

INTERNAL COMPLAINT PROCEDURES

It is the policy of the **Eagle Peak Montessori School** (the “School”) to maintain a positive and productive working and educational environment. The School does not discriminate on the basis of disability, gender, gender identity, gender expression, nationality, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, race, color, ancestry, or ethnicity, religion, sex, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in California Penal Code section 422.55 in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. OCR Notice of Non-Discrimination for Title VI, IX, Section 504, Age Disc. Act and Boy Scouts Act. The School is primarily responsible to ensure that it is compliant with all applicable federal and state laws and regulations. There are some circumstances, however, when employees or students may take issue with other employees or students or someone may believe that a violation of federal or state law is occurring in certain educational programs. The School encourages complainants to first address the issue with the other person directly using conflict resolution skills when possible.

Types of Complaints to be Filed Using the UCP: If, however, the complainant does not feel comfortable with this approach and the complaint relates to any of the topics below, the complainant must use the complaint procedure identified below. The School will investigate complaints and seek to resolve them in compliance with this policy:

- Unlawful harassment, discrimination, intimidation, or bullying based upon the above-identified characteristics, or any other legally protected category, including any actual or perceived characteristics 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 its programs or activities funded directly by the state or receiving any financial assistance from the state, federal or state laws, or regulations governing educational programs;
- Improper student fees;
- Failure to accommodate lactating students;
- Noncompliance with the rights of pregnant and parenting students;
- Failure to provide Lesbian, Gay, Bisexual, Transgender and Questioning educational materials.
- Failure to comply with educational rights of foster youth pursuant to Education Code sections 48853, 48853.5, and 49069.5, and graduation requirements for foster youth, homeless youth, and other youth pursuant to Education Code sections 51225.1 and 51225.2;

- Failure to comply with statutes relating to the education of homeless students or migratory students;
- A complaint about the School’s safety plan;
- A complaint that the School has not complied with the requirements of Education Code sections 47606.5 (annual update to goals and annual actions) or 47607.3 (outcomes for pupil subgroups), as applicable;
- Other violation of state or federal law under the following programs **Safety Planning Requirements, Physical Education: Instructional Minutes;**

The Executive Director has the responsibility to maintain a work place and educational environment free from any form of sexual or other unlawful harassment, discrimination or conduct. Unlawful discrimination or harassment may be based upon actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, age or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics, or any other category protected by law. Consequently, should **the Executive Director** become aware of any conduct that may constitute discrimination, harassment or other prohibited behavior, immediate action will be taken to address and remediate such conduct.

Making a Complaint: Any person who has experienced or is aware of a situation that is believed to be or represents a violation of law as identified above, has a responsibility to report the situation immediately to **the Executive Director, 800 Hutchinson Rd. Walnut Creek, CA 94598 (925)946-0994**. Employees who believe they have been the victim of any employment discrimination should follow the complaint procedures identified in the employee handbook. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, the School will assist the complainant in filing the complaint.

If the employee or student is not comfortable contacting **the Executive Director** or if that individual is not available, the employee or student should contact **the Board President, 800 Hutchinson Rd. Walnut Creek, CA 94598, (925)946-0994**, who has been designated to handle inquiries regarding the non-discrimination policies and other complaints identified. OCR Non-discrimination notice. A Harassment/Retaliation/Unlawful Conduct Complaint Form may be obtained from **the Business Manager**, persons making complaints need not use the official form.

Anonymous Complaints: Any employee or student who believes that there has been a violation of state or federal law as articulated above, or an improper imposition of student fees, should make a written complaint to the **Executive Director**. Students making a complaint of improper fees or complaints that the School has failed to comply with Education Code sections 47606.5 or 47607.3, may make the complaint anonymously if the complaint provides evidence or

information leading to evidence to support an allegation of noncompliance with the applicable Education Codes.

6 Month Limit on Certain Complaints: Complaints relating to discrimination, harassment, intimidation or bullying (other than employment discrimination) must be filed within six months of the alleged discrimination, harassment, intimidation or bullying or when the complainant first obtained knowledge of the alleged discrimination, harassment, intimidation or bullying, unless an extension has been obtained from the **Executive Director** or **President of the Board of Directors** or his/her designee. Such extension by the **Executive Director** or his/her designee shall be made in writing. The period for filing may be extended by the **Executive Director** or his/her designee for good cause for a period not to exceed 90 days following the expiration of the six month time period. The **Executive Director** shall respond immediately upon a receipt of a request for extension.

