

Administrative Regulation

Nondiscrimination In Employment

AR 4030

Personnel

All allegations of discrimination in employment, including those involving an intern, volunteer, or job applicant, shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to coordinate the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Assistant Superintendent of Human Resources
6578 Santa Teresa Blvd
San Jose, CA 95119
(408)227-8300, Ext. 100290

Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information. (5 CCR 4960; 34 CFR 100.6, 106.9)
2. Disseminate the district's nondiscrimination policy to all employees.
3. Provide training to employees, volunteers, and interns regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made
4. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law

Complaint Procedure

Any complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: The Governing Board encourages complainants to

attempt to resolve complaints informally with his/her supervisor, if possible. If the complaint cannot be resolved with their direct supervisor, a complainant may inform another supervisor, the coordinator, or the Superintendent.

The complainant is encouraged to file a written complaint using the District's Affirmative Action Office Complaint Form included below.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

2. Investigation Process: The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment by contacting the complainant within five business days of receiving notice of the alleged discriminatory or harassing behavior to schedule an intake meeting, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. He/she shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

If the coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out his/her investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents are prevented. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. Written Report on Findings and Remedial/Corrective Action: No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented.

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. Appeal to the Governing Board: The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 9321 - Closed Session Purposes and Agendas)

Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960
2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

OAK GROVE SCHOOL DISTRICT

Affirmative Action Office

COMPLAINT FORM

This form is to be completed by any person wishing to file a formal written complaint with the Oak Grove School District on the basis of a person's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation or his/her association with a person or group with one or more of these actual or perceived characteristics..

1. Name of person filing this complaint:

NAME: _____

ADDRESS: _____

CITY AND STATE: _____

PHONE NO.:

(Home) _____

(Work) _____

2. Name of person discriminated against (if other than person filing):

NAME: _____

ADDRESS: _____

CITY AND STATE: _____

PHONE NO.:

(Home) _____

(Work) _____

3. Please identify the institution, department or school that discriminated against you.

NAME: _____

DEPT. or SCHOOL: _____

4. Federal and state laws prohibit discrimination on the basis of the employee's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation or his/her association with a person or group with one or more of these actual or perceived characteristics. Please indicate whether this complaint concerns student services or employment (or both) and complete the appropriate category (ies) under basis:

BASIS

___ Student/Community Services

___ Employment

Category (ies) of discrimination experienced:

5. What is the most recent date and location of discrimination?

Other Dates: _____

6. When did the alleged discrimination begin?

7. When and in what way (harassment, intimidation, or retaliation) did you first become aware that the treatment, act, or decision was discriminatory? Please explain how and when this took place and who was responsible. Be sure to explain what action you took in your own behalf, or for someone else, to protect yourself or others from this discrimination.

8. Have you tried to resolve your complaint with the school or department through an internal grievance procedure?

YES _____ NO _____

If you answered yes, please give us the name of the grievance procedure, or person and tell us the status of your complaint at this time.

Please sign and date your complaint below.

DATE: _____ SIGNATURE: _____

Send or bring white copy of this complaint to Affirmative Action Office in the Human Resources Department, Oak Grove School District, 6578 Santa Teresa Blvd., San Jose, CA 95119.