

## **UNIFORM COMPLAINT PROCEDURES**

- A. The Extended Child Care (ECC) Board of Directors recognizes that each site including the ECC Office has primary responsibility for ensuring that it complies with state and federal laws and regulations governing educational programs. The agency shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, based on sex, sexual orientation, gender, ethnic group identification, race, ancestry, and national origin, religion, color, mental or physical disability, or the failure to comply with state or federal law in childcare and development programs, child nutrition programs and any other funded programs.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Executive Director or designee shall distribute full information about these procedures.

- B. The ECC Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Executive Director or designee shall initiate a mediation process before beginning a formal compliance investigation. The Executive Director or designee shall ensure that mediation results are consistent with state and federal laws and regulations.
- C. The ECC Board of Directors prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for the participation in complaint procedures. Such participation shall not in any way affect the status or work assignments of the complainant.
- D. The ECC Board acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Executive Director or designee on a case-by-case basis.
- E. The Executive Director 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 Executive Director or designee.

- F. The following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to the complaint procedures set forth in this policy.
1. Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
  2. Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
  3. Discrimination issues involving Title IX of the Educational Amendments of 1972 shall be referred to the U.S. Office of Civil Rights (OCR). Title IX complainants will only be referred to the OCR if there is no state discrimination law or regulation at issue. Unless otherwise negotiated through a memorandum of understanding and/or agreement, a preliminary inquiry and/or investigation concerning these complaints will be conducted by OCR. The complainant shall be notified by certified mail if his or her complaint is transferred to OCR by the State Superintendent of Public Instruction.
  4. Complaints of discrimination involving Child Nutrition Programs administered by the U.S. Department of Agriculture from program participants or applicants shall be referred to either Administrator, U. S. Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, or Secretary of Agriculture, Washington, D. C. 20250. Discrimination complaints received by a local agency of the Department shall be immediately directed to the U. S. Department of Agriculture, Food and Nutrition Service, Western Regional Office.
  5. Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH) pursuant to Title 22, CCR, Section 98410. The complainant shall be notified by certified mail of any DFEH transferal.
  6. Allegations of fraud shall be referred to the responsible California Department of Education Division Director and the Department's Legal Office.