

Complaint and Grievance Policy and Procedures

Purpose: *Raíces del Saber Xinachtli Community School acknowledges that complaints received from students, families and the general public should be resolved in an equitable and timely manner. The following policies and procedures protect the rights of individuals and in accordance with 6.10.3.9 NMAC 1978, establishes written procedures for receiving and resolving complaints that Raíces del Saber Xinachtli Community School is violating a federal statute or regulation that applies to an applicable program and it provides for an appeals process.*

Policy: Raíces del Saber Xinachtli Community School is committed to protecting the rights of student, parents and employees as set forth in Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA), the New Mexico Human Rights Act, the McKinney-Vento Education for Homeless Children and Youth Act as well as other federal and state programs. These Complaint Procedures apply to all allegations of violation of the rules and regulations of these programs by employees, other students or third parties.

Complaints of Discrimination:

Raíces del Saber Xinachtli Community School affords all students equal educational and extra-curricular opportunities and prohibits discrimination and harassment in any program or activity or program of or sponsored by Raíces del Saber Xinachtli Community School. School personnel who become aware of disability discrimination shall promptly and effectively act to report and end the discrimination and prevent it from recurring and, where appropriate, remedy the effect on the person who was discriminated against. Remedial measures generally include counseling the individuals who have been harmed by the discrimination and the persons who are responsible for the discrimination and implementing monitoring programs to follow up on resolved issues of disability discrimination. In addition, if there is a finding of discrimination, appropriate discipline for the person responsible for the discrimination will be imposed.

Disability Discrimination/Harassment:

Disability discrimination under Section 504 and Title II is defined as treating a student differently based upon their disability or excluding a student or group of students based on their disability. Discrimination may include a policy or practice of excluding students with disabilities from participating in sports or other school activities.

Disability harassment under Section 504 and Title II is intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the institution's program. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphics and written statements, or conduct that is physically threatening, harmful, or humiliating.

When harassing conduct is sufficiently severe, persistent, or pervasive that it creates a hostile environment, it can violate a student's rights under Section 504 and Title II regulations. A hostile environment may exist even if there are no tangible effects on the student where the harassment is serious enough to adversely affect the student's ability to participate in or benefit from the educational program.

Disability Harassment that adversely affects a student's education may also be a denial of a free appropriate public education (FAPE) under the IDEA, as well as under Section 504 and Title II.

Retaliation Prohibited:

No individual shall suffer retaliation for filing a grievance under this policy or for participating in the investigation of a grievance. Retaliation means some type of adversarial or punitive action taken against an individual as the result of filing a complaint or participating in the complaint process. Retaliation against any individual for filing a grievance under this policy or for their participation in the investigation of a grievance shall be grounds for a subsequent grievance under this policy.

Confidentiality

Raíces del Saber Xinachtli Community School will protect the privacy of the complainant, the individual(s) against whom the complaint is filed and the witnesses as much as possible, consistent with our legal obligations to investigate, take appropriate action, and conform to any legal disclosure or discovery obligations.

Filing a Complaint under this Policy:

To file a complaint under this policy, a person may contact the Raíces del Saber Xinachtli Community School Principal. The name and contact information of the current Principal can be found on the Raíces del Saber Xinachtli Community School website or by contacting the school. In the event the complaint is against the Principal, individuals should contact the Chairperson of the Governance Board or their designee. The name and contact information of the current Chairperson of the Governance Council can be found on the Raíces del Saber Xinachtli Community School website or by contacting the school.

A complaint should be filed, in writing, as soon as possible following the alleged violation. A complaint will not be accepted for investigation if it is filed more than forty-five (45) days after the last date on which the alleged violation occurred. Extensions may be granted upon a showing that the person was prevented from filing as a result of his/her disability if the delay was caused by the School or for other good cause shown for the delay. Delay in filing a complaint may hinder the ability of the Principal to conduct a complete investigation and may impact the final result of any investigation.

Investigation Process:

The Principal will acknowledge all complaints within 5 (five) days of receiving the complaint to confirm that s/he will conduct an investigation of the complaint.

The investigation will include but is not limited to reviewing written materials, interviewing witnesses and allowing parties the opportunity to present witnesses or other evidence.

