

North Orange County Regional Occupational Program

Administrative Regulation

ROP AR 1312.3

Community Relations

Uniform Complaint Procedures

Compliance Officers

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

Assistant Superintendent, Educational Services
385 N. Muller St.
Anaheim, CA 92801
Telephone (714) 502- 5877

Deputy Superintendent, Administrative Services
385 N. Muller St.
Anaheim, CA 92801
Telephone (714) 502-5808

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

Notification

The Superintendent or designee shall annually provide written notification of the ROP's uniform complaint procedures to students, employees, parents/guardians, and other interested parties.

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

Procedures

The following procedures shall be used to address all complaints which allege that the ROP has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with Title 5, California Code of Regulations, Section 4632.

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 district.

Complaints alleging unlawful discrimination 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 must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. The written complaint shall contain a precise statement of the nature of the alleged violations; shall specify the law, board policy or regulation violated; and shall contain a statement of the resolution requested.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. The filing of a signed written complaint with the compliance officer, signals the beginning of the sixty (60) day period for resolution of the complaint at the local level.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint.

Step 2: Investigation of Complaint

The compliance officer is encouraged to investigate within five days of receiving the complaint. This communication or 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 and the ROP representatives shall have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses.

A complainant's refusal to provide the district'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 district'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: Response

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the ROP's investigation and decision, as described in Step 4 below, within 30 days of the ROP's receipt of the complaint.

The Board does not intend to hear cases where the complainant does not agree with the compliance officer's decision. The Superintendent or designee's decision shall be considered final. However, the Board may decide to hear an appeal if the complainant provides sufficient information to establish a factual base the complaint was not resolved within the parameters of law, policy, or procedure.

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

If the Board decides not to hear the complaint, the compliance officer's decision shall be final.

Step 4: Final Written Decision

The report of the ROP's decision shall be in writing and sent to the complainant.

The report of the ROP's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the ROP shall arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any.
2. The rationale for the above disposition.
3. Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education, and procedures to be followed for initiating such an appeal.
4. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies.
5. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved. If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of district 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 ROP's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the ROP'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 ROP's decision.

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent 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 ROP, 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 the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the ROP's complaint procedures
7. Other relevant information requested by the CDE

The California Department of Education may directly intervene in the complaint without waiting for action by the ROP when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the ROP's complaint procedures.

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