

Human Resource Services



Annual Employee Notifications

(All Employees, Substitutes, and
Short-Term Temporary)

2015-16

■ ANNUAL EMPLOYEE NOTIFICATIONS ■

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NON-DISCRIMINATION IN EMPLOYMENT

(BP/AR 4030)

The Governing Board prohibits unlawful discrimination, *intimidation, bullying* against and/or harassment of district employees and job applicants on the basis of actual or perceived race, color, national origin, *ethnicity, nationality*, ancestry, religious creed, *religion*, age, marital status, pregnancy, physical or mental disability, *disability, gender identity, gender expres-*

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domestic violence advocate, or counselor. To the extent the law allows, the Sacramento City Unified School District must maintain the employee's confidentiality. (*California Labor Code §230-230.1, as amended by 2000 Cal. Stat. 487*) The Sacramento City Unified School District declares that violent conduct of any kind will not be condoned or tolerated. Discipline up to and including termination of employment will occur to any employee who threatens or abuses others on work time or using work resources. Employees convicted of a crime as a result of domestic violence may be subject to corrective or disciplinary procedures, up to and including termination, when work performance or normal operation of the workplace is affected.

UNIFORM COMPLAINT (UC) PROCEDURES (BP/AR 1312.3)

The Governing Board recognizes that the district is responsible for complying with applicable state and federal laws and regulations governing educational programs. (T5 CCR 4620) The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation, and/or bullying based on actual or perceived characteristics such as, age, sex, sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, gender, gender expression, gender identity, ethnic group identification, ethnicity, race, ancestry, nationality, national origin, religion, color, or mental or physical disability, or in any program or activity that receives or benefits from state financial assistance. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs, special education programs, federal school safety planning requirements and pertaining to prohibitive requirements to pay pupil fees for participation in an education activity. Additionally, the district shall use uniform complaint procedures to address complaints regarding insufficiency of instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and/or teacher vacancy or misassignment issues as provided in Administrative Regulation 1312.4. 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 Superintendent or designee shall distribute full information about these procedures. The Board acknowledges and respects every individual's right 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 Superintendent or designee on a case-by-case basis.

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ble or required by law. If it is not feasible to write this report in the complainant's primary language, the district shall arrange a meeting at which a community member of the complainant's choosing will interpret it for the complainant. This report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any. (T5 CCR 4631)
2. The rationale for the above disposition. (T5 CCR 4631)
3. Notice of the complainant's right to appeal the decision to the California Department of Education, and procedures to be followed for initiating such an appeal. (T5 CCR 4631)
4. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. (T5 CCR 4631; Education Code 262.3)
5. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved.

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

Note: In accordance with California Code of Regulations, Title 5, complaints alleging discrimination, harassment, intimidation and/or bullying must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation and/or bullying complaint occurred.

Appeals to the

California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (T5 CCR 4652) When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (T5 CCR 4652) The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in T5 CCR 4650, exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

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exposure hepatitis B vaccination under the conditions specified by state regulations. Any employee not identified as having occupational exposure in the district's exposure determination may petition to be included in the district's employee in-service and hepatitis B vaccination program. Any such petition should be submitted to the Superintendent or designee who shall evaluate the request and notify the petitioners of his/her decision.

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with a confidential medical evaluation and follow-up, as required by law. The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation.

Records

Medical and training records shall be kept in accordance with law. Medical records shall be maintained for the duration of employment plus 30 years. Training records shall be maintained for three years from the date of training. An employee's records shall be made available to that employee and to the National Institute for Occupational Safety and Health in accordance with law. Medical records for each employee with occupational exposure will be kept confidential as appropriate and transferred or made available in accordance with law.

Nondiscrimination in District Programs and Activities (BP 0410)

The Governing Board is committed to 0 Tc3n d7()0.7(b)13.3IAI 0

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The Governing Board believes that the maintenance of drug and alcohol-free workplaces is essential to school and district operations. No employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations before, during, or after school hours at school or in any other district workplace. The Superintendent or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace. For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal drug or alcohol statutes.
2. Establish a drug and alcohol-free awareness program to inform employees about:
 - a. The dangers of drug and alcohol abuse in the workplace.



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- dential during any period in which he or she knows or is in possession of facts showing that his or her mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.
- (2) Assign or require or permit a subordinate certificated person to perform any duties authorized by his or her credential during any period in which the superior certificated person knows of his or her own knowledge, or is in possession of facts showing that the subordinate certificated person's mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.
- (b) For the purpose of this rule, substantial impairment means a visible inability to perform the usual and customary duties of the position in a manner that does not represent a danger to pupils, employees, or school property. It does not include or mean inability attributable to lack of, or inadequate, professional preparation or education.

