related concerns. All employees have free access to the CEO or Board of Directors to express their work-related concerns.

Specific complaints of unlawful harassment are addressed under the School’s “Policy Against Unlawful Harassment.”

**a) Internal Complaints:**

*(Complaints by Employees Against Employees)*

This section of the policy is for use when a School 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 your direct supervisor. However, in the event an informal resolution may not be achieved or is not appropriate, the following steps will be followed by the Principal (or the CEO (or designee) for MPSCO employees):

- The complainant will bring the matter to the attention of the Principal (or the CEO (or designee) for MPSCO employees) as soon as possible after attempts to resolve the complaint with the immediate supervisor have failed or if not appropriate; and
- The complainant will reduce his or her complaint to writing, indicating all known and relevant facts. The Principal (or the CEO for MPSCO employees) (or designee) will then investigate the facts and provide a solution or explanation;
- If the complaint is about the Principal, the complainant may file his or her complaint in a signed writing to the CEO (or designee.) The CEO (or designee) will then investigate the facts and provide a solution or explanation;
- If the complaint is about the CEO, the complainant may file his or her complaint in a signed writing to the President 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 Board President 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, the School values each employee’s ability to express concerns and the need for resolution without fear of adverse consequence to employment.

**b) 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 School employee.

If complaints cannot be resolved informally, complainants may file a written complaint with the office of the Principal or the CEO (if the complaint concerns the Principal) or the Board President (if the complaint concerns the CEO) as soon as possible after the events that give rise to the complainant’s concerns. The written complaint should set forth in detail the factual basis for the complaint.

In processing the complaint, the Principal (or the CEO (or the Board President)) (or designee) shall abide by the following process:

- The Principal (or the CEO) (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 Principal (or the CEO) (or designee) finds that a complaint against an employee is valid, the Principal (or the CEO) (or designee) may take appropriate disciplinary action against the employee. As appropriate, the Principal (or the CEO) (or designee) may also simply counsel/reprimand employees as to their conduct without initiating formal disciplinary measures.
- The Principal's (or the CEO's) (or designee's) decision relating to the complaint shall be final unless it is appealed to the Board of Directors of the School. The decision of the Board of Directors shall be final.

**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 CEO) or the CEO (if a complaint is about the Principal or MPSCO employees) or the Principal 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.

**D. Internal Complaint Procedure for All Other Complaints**

The ultimate purpose of this internal complaint procedure is to encourage the growth and development of MPS as a healthy community. Conflict is often a part of any development or growth process and may arise in any community. An effective process for resolving conflict is therefore both consistent with the vision and mission of MPS, and an essential component of the communication model that our School has adopted.

MPS recognizes that effective communication is paramount in effective conflict resolution and therefore strongly encourages communication strategies that include: Taking personal responsibility for one's own feelings and needs; communication that mutually acknowledges the needs and concerns of one another; and demonstrating honesty and integrity in every interaction.

**LEVEL 1: Direct Resolution**

If reasonably possible, informal complaints should be resolved at the lowest possible level, including attempts to discuss/resolve concerns with the person directly using conflict resolution skills without the intervention of a supervisor or other School administrator. It is the hope of MPS that most disputes can be resolved informally by direct and healthy communication between individuals. Such attempts at informal resolution should be documented in writing to assist the Principal (or CEO) and/or Board of Directors to participate effectively in the conflict's resolution.

Examples:

- Pedagogical issues pertaining to anything that occurs in the classroom, i.e., teaching, curriculum, classroom management, or teacher-student relationships, should be addressed directly with the class teacher. Teachers can be contacted by email, written note or via appointment.
- Complaints/concerns about employees or supervisors that do not involve complaints of discrimination or harassment or violations of law should be first addressed with the employee or supervisor directly.

If the person(s) involved are unable to resolve the conflict or complaint, the complainant should contact the immediate/appropriate supervisor in an effort to resolve the issue.

**LEVEL 2: School Level Resolution**

- At this step, the complainant should be prepared to give details about the complaint and steps taken to resolve it. Anonymous complaints will not be considered except as provided in California Education Code section 49013(b) regarding pupil fee complaints. The immediate/appropriate supervisor will acknowledge receipt of the complaint in three (3) working days, investigate the complaint, a process which normally involves a discussion with the complainant, gathering of relevant facts and evidence, and respond to the complainant within ten (10) working days.

Examples:

- Pedagogical, academic or teacher related issues should be addressed with the Dean of Academics/Assistant Principal.
- Student behavior and discipline issues should be addressed with the Dean of Students/Assistant Principal.
- All other issues should be addressed with the Principal.



If the complainant is not satisfied with the response from the immediate/appropriate supervisor, e.g., Dean of Academics/Students or Assistant Principal or the complaint should be directly addressed with the Principal, the complainant should contact the Principal, who will respond within the same timeline. If the complainant is still dissatisfied, and wishes to take it further, the complainant, in writing, should bring the matter to the attention of the Chief Executive Officer (CEO) of MPS in an effort to resolve the issue.

