

# RANCHO SANTA FE SCHOOL DISTRICT

## Board Policies Covering All Employees

### **Board Policy No. 4002: NON-DISCRIMINATION COMPLAINT PROCEDURE**

#### A. Purpose and Scope

This Board Policy shall be used to process all allegations of discrimination in employment, including those involving an employee, intern, volunteer, or applicant for employment.

#### B. Complaint Procedures

1. Notice of Receipt of Complaint. A complainant may inform a direct supervisor, another supervisor, or the Superintendent. The employee's direct supervisor may be bypassed in filing a complaint where the supervisor is the subject of the complaint. A supervisor who has received information about an incident of discrimination or harassment, or observed such an incident, shall report it to the Superintendent, whether or not the complainant files a written complaint.
2. Written Complaint. The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, and any witness who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.
3. Investigation Process. The Superintendent or designee shall initiate an investigation of an allegation of discrimination or harassment within five (5) business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete. The investigation shall include the following:
  - a. The Superintendent or designee 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 Superintendent 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. The Superintendent 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.
  - b. If the Superintendent or designee determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the Superintendent or designee should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

- c. The Superintendent or designee shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.
- d. The Superintendent or designee shall also 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 Superintendent or designee shall ensure that such interim measures do not constitute retaliation.

4. Written Report on Findings and Corrective Action

No more than twenty (20) business days after receiving the complaint, the Superintendent or designee shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the parties shall be notified of the extension, including 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 shall also 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.

A summary of the findings shall be presented to the complainant and the person accused.

C. Appeal to Governing Board

The complainant or the person accused may appeal any findings to the Governing Board within ten (10) business days of receiving the written report of the Superintendent'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 ten (10) business days following the closed session.

D. Other Remedies

In addition to filing a discrimination or harassment complaint with the District, a person may file a complaint with either the California Civil Rights Department (CRD) or the U.S. Equal Employment Opportunity Commission (EEOC).

Legal Reference:

Federal and State Non-discrimination Laws and Regulations

Date Policy Adopted By The Board: September 6, 1990

Dates Policy Reviewed By The Board: May 17, 2007; December 11, 2008; June 22, 2017; October 14, 2022; November 19, 2024