4. At all times be courteous in my relations with students, parents, teachers, and others.
5. Be a resourceful person who readily adapts himself to different kinds of work and changed conditions, and finds better ways to do things.
6. Conduct myself in a spirit of friendly helpfulness to my fellow employees to the end that I will consider no personal success legitimate or ethical which is secured by taking unfair advantage of another.
7. Associate myself with employees of other districts for the purpose of discussing school problems and cooperating in the improvement of public school conditions.
8. Always uphold my obligations as a citizen to my nation, my state, my school district, and my community, and give them unswerving loyalty.

Management, Supervisory, and

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Harassment and Retaliation Prohibited

80337 No certificated person shall directly or indirectly use or threaten to use any official authority or influence in any manner whatsoever which tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any certificated person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Governing Board of a school district, the Commission on Teacher Credentialing, or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these rules of professional conduct.

Discrimination Prohibited

80338 A certificated person shall not, without good cause, in the course and score of his or her certificated employment and solely because of race, color, creed, gender, national origin, handicapping condition, or sexual orientation, refuse or fail to perform certificated services for any person.

Classified Employees (E 4219.21)

School employees who are in daily contact with many phases of educational work should be persons whose conduct is beyond reproach and who sincerely believe in the advancement of education and the betterment of working conditions.

As a school employee I will:

1. Be proud of my vocation in order that I may use my best endeavors to elevate the standards of my position so that I may merit a reputation for high quality of service -- to the end that others may emulate my example.
2. Be a person of integrity, clean speech, desirable personal habits, and physical fitness.
3. Be just in my criticism and be generous in my praise; to improve and not destroy.

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The intent of this Board Policy is directed at **all employees** of the district.

The Governing Board recognizes that a certificated employee shall not accept any compensation or benefit or thing of value for the performance of any service which he42d.(l)2(e15(he)0.7(G)842d.(s)-2.7(d)10.7(c)10.7(qu)-0.6(r)3.6(ec)10.7(P)4.3(ot1.7(y)TJ 0.10

PROCESS OF INVESTIGATION OF

EMPLOYEE HARASSMENT OR DISCRIMINATION IN EMPLOYMENT

Confidentiality Rule: Do not delegate calling to anyone else. Do not leave messages that are detailed. Mark all information regarding this matter CONFIDENTIAL.

STEP I
Principal or
Direct Supervisor

Fill Out
PSL-F088
Title IX
Grievance
Request

STEP II
Director, Human
Resource Services

Appeal

STEP III
Chief Human
Resource Services
Officer

1. Complaint (Form or Verbal Complaint Put Into Writing by Principal/ Direct Supervisor)

1. Appropriate Human Resource Services Director to Investigate and Document

1. Investigate and Confer With Superintendent and Legal Counsel

2. Principal or Direct Supervisor to Investigate and Document

2. Make Finding and Recommendation to Resolve

2. Make Finding and Proposed Resolution

3. Make Finding and Recommendation to Resolve

3. Written Finding to be Kept in Human Resource Services Office; cc: to Chief Human Resources Officer

3. Make Recommendation to Superintendent and Board of Education if Necessary

4. Copy of Written Finding to be Kept at Site; cc: to Human Resource Services Office Within 10 Days

Confidentiality Rule: Do not delegate calling to anyone else. Do not leave messages that are detailed. Mark all information regarding this matter **CONFIDENTIAL**.

Important Note: At any time during the process, the parent/guardian or student may contact and work directly with the **Title IX Officer (Director, Student Services/Alternative Education)**.

STEP I: School Site

- a) Parent/guardian or student submits a complaint either verbal or in writing to the Principal, Assistant Principal, Counselor, Teacher, Activities Advisor, or any other staff member.

Includes Nondiscrimination & Sexual Harassment (BP/AR 0410, 4119.11 & 4030)

The Governing Board prohibits unlawful discrimination, intimidation, bullying against and/or harassment of district employees, job applicants, and District programs & activities on the basis of actual or perceived race, color, national origin, nationality, ancestry, ethnicity, ethnic group identification, religious creed, religion, age, marital status, pregnancy, physical or mental disability, disability



Human Resource Services

Uniform Complaint Procedure

Extracted From AR 1312.3 Community Relations

Compliance Officers

The Governing Board designates the following compliance officers to receive and investigate complaints and ensure district compliance with law:

Chief Human Resources responsible. Such employees may have access to legal counsel as determined by Superintendent or designee.