**LEVEL 3: MPS Central Office (MPSCO) Level Resolution**

At this step, the complainant should fill out the attached “Internal Complaint Procedures Form” giving details about the complaint and steps taken to resolve it, and contact the CEO of MPS at:

Chief Executive Officer  
Magnolia Public Schools  
13950 Milton Ave. Ste 200B  
Westminster, CA 92683  
Phone: (714) 892-5066  
Fax: (714) 362-9588  
Email: [contact@magnoliapublicschools.org](mailto:contact@magnoliapublicschools.org)

The CEO (designee) will acknowledge receipt of the written complaint in five (5) working days, attempt to identify a resolution that is acceptable to both parties, within fifteen (15) working days of the receipt of the written complaint.

If the complainant is not satisfied with the response from the CEO (designee), and wishes to take it further, the complainant, in writing, should bring the matter to the attention of the MPS Board of Directors (“the Board.”)

**LEVEL 4: Board Level Resolution<sup>1</sup>**

At this step, the complainant can file a written complaint with the Board through the Administrative Assistant at the MPS Central Office. (Same contact information as in Level 3) The complainant should update the Internal Complaint Procedures Form that was used in Level 3. The Administrative Assistant will acknowledge receipt of the written complaint in five (5) working days. 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 CEO’s decision will be final. If the Board hears the complaint, the Administrative Assistant will send the Board’s decision to the complainant within 60 days of the School’s initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. The decision of the Board shall be final except as provided in California Education Code section 49013(b) regarding pupil fees.

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<sup>1</sup> For MSA-San Diego, MSA-San Diego Governance Committee will work with the Principal and the MPSCO in following the Internal Complaint Procedures to resolve internal complaints and conflicts before they escalate to the MPS Board level.

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## APPENDIX A: INTERNAL COMPLAINT PROCEDURES FORM

**Person filing complaint:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Home Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Person Filing Complaint Is: ☐ Parent ☐ Advocate ☐ Student ☐ Employee ☐ Other

**Complaint filed on behalf of self (person filing complaint as indicated above) or on behalf of:**

Name: \_\_\_\_\_

(if applicable) For student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_

**Site:**

School/Work Site/Office of Alleged Violation/Complaint: \_\_\_\_\_

**Type of complaint:**

<b>Allegation of Noncompliance</b> Check the program or activity referred to in your complaint.	<input type="checkbox"/> Adult Education <input type="checkbox"/> Career Technical Education <input type="checkbox"/> Child Development Programs <input type="checkbox"/> Consolidated Categorical Programs <input type="checkbox"/> Migrant and Indian Education <input type="checkbox"/> Nutrition Services <input type="checkbox"/> Special Education	
<b>Allegation of unlawful adult-to-student, student-to-student, or non-employee discrimination or harassment</b> Check the basis of the unlawful discrimination/harassment described in your complaint.	<input type="checkbox"/> Age _____ <input type="checkbox"/> Ancestry _____ <input type="checkbox"/> Color _____ <input type="checkbox"/> Disability (Mental or Physical) _____ <input type="checkbox"/> Ethnic Group Identification _____ <input type="checkbox"/> Gender _____ <input type="checkbox"/> National Origin _____ <input type="checkbox"/> Race _____ <input type="checkbox"/> Religion _____ <input type="checkbox"/> Sex (Actual or Perceived) _____ <input type="checkbox"/> Sexual Orientation (Actual or Perceived) _____ <input type="checkbox"/> Based on association with a person or group with one or more of these actual or perceived characteristics _____ <input type="checkbox"/> _____	
<b>Other</b>	<input type="checkbox"/> Unlawful Sexual Harassment <input type="checkbox"/> Complaint by Employee Against Employee	
<b>All other complaints</b> Follow the resolution steps for all other complaints. Check the type of complaint.	<input type="checkbox"/> Pedagogical, academic or teacher related issue <input type="checkbox"/> Student behavior or discipline issue <input type="checkbox"/> Other issue: _____ _____ _____	<b>Resolution Steps:</b> <b>Level 1:</b> Direct Resolution <b>Level 2:</b> School Level Resolution <i>Fill out this form at Level 3.</i> <b>Level 3:</b> MPS Central Office (MPSCO) Level Resolution <b>Level 4:</b> Board Level Resolution

1. Please give facts about the complaint and attach any relevant documents if available. 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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2. Have you discussed your complaint or brought your complaint to any MPS personnel? If you have, to whom did you take the complaint, and what was the result?

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

I have attached supporting documents: ☐ Yes ☐ No

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

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

Mail complaint and any relevant documents to:

Chief Executive Officer  
Magnolia Public Schools  
13950 Milton Ave. Ste 200B  
Westminster, CA 92683  
Phone: (714) 892-5066