

E: Complaint policy

Statement of Policy

American International will maintain learning and working environments free of distractions from the academic efforts of our students, as well as an environment free of discrimination of any kind. The school prohibits discrimination on the basis of disability, gender, race, national origin, religion or age. AISU is committed to the ongoing development of open communication and constant improvement. This policy provides procedures whereby persons may file a complaint with regards to inappropriate treatment, discrimination, harassment or any subject that hinders the fullest and most open communication between all constituents and that does not support the effort that encourages constant improvement within the school and all constituents. It also provides procedures the school will follow in investigating and resolving complaints.

Definitions

1. **Board:** AISU Board.
2. **Complaint:** an allegation that an action, policy, procedure, or practice violates a law or regulation listed above.
3. **Complainant:** the person filing a complaint.
4. **Respondent:** the person alleged to have violated a law or regulation mentioned above.
5. **Designated School Official:** the person at the administrative level responsible for receiving complaints involving the laws or regulations mentioned above, usually the school director or board president.
6. **School Director:** the director of AISU or the school director's designee.
7. **Complaint Answer:** the respondent's written statement concerning the alleged violation.
8. **Hearing Officer:** the person assigned to conduct a hearing.

Complaint Filing Procedures

Any student, employee or parent may personally, or through a representative, file a complaint through the proper channels.

1. The school director is the person responsible for receiving complaints. If the complaint involves the director, or the complainant is otherwise unwilling to notify the principal, the complaint may be filed directly with the AISU Board. The person with whom the complaint is filed shall encourage the complainant to meet with the

respondent to resolve the complaint. The person with whom the complaint is filed may mediate that meeting. If the complainant refuses the meeting, the person with whom the complaint is filed shall contact the board president who will process the complaint as set out in this policy.

2. Complaints filed with a designated district official shall be in writing and shall provide at least the following information:
 - a. name, home address, and home and work telephone numbers of complainant;
 - b. nature and date(s) of alleged issue;
 - c. names of persons responsible for the alleged violation (if known); and
 - d. relevant background information.

The complaint may also include a statement of requested relief or corrective action.

3. A complaint must be filed within 45 calendar days of the occurrence of the alleged issue. The school director or board president, upon a finding that the circumstances of a complaint warrant an extension, may extend this time limitation or other time limitations of this policy.

Initial Complaint Processing

1. The school director or board president shall notify the respondent by personal delivery or registered mail within five days of the filing of a complaint. The notice shall include a copy of this policy and advise the respondent of the responsibility to submit an answer to the complaint.
2. Within five days of receiving notice of a complaint, the respondent shall submit a written answer to the school director or board president. The answer shall include:
 - a. affirmation or denial of each allegation in the complaint,
 - b. an indication as to the extent to which the complaint has merit,
 - c. an acceptance or rejection of relief or action requested in the complaint, if any, and
 - d. other relevant information.
3. Within five days of receiving respondent's complaint answer, the school director or board president shall determine the level of hearing appropriate to the complaint and establish the hearing time and date along with providing appropriate information to the hearing committee as well as communicate the time and date to the complainant and committee.
4. Hearing
 - a. Within five days of receiving the complaint assignment, the school director or board president shall schedule an informal hearing and notify the complainant

and respondent. The notice shall include a statement of procedures that will govern the conduct of the hearing. The hearing shall be held no sooner than ten days nor more than twenty days after service of the notice of hearing.

- b. If a hearing is necessary, the Board shall select among four alternatives:
 - i. the hearing may be conducted by the entire Board;
 - ii. the hearing may be conducted by at least three members of the Board,
 - iii. the Board may delegate hearing authority to an ad hoc hearing panel, or
 - iv. the Board may delegate hearing authority to an individual hearing officer.
- c. The Board shall send written notification of the alternative that it intends to utilize for the hearing to the complainant, and the respondent within thirty days of receipt of the complaint. The hearing shall be scheduled within five days of receipt of the Board's notification. The complainant and respondent shall be notified in writing of the date, time, and location of the hearing, copies of materials or records that are provided to facilitate as smooth a hearing as possible. The hearing shall be held no sooner than ten days nor later than twenty days after service of the hearing notice.
- d. Persons present at the hearing shall include the complainant, the respondent, any individual requested by either party to provide assistance relevant to the consideration of the complaint, and the hearing body. The hearing body shall designate a member of their body to moderate the hearing to ensure compliance with procedures that shall be determined by the body itself.
- e. The hearing body shall issue a written hearing decision, which includes statements regarding the validity of the complaint allegation, any necessary corrective action, and the reasons upon which the decision is based. The findings and recommendations of the hearing body shall be determined by majority vote and shall specify the reasons on which the decision was based. Any hearing body member in disagreement with the majority may prepare a dissenting opinion to be included with the hearing decision.
- f. The hearing decision and related materials shall be submitted to the Board. If the Board accepts the hearing decision, it shall so state and issue a final board decision. Copies of the decision shall be delivered to the complainant and the respondent. If the Board rejects the findings of the hearing body, it shall issue a detailed decision stating its reasons for such a rejection and at its discretion may issue a final decision or repeat the hearing process beginning with selection among the four alternatives.

General Provisions

1. Complainant and Respondent Right to Records
 - a. A complainant or respondent may request access to information and records in the possession of the school, which bear upon the validity of the grievance. Records must be requested with reasonable specificity.
 - b. If obtaining the information requires unreasonable interference with other school duties and responsibilities or unreasonable school expenditures, the school may require that the requesting party pay the school reasonable fees for actual costs incurred in procuring and duplicating the records.
 - c. The school is not required to create a record in response to a request.
 - d. Information in requested records about subjects or persons not relevant to the complaint or which is otherwise private, controlled, or protected shall be expunged from the record.
2. Both the complainant and the respondent have the right to be assisted by knowledgeable persons, organizations, or groups of their selection at their own expense, at any point during the initiation, filing, or hearing of the complaint. The school shall, upon request, provide assistance to the complainant or respondent in understanding rights and obligations under this policy and other pertinent school, state, or federal regulations, policies, or other related materials.
3. The school will strive to respect the confidentiality of the complainant and respondent, consistent with legal obligations and the necessity to take appropriate corrective action.
4. Good faith submission of complaints will not adversely affect the complainant's future employment, grades, work assignments, or volunteer opportunities. However, malicious or frivolous complaints may subject a complainant to discipline. The school will discipline any individual who retaliates against any person who files a complaint or who testifies, assists, or participates in a proceeding or hearing relating to a complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.
5. Complaint records shall be kept by the school administration for a period no less than three years. Records shall include the names and positions of complainants and respondents, dates of filing and resolution, specific allegations and answers, levels of hearings and hearing officers, a statement of final resolution, and details of corrective action. Such records shall be protected under Utah Code 63-2-304. Any complainant or respondent may, at personal expense, make a voice recording of any hearing.
6. Costs involved in the administration of the policy shall be borne by the school.
7. This policy shall be delivered to each patron of the school annually. It shall also be posted in the front office of the school.