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with applicable state and/or federal laws and regulations and/or alleging discrimination in adult education, consolidated categorical aid programs, migrant education, career technical education and training programs, child care and development programs, child nutrition programs, special education programs, and federal school safety planning requirements. (Title 5 California Code of Regulations (T5CCR) 4610)

The District shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on, actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or on the basis of a person's association with a person or group.

officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. [T5 CCR 4631]

Step 3: Investigation of Complaint

The compliance officer shall make all reasonable efforts to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative and the district's representatives shall have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. [T5 CCR 4631]

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 obstructions of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations. [T5CCR 4631]oppo-0.8(i)cC

extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis. [T5CCR 4621]

The Board prohibits retaliation in any form for participation in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. [T5 CCR 4652]

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. [T5 CCR 4652]

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining



HUMAN RESOURCE SERVICES
P.O. Box 246870 Sacramento, CA 95824-6870
(916) 643-9050 FAX (916) 399-2016

José L. Banda, *Superintendent*
Cancy McArn, *Chief Human Resources Officer*

**ANNUAL NOTIFICATION
OF THE UNIFORM COMPLAINT PROCEDURES (UCP)
August 13, 2015**

BOARD OF EDUCATION

Darrel Woo
President
Trustee Area 6

Christina Pritchett
Vice President
Trustee Area 3

Jay Hansen
2nd Vice President
Trustee Area 1

Ellen Cochrane
Trustee Area 2

Gustavo Arroyo
Trustee Area 4

Diana Rodriguez
Trustee Area 5

Jessie Ryan
Trustee Area 7

Elizabeth Barry
Student Board Member

For students, employees, parents or guardians of its students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties

The Sacramento City Unified School District (SCUSD) has the primary responsibility to insure compliance with applicable state and federal laws and regulations and has established procedures to address allegations of unlawful discrimination, harassment, intimidation and/or bullying complaints alleging violation of state or federal laws governing educational programs.

SCUSD shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedures (UCP) adopted by our local board to address unlawful discrimination, harassment, intimidation, and/or bullying regarding or based on, actual or perceived characteristics such as, age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, ment4(h a)-6(s)-2(n)-1.15hCdJ u]is4(hd

Complaints will be investigated and a written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. SCUSD's person responsible for investigating the complaint shall conduct and complete the investigation in accordance with Title 5 Code of Regulations (T5CCR) sections 4680-4687 and in accordance with local procedures adopted under section 4621 (T5CCR).

The complainant has a right to appeal SCUSD's Decision to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving SCUSD's Decision. The appeal must include a copy of the complaint filed with SCUSD and a copy of SCUSD's Decision.

Civil law remedies may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable. In appropriate cases, an appeal may be filed

A complaint of noncompliance with the requirements of this pupil fee law may be filed with the principal of a school under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements.

A complainant not satisfied with the decision of a District has a right to appeal the decision to the



Human Resource Services

Williams Uniform Complaint Procedure

Extracted From AR 1312.4 Community Relations

Types of Williams Complaints

The district shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186)

1. Instructional Materials
 - a. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
 - b. A pupil does not have access to instructional materials to use at home or after school in order to complete required homework assignments.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
2. Teacher Vacancy or Misassignment
 - a. A semester begins and a certificated teacher is not assigned to teach the class.
Vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-

Filing of Complaint

A complaint alleging any condition(s) specified above shall be filed with the principal of the school or his or her designee, in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within 10 working days.

Reports



HUMAN RESOURCE SERVICES

P.O. Box 246870 Sacramento, CA 95824-6870

(916) 643-9050 FAX (916) 399-2016

José L. Banda, *Superintendent*

Cancy McArn, *Chief Human Resources Officer*

Williams Complaints Classroom Notice

Community Relations E 13124 Code 35186 The following notice be posted

1. There should be sufficient textbooks and instructional materials, including English learners, or both, to use in class and to take home to complete required homework.
2. School facilities must be clean, safe, and maintained in good repair. School Construction.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a



Human Re

Parent/Public: Williams Case Complaint Concerning Deficiencies Related to:

(BP 1312.4, E[1] 1312.4): (continued)

Teacher Vacancy or
Misassignments

A semester begins and a teacher vacancy exists. (A position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.) *(EC 35186[e][2][A], T5CCR 4682)*

A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20% English learner pupils in the class. *(EC 35186[e][2][B], T5CCR 4682)*

A teacher assigned to teach a class for which the teacher lacks a subject matter competency. *(EC 35186[e][2][C], T5CCR 4682)*

Conditions of Facilities

A condition poses an urgent or emergency threat to the health or safety of pupils or staff, including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers or air-conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate. *(EC 17592.72, T5CCR 4683)*

A school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. *(EC 35292.5[a][1])*

The school has not kept restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when temporary closing of the restroom is necessary for pupil safety or to make repairs. *(EC 35292.5)*

Person(s) Involved in Complaint:	1. 2.
Date of Occurrence (mm/dd/yy):	/ / Time: Witness:
Ethnicity (if applicable):	Age (if applicable): Sex: Male Female
Describe the Specific Nature of the Complaint: (Include as much information you feel is necessary. Attach additional pages, if necessary.)	
Complainant's Requested Remedy:	

***Return student complaints to:** Student Hearing and Placement Department, 5735 47th Avenue, Sacramento, CA 95824, through District Mail to Box Number 760, fax to (916) 399-2029, phone (916) 643-9425.
Return all other complaints to: Human Resource Services, 5735 47th Avenue, Sacramento, CA 95824, through District Mail to Box Number 770, fax to (916) 399-2016, phone (916) 643-9050.