

COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT

A. Purpose and Scope

To provide guidance and direction for principals and/or other administrative personnel regarding complaints concerning discrimination in employment.

B. General

1. Procedures shall be followed when an employee has a complaint alleging that a specific action, policy, procedure or practice discriminates against him/her on any basis specified in the district's nondiscrimination policies.

C. Forms Used and Additional References

Grievance form

D. Procedure

1. The complaint must be initiated within 30 days after a complainant knew, or should have known, or the alleged discrimination.
2. All parties involved in allegations of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The complainant also shall be notified of his/her right to appeal the decision to the next level.
3. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.
4. Meetings related to a complaint shall be held at times the district determines as least likely to interfere with school schedules and operation.
5. For the protection of the complainant and the district, complaint proceedings shall be kept confidential insofar as appropriate.
6. All documents, communications and records dealing with the complaint shall be placed in a district complaint file.
7. No retaliation shall be taken in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in the complaint procedures.

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Such participation shall not in any way affect the status or work assignments of the complainant.

8. Time limits specified in these procedures may be revised only by written mutual agreement of all parties involved. If the district fails to respond within a specified or adjusted time limit, a complainant may proceed to the next level. If a complainant fails to take the complaint to the next step with the prescribed time, the complaint shall be considered settled at the preceding step.

Level I

The complainant shall first meet informally with the principal of the school where the allegedly discriminatory act occurred. A complaint regarding discrimination away from a school site should be discussed informally with an administrator selected by the Superintendent. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the principal or other administrator shall prepare, within ten (10) working days, a written summary of his/her meeting(s) with the complainant. This report shall be available if requested by the nondiscrimination coordinator.

Level II

If a complaint cannot be satisfactorily resolved at Level I, the complainant may submit a formal written complaint to the district nondiscrimination coordinator within ten (10) days of his/her attempt to resolve the complaint informally. The written complaint shall include the following:

1. The complainant's signature or that of his/her representative;
2. The complainant's name, address and telephone number;
3. The name and address of the district staff member who committed the alleged violation;
4. A description of the allegedly discriminatory act(s) or omission(s);
5. The discriminatory basis alleged;
6. A specific description of the time, place, nature, participants in and witnesses to the alleged violation; and

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7. Other pertinent information which may assist in investigating and resolving the complaint.

The nondiscrimination coordinator shall assign a staff member to assist the complainant with this writing if such help is needed. The coordinator shall respond to the complainant in writing within ten (10) working days.

The coordinator shall conduct any investigation necessary to respond to the complaint, including discussion with the complainant, person(s) involved, appropriate staff members and students, and review of the Level I report and all other relevant documents. If a response from third parties is necessary, the coordinator may designate up to ten (10) additional working days for investigation of the complaint.

Level III

If the complaint cannot be resolved at Level II, the complainant may present the complaint to the Superintendent or designee within ten (10) days. The Superintendent or designee shall review the Level II investigation file, including the written complaint and all responses from district staff. The Superintendent or designee shall respond to the complainant in writing within ten (10) days.

Level IV

If the matter is not resolved at Level III, the complainant may file a written appeal to the Governing Board within ten (10) working days after receiving the Level III response. The Superintendent or designee shall provide the Board with all information presented at previous levels.

The Board shall grant the hearing request for the next regular Board meeting for which it can be placed on the agenda. Any complaint against a district employee shall be conducted in closed session as a personnel matter. The Board shall render its decision within ten (10) working days.

The Board may appoint a hearing panel to review the complaint and previous decisions and make recommendations to the board. The panel shall hear the appeal and render its decision within ten (10) working days. Complainants may appeal the district's action to the California Department of Education. The Superintendent or designee shall ensure that complainant are informed that injunctions, restraining orders and other civil law

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remedies may also be available to them. This information shall be published with district’s nondiscrimination complaint procedures and included in any related notices.

E. Reports Required

1. Level I - Written summary from administrator
2. Level II - Formal written complaint from complainant
3. Level III - Response to complainant from the Superintendent or designee
4. Level IV - (a) Written appeal to Board (b) Written decision of Board

F. Record Retention

Confidential District Complaint File

G. Responsible Administrative Unit

Human Resources

H. Approved By

Associate Superintendent for Human Resources

Legal Reference:

EDUCATION CODE

200-262.3 Prohibition of discrimination

GOVERNMENT CODE

12920-12921 Nondiscrimination

12940-12948 Discrimination prohibited; unlawful practices,
generally

TITLE VI, CIVIL RIGHTS ACT OF 1964

TITLE VII, CIVIL RIGHTS ACT OF 1964

TITLE IX, EDUCATION AMENDMENTS OF 1972

SECTION 504, REHABILITATION ACT OF 1973

AGE DISCRIMINATION ACT OF 1975

AMERICANS WITH DISABILITIES