[Note: The regulations allow for the parties to resolve the complaint through means other than the complaint process provided below. However, they do not require such other resolution process. This policy is drafted to allow for such alternative resolution mechanism.] Informal Resolution: If the parties mutually agree, the complainant and the School may resolve the matter through mediation or otherwise informally. If mediation fails to resolve the matter, or the parties do not agree to mediate the matter, the formal complaint procedure identified below shall be followed.

Investigation of Complaints: If the complaint alleges wrongdoing involving discrimination (other than employment discrimination) or claims of failure to comply with applicable state or federal laws or regulations, the School will complete an investigation and submit to the complainant a written decision regarding the complaint within 60 days of receipt of the complaint. During the investigation, the complainant, his/her representative or both, will have the opportunity to present the complaint and evidence or information leading to evidence to support the allegations of the complaint. The 60-day timeframe may be extended by the written consent of the complainant.

Refusal by the complainant to provide the investigator, at any level of the investigation, with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations.

Complaints will be handled as discreetly as possible, consistent with the need to investigate effectively and promptly resolve the matter.

The Executive Director will be knowledgeable of the laws/programs that he/she is assigned to investigate. If the complaint alleges employment discrimination, the Board of Directors will send it to the Department of Fair Employment and Housing (the “DFEH”) for investigation as required by law.

Written Decision: The **Executive Director** shall prepare a written Investigation Report, which Investigation Report shall contain the following: 1) findings of fact based on the evidence gathered; 2) conclusion providing a clear determination as to each allegation as to whether the charter school is in compliance with the relevant law; 3) if the school finds merit in the complaint, corrective actions including in the case of complaints related to Education Code section 33315 subsections (a)(1)(I), (J), (K) and (L), or as otherwise required by law, a remedy to all affected pupils, parents and guardians. With respect to complaints relating to pupil fees, corrective actions shall include, a remedy that comports with Education Code section 49013 and 5 C.C.R. section 4600(t). 4) notice of the complainant’s right to appeal the School’s Investigation Report to the California Department of Education, except when the School has used its local uniform complaint procedures to address a complaint not described in 5 C.C.R. section 4610(b); and 5) the procedures to be followed for initiating an appeal to the Department of Education. Within 60 days of receipt of the complaint, the **Executive Director** will send a copy of the written decision to the complainant.

Appeal of School’s Decision

Appeal to CDE: Except for complaints that are not described in 5 C.C.R. section 4610(b), a complainant may appeal a decision to the California Department of Education (“CDE”) by filing a written appeal within 30 days of receiving the Investigation Report. The complainant shall specify the basis for the appeal, including at least one of the following: 1) the School failed to follow its complaint procedures; and/or 2) relative to the allegations of the complaint, the Investigation Report lacks material findings of fact necessary to reach a conclusion of law; and/or 3) the material findings of fact in the Investigation Report are not supported by substantial evidence; and/or 4) the legal conclusion in the Investigation Report is inconsistent with the law; and/or 5) in a case where the School found noncompliance, the corrective actions fail to provide a proper remedy.

The appeal should be accompanied by a copy of the locally filed complaint and a copy of the School’s Investigation Decision. If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to the School for resolution. If the CDE determines that the Investigation Report failed to address an issue raised by the complaint, the CDE will refer the matter to the School to make the necessary findings and conclusions on any issue not addressed. The School will have 20 days to make those findings. The amended Investigation Report shall inform the appellant of the right to separately appeal the amended Investigation Report with respect to the complaint allegation(s) that was not addressed in the original report.

Any employee found to have participated in improper harassment or discrimination will be subject to disciplinary action, up to and including possible dismissal. Any student found to have participated in improper harassment or discrimination will be subject to disciplinary action, up to and including possible suspension or expulsion.

External Procedures: Filing a Complaint with the DFEH.

Employees or job applicants who believe that they have experienced unlawful employment discrimination or harassment 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.

Employees may 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 toll free at (800) 884-1684, or email the DFEH at contact.center@dfeh.ca.gov or visit its website at 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, conducted by the 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, 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.

Dissemination

The School will send to students, employees, parents or guardians of its students, school advisory committees, and other interested parties a notice of rights under this policy on an annual

basis. Upon request, a copy of this policy will be made available free of charge and is also available on the School's website.

Adopted: 02/06/21

Amended: