

Discrimination Complaint Procedure

Members of the Oak Grove School Community (students, parents, guardians, employees, and community members) who feel they have been discriminated against on the basis of race, gender, disability, ethnic group, sexual orientation, age, national origin, or religion, should follow the procedures described below.

I. Statement of Philosophy and Purpose

- A. It is desirable that problems and complaints of alleged discrimination brought by students, parents, guardians, employees, or other members of the community be resolved in a prompt and equitable manner. If possible, such problems and complaints should be resolved in an equitable informal manner first.
- B. Under this procedure a complaint may also be any alleged action, policy, procedure, or practice which is believed to discriminate on the basis of race, color, national origin, sex (including sexual harassment), age, religion, or disability. When a student, parent, guardian, employee, or community member has a complaint against the Oak Grove School District, this procedure outlined below will be followed. Also, a complaint must be initiated within 180 days after a complainant knew, or should have known, of the alleged discrimination.
- C. Retaliation in any form for the filing of a complaint, reporting instances of discrimination, or for participating in the complaint procedure is prohibited. Such participation shall not in any way affect the terms or conditions of the participant's education or employment.
- D. The confidentiality of the parties will be protected to the greatest extent possible, consistent with the school district's obligations under state and federal law.

II. Procedures for Filing Complaint

Informal

The complainant should first meet with the school site administrator who shall attempt to resolve the matter informally. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the school site administrator may request that the complaint be put in writing (see attached form) and submitted to the administrator.

Informal (continued)

The administrator will respond to the complainant within 15 working days either verbally or in writing. Every reasonable attempt will be made to resolve complaints in a manner satisfactory to all parties.

The complainant is not required to participate in the informal resolution process and may initiate the process through the filing of a formal complaint under Level I. This is especially true if the complaint is against the school site administrator.

Level I

In the event that a complaint cannot be satisfactorily resolved at the informal level, or if the complainant does not want to participate in informal resolution, the complainant may meet with the District Affirmative Action Officer who is responsible for monitoring Title VI, Title IX, and Section 504 complaints.

The complainant may present his or her complaint to the Affirmative Action Officer, either orally or in writing, describing specifically the time, place, nature, and participants of the alleged discriminatory acts or policies. If the complainant's concerns are not clearly understood when presented orally, the District Affirmative Action Officer may request that the complaint be presented in writing. If the complaint is filed in writing, the Affirmative Action Officer will respond in writing under the timeframe noted below.

The District Affirmative Action Officer shall conduct any investigation necessary to resolve the complaint, including discussion with the complainant, the person against whom the complaint was filed, appropriate staff members and students, and a review of all relevant documents. In the event interviews with third parties are necessary, the Affirmative Action Officer may designate up to 20 working days for investigation of the complaint. An additional period of time, with the complainant's consent, may be allowed for resolution of the complaint.

Level II (optional)

If the complaint cannot be resolved at Level I, the complainant shall have the right to present the complaint to the Superintendent, following the same procedures as in Level I. The Superintendent will respond with a decision within 20 working days. An additional time period, with the complainant's consent, may be allowed for resolution of the complaint.

Level II (optional) (continued)

The existence of a School District Complaint Procedure does not affect the right of any individual or group to file a Federal complaint with the Office for Civil Rights, Department of Education:

Office of Civil Rights
Old Federal Building
50 United Nations Plaza, Room 239
San Francisco, California 94102
TEL: (415) 556-7000 or TTY: (415) 556-6806

OAK GROVE SCHOOL DISTRICT
Affirmative Action Office
COMPLAINT FORM

This form is to be completed by any person wishing to file a formal written complaint with the Oak Grove School District in the areas of race, color, national origin, sex, age, religion or handicap discrimination.

1. Name of person filing this complaint:

NAME: _____

ADDRESS: _____

CITY AND STATE: _____

PHONE NO.: _____

(Home)

(Work)

2. Name of person discriminated against (if other than person filing):

NAME: _____

ADDRESS: _____

CITY AND STATE: _____

PHONE NO.: _____

(Home)

(Work)

3. Please identify the institution, department or school that discriminated against you.

NAME:

DEPT. or SCHOOL:

4. Federal and state laws prohibit discrimination because of race, color, national origin, sex, handicap, religion, or age. Please indicate whether this complaint concerns student services or employment (or both) and complete the appropriate category (ies) under basis:

BASIS (Check one or more and specify for each item checked.)

| | | |
|--|--|---|
| <input type="checkbox"/> Student/Community | <input type="checkbox"/> Race/Color _____ | <input type="checkbox"/> Handicap _____ |
| <input type="checkbox"/> Services | <input type="checkbox"/> National Origin _____ | <input type="checkbox"/> Age _____ |
| | <input type="checkbox"/> Sex _____ | <input type="checkbox"/> Religion _____ |

| | | |
|-------------------------------------|--|---|
| <input type="checkbox"/> Employment | <input type="checkbox"/> Race/Color _____ | <input type="checkbox"/> Handicap _____ |
| | <input type="checkbox"/> National Origin _____ | <input type="checkbox"/> Age _____ |
| | <input type="checkbox"/> Sex _____ | <input type="checkbox"/> Religion _____ |

5. What is the most recent date of discrimination?

Other Dates: _____

6. When did the alleged discrimination begin?

7. When and in what way (harassment, intimidation, or retaliation) did you first become aware that the treatment, act, or decision was discriminatory? Please explain how and when this took place and who was responsible. Be sure to explain what action you took in your own behalf, or for someone else, to protect yourself or others from this discrimination.

8. Have you tried to resolve your complaint with the school or department through an internal grievance procedure?

YES _____ NO _____

If you answered yes, please give us the name of the grievance procedure, or person and tell us the status of your complaint at this time.

Please sign and date your complaint below.

DATE: _____ SIGNATURE: _____

Send or bring white copy of this complaint to Title IX Coordinator, Human Resources Department, Oak Grove School District, 6578 Santa Teresa Blvd., San Jose, CA 95119.