Within 45 days of receiving the written complaint, the Principal will provide written notice to the parties and the Governance Board of the outcome of the investigation and, where appropriate, meet with the parties to discuss consequences, disciplinary action or remedial measures to be taken. This may include, where appropriate, steps the school will take to prevent the recurrence of harassment/discrimination and/or restorative practices. Parents/guardians of students involved shall participate in these meetings. If disciplinary action is taken, adequate notice will be given to students of their due process rights.

Appeals Process:

If either party disagrees with the determination of the Principal, they will have ten (10) school days from the date of the written notice of the outcome to submit a written appeal to the Chairperson of the Governance Board or their designee.

The Chairperson of the Governance Board or their designee will review the written notice of the outcome and determine, in writing, as to whether the findings are upheld or overturned. This determination will be issued within fifteen (15) school days of the receipt of the written appeal.

These timelines may be waived or extended by the Principal or the Chairperson of the Governance Board or their designee for good cause shown.

Who May File:

- Students
- Parent(s)/legal guardian(s) on behalf of his/her student
- Employees

How to File:

- Complete, date, sign, and submit the complaint form and bring to the Raíces del Saber Xinachtli Community School Office at 2211 N. Valley Drive or email to the Raíces School Principal (email address to inserted here once the principal is hired)

Filing a Complaint:

- All complaints must be in writing, signed, and dated. Provide your name, current address, and telephone number.
- The complaint form should explain the basis of your allegations.
- Provide approximate date(s) - (month, day, year) of the alleged act(s) or wrongdoing on the complaint form. A complaint must be filed within 45 days of the most recent event.
- Provide the name(s) of the individual(s) who allegedly have committed the wrongdoing including location and job position.
- Identify the location where the alleged act(s) of wrong occurred.
- Provide specific written details of what occurred that you believe to be prohibited conduct or wrongdoing. It is important that you be as specific as possible to assist us in determining what issue(s) must be investigated.
- Provide any documentation you may have to support your belief of the prohibited conduct or wrongdoing.
- Provide any other information you feel may support your allegation(s), e.g., name, addresses, and phone numbers of witnesses, and other individuals who may have knowledge of the alleged prohibited conduct or wrongdoing.
- When the complaint form is completed, mail, fax or deliver your form to this address:
Raíces del Saber Xinachtli Community School, 2211 N. Valley Dr. Las Cruces, NM 88007
 - a) Fax number (pending)
 - b) Email, (pending)

Where to File:

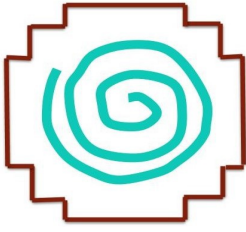
Complaint forms may be submitted in person at the Raíces del Saber Xinachtli Community School office (at 2211 N. Valley Drive) or sent via email to the Principal (email address to inserted here once the principal is hired).

Publication of Policy and Procedures:

The procedure regarding the resolution of complaints from the public will be publicized at least annually in the Student/Parent Handbook and on the school's (www.raciesdelsaber.org).

Form will be available both online and in the office. See separate file for form.

See Grievance Form on page 113.



*Raíces del Saber Xinachtli
Community School*

Complaint/Grievance Form

Name of Complainant(s): _____

Check Appropriate Box Below:

Parent(s)/Guardian(s) Employee(s) Student(s)

Name of student and complainant's relationship to student (if applicable):

Description of the situation and the approximate date(s) it occurred:

Name of individual(s) who allegedly committed the wrong doing (including job position if applicable):

Location where the alleged act of wrong occurred:

Provide any written documentation you have that leads you to believe the conduct or wrong doing is prohibited and the names and contact information of witnesses (if possible):

Describe any steps that have already been taken to resolve this issue and date(s) (if applicable):

Signature(s) of Complainant(s):

Note: You may add an additional page if necessary, to expand on the information above.
Complaint forms may be delivered in person to the Raíces del Saber Xinachtli Community School office or sent via email to the Principal (astock@raicesdelsaber.org).

Office Use Only	Date Received:	Principal Signature:
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