

A-10

CESAR CHAVEZ COMMUNITY SCHOOL

**Complaint Procedure**

**Date Adopted: 9/23/09**

**Date(s) Revised: 6/10/13**

**Page 1**

**Responding to Inquiries and Complaints from the Public**

**A. Informal Process**

The complaint from a member of the public should be resolved with the parties most directly involved as amicably, expeditiously, and satisfactorily as possible. Toward this end, the following steps will be followed:

1. The Director/Principal will inform the school community of the availability of a form that describes this complaint process. The form identifies the appropriate administrators or other staff members who may be contacted for informal help with specific inquiries, concerns, or complaints.
2. A member of the public who has an inquiry, concern, or complaint is encouraged to discuss the matter with the Director/Principal to seek an informal resolution.
3. The Director/Principal should attempt to resolve the matter at this early stage and should ensure that reasonable informal methods of resolution have been explored.
4. No forms or formal documentation of this informal process are required under this policy. However, the Director/Principal should make and retain a record of efforts made to informally resolve the complaint.

**B. Formal Process - Review of Decision**

1. When a concern or complaint is not resolved through the informal process, the Director/Principal will take the following action:
  - a) The Director/Principal or designee will furnish the complainant with an explanation of the formal process to be followed.
  - b) The Director/Principal or designee will advise the complainant to submit the complaint to the principal in writing, using CCCS Form: Complaint Form.
  - i) If the Director/Principal determines that a complainant's signed letter is intended to be a formal complaint and provides the minimum information necessary for considering the complaint, the principal may elect to attach the letter to the CCCS Complaint Form.
  - c) Upon receipt of the written complaint, the Director/Principal will initial and date the form and open a file for the complaint.
  - d) The file will include all correspondence and other pertinent information upon which a final decision is based.
  - e) Within three (3) work days of receipt of the written complaint, the Director/Principal or designee will contact the complainant and establish the date, time, and place of a meeting to discuss the complaint if such a meeting has not already occurred and will provide the complainant with the opportunity to present information through

witnesses 1, documents, or other testimony. When possible the meeting should take place within ten (10) work days of the receipt of the complaint.

f) Within ten (10) work days of the receipt of the written complaint, or the date of the scheduled meeting, the principal will complete a written decision or will respond using CCCS Complaint Form; and a copy will be provided to the complainant.

- If the complaint is complicated or otherwise cannot reasonably be decided within 10 work days, the Director/Principal may extend the time for a decision by not more than ten (10) additional work days and will inform the complainant of the extension.
- During an investigation of a sexual harassment complaint, the complainant is not required to attend a face-to-face meeting with, or confront in any way, the alleged harasser.

2. All complaints involving discrimination under applicable laws may require additional assistance, at the discretion of Director/Principal, in the investigation of the complaint and may, for reasonable cause, extend any timeline required herein for up to an additional 10 work days.

3. If the Director/Principal does not contact the complainant for a meeting or make a decision within the time required, or if the complainant is not satisfied with the written decision, the complainant may request further review according to the following procedures.

Complaint to the Governing Council President within 15 calendar days after one of the following:

- (a) the date of the Director/Principal's written decision or
- (b) the date when a decision was required to have been made.

The complainant may seek review by forwarding CCCS Complaint Form to the Governing Council President with a note explaining the basis for disagreeing with the decision.

If the available documentation indicates that the complainant never addressed the complaint to the Director/Principal, the Governing Council President or designee should advise the complainant to contact the school and seek resolution at that level.

Within ten (10) work days of the receipt of the request or scheduled meeting, the Governing Council President is expected to make a decision, unless further investigation requires additional time, in which case a ten (10) work day extension will be made with notification to the complainant. The decision shall be stated in writing, and copies will be provided to the complainant and the Director/Principal.

A complaint under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or Title IX of the Education Amendment of 1972, as amended, may be filed with the Office for Civil Rights, United States Department of Education, within 180 days of the alleged discrimination.

### **C. Records and Files**

1. The office of the Director/Principal will retain a copy of the case file.
2. When a decision is made, a copy of the written decision will be furnished to the complainant and the Director/Principal.

3. In the case of review, a copy of the case file will be furnished to the Governing Council President.
4. At each level, the case file records are to be retained for 36 months following the settlement or other conclusion of the case, after which the records may be destroyed at the option of the administrator at each level. However, if the complaint involves a matter or subject for which a longer retention period is specifically provided for all records, that longer retention period will prevail for the complaint records as well.
5. The provisions for retention of records specified in this policy will not apply if an agreement to destroy or retain the records is included in the formal decision or review decision of the complaint.

#### **D. Publication of Policy and Procedures**

The procedure regarding the resolution of complaints from the public will be publicized at least annually by each local school in a newsletter to parents, or in the Student/Parent Handbook.

#### 6.10.3 NMAC

Ref: CCCS Parent and Student Handbook, Section III, Students Rights and Responsibilities