

UNIFORM COMPLAINT PROCEDURES

It is the policy of Excelsior Charter Group (ECG) to maintain a positive and productive working environment where ECG is compliant with all applicable federal and state laws and regulations. There are some circumstances, however, when employees may take issue with other employees or supervisors or employees believe that a violation of federal or state law is occurring in certain programs. Employees that have complaints against other employees or supervisors that do not involve complaints of discrimination or harassment or violations of law, are encouraged to first address the issue with the person directly using conflict resolution skills without the intervention of a supervisor or other ECG administrator. If, however, the employee does not feel comfortable with this approach or the complaint involves harassment, discrimination or other violation of state or federal law, the employee must use the below identified complaint procedure.

INTERNAL PROCEDURES

Internal Level Investigation

Each supervisor has the responsibility to maintain a work place environment free from any form of sexual or other unlawful harassment, discrimination or conduct. Consequently, should any supervisor become aware of any conduct that may constitute sexual harassment or other prohibited behavior, immediate action will be taken to address and remediate such conduct. Any employee who has experienced or is aware of a situation that is believed to be sexually and/or otherwise unlawfully harassing or otherwise unlawful has a responsibility to report the situation immediately to the Manager of Human Resources by telephone at (760) 245-4262 or in person at 15505 Civic Dr. Victorville, CA 92392. If the employee is not comfortable contacting the Manager of Human Resources, or if that individual is not available, the employee should contact the Chief Financial Officer by telephone at (760) 245-4262 or in person at 15505 Civic Dr. Victorville, CA 92392. A Harassment/Retaliation/Unlawful Conduct Complaint Form may be obtained from the Manager of Human Resources.

The Manager of Human Resources will conduct a prompt investigation and take appropriate corrective action where warranted. Complaints will be handled as discreetly as possible, consistent with the need to investigate effectively and promptly resolve the matter. Complaints relating to discrimination, other than employment discrimination, must be filed within six months of the alleged discrimination or when the complainant first obtained knowledge of the alleged discrimination, unless an extension has been obtained from the CFO or his/her designee. Such extension by the CFO or his/her designee shall be made in writing. The period for filing may be extended by the CFO 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 CFO shall respond immediately upon a receipt of a request for extension.

Board of Directors Level Investigation

Claims of discrimination or failure to comply with applicable state and federal laws and regulations: If the employee is not satisfied with the outcome of an Internal level investigation of a discrimination claim or allegations of failure to comply with applicable state and federal laws and regulations, the employee, in writing, should bring the matter to the attention of the Chairman of the Board of Directors by telephone at (760) 245-4262 extension 406 or in-person at 15505 Civic Dr. Victorville, CA 92392.

If the parties mutually agree, the complainant and the Board of Directors may resolve the matter through mediation or informally before a written complaint is filed. 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.

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, within 60 days of receipt of the complaint, the Chairman of the Board of Directors or his/her designee will complete an investigation where the complainant, his/her representative or both, and representatives of ECG, have the opportunity to present the complaint and evidence or information leading to evidence to support the allegations of non-compliance with state or federal laws and/or regulations. The 60-day timeframe may be extended by the written consent of the complainant.

Refusal by the complainant to provide the investigator 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.

The Chairman of the Board of Directors or his/her designee shall prepare a written decision, which decision shall contain the following: 1) findings of fact based on the evidence gathered; 2) conclusions of law; 3) disposition of the complaint; 4) the corrective actions, if any are warranted; 5) notice of the complainant's right to appeal ECG's decision to the California Department of Education; and 6) the procedures to be followed for initiating an appeal to the Department of Education. Within 60 days of receipt of the complaint, the Chairman of the Board of Directors or his/her designee will send a copy of the written decision to the complainant.

Complaints will be handled as discreetly as possible, consistent with the need to investigate effectively and promptly resolve the matter. The Chairman of the Board of Directors or his/her designee 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.

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

EXTERNAL PROCEDURES

Filing a Complaint with the DFEH

Employees or job applicants who believe that they have experienced unlawful employment discrimination 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. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission (the “Commission”) or a lawsuit filed by the DFEH on behalf of the complaining party.

If the Commission finds that discrimination has occurred, it can order remedies including: fines or damages for emotional distress from each employer or person found to have violated the law; hiring or reinstatement; back pay or promotion; changes in the policies or practices of the involved employer.

Employees can 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 and Commission toll free at (800) 884-1684, in the Sacramento area and out of state at (916) 227-0551 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 ECG’s policy for ECG 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 ECG 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, proceeding or hearing conducted by the Commission or 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 ECG’s retaliation policy include seeking advice from the DFEH or Commission; filing a complaint with the DFEH or Commission, 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 ECG 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 ECG 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.

Complaints Concerning the Workplace

The Board of Directors believes that the quality of the program may improve when the Board and administration listens to complaints, considers differences of opinion, and resolves disagreements through an established, objective process.

The Board encourages complainants to resolve problems early and informally whenever possible. If a problem remains unresolved, the individual should submit a formal complaint as early as possible in accordance with appropriate procedures. ECG's complaint procedures shall be readily accessible.

Individual staff members do not have authority to resolve formal complaints. If approached directly with a formal complaint, however, staff members should listen to the complaint and show their concern by assisting the complainant with the complaint procedure. All formal complaints shall be referred to the CFO or designee so that the problem may receive proper consideration.

Adopted: 01/25/2018

Amended: