DISCRIMINATION COMPLAINT PROCEDURE

Initiating a Complaint

Individuals who feel they have been subjected to unlawful discrimination or retaliation may file a complaint, either orally or in writing, with the compliance officer or an administrator, supervisor or other District-level administrator. Employees are required to promptly report to the compliance officer or an administrator, supervisor or other District-level administrator when they become aware of incidents of unlawful discrimination or retaliation. All other persons associated with the District are encouraged to promptly report when they become aware of such incidents. Any administrator, supervisor or District-level administrator who receives such a complaint must forward it to the compliance officer. If the compliance officer is the subject of the complaint, an individual may file a complaint with the Superintendent, who shall assume the role of compliance officer for such complaints. If the Superintendent is the subject of the complaint, the complaint should be referred to the Board President.

The Board has adopted separate policies and procedures for sexual harassment. All sexual harassment reports must be managed in accordance with the sexual harassment policy and procedure.

Interim Measures

Upon receiving a complaint, the compliance officer will consider whether any interim measures should be taken to restore or preserve equal access to the District's education program or activity, including measures designed to protect the safety of all parties or the District's educational environment, or deter discrimination. The compliance officer should consider the complainant's wishes with respect to interim measures, but may move forward with any interim measures deemed appropriate.

Investigating a Complaint

The compliance officer shall investigate the complaint to determine whether the complainant has been subjected to unlawful discrimination or retaliation. The investigation may include individual interviews with the parties involved, interviews with individuals who may have observed the alleged conduct or may have other relevant knowledge, and consideration of any documentation or other information presented by the parties or other individuals who may have observed the alleged conduct or may have other relevant knowledge. The respondent will be provided an opportunity to respond to the allegations during the investigative process and before any determinations are made.

The District may refer the investigation to a third party.

At the conclusion of the investigation, the compliance officer shall review the merits of the complaint, summarize the relevant evidence, and prepare and deliver a written report to the

complainant and respondent that outlines whether the complainant has been subjected to unlawful discrimination or retaliation. The compliance officer may consult with the Board's legal counsel prior to finalizing the report.

Appeal

If the complainant is not satisfied with the decision of the compliance officer, a written appeal may be filed with the Superintendent or designee within five calendar days of receipt of the compliance officer's response. The Superintendent or designee may decide to hear or deny the request for appeal and may request additional information prior to making a decision. The Superintendent's or designee's decision will be final. A copy of the Superintendent's or designee's final decision shall be sent to the complainant and respondent.

Informal Resolution

At any time during complaint procedure and prior to reaching a determination regarding responsibility, the District may facilitate an informal resolution process that does not involve a full investigation and determination of responsibility provided that the District obtains the parties' voluntary, written consent to the informal resolution process. If the parties do not reach resolution through the informal resolution process, the parties will resume the complaint procedure at the point they left off.

NOTE: This category is for a general policy covering many types of discrimination relating to students, staff and others. State and Federal law apply. Many districts have established District-level policies and procedures that detail their complaint response procedures. When reviewing this model policy and regulation, districts should work with their legal counsel to determine if the procedures provided in this sample meet their local needs or adjustments are needed.

(Approval date: July 9, 1997)
(Revision date: July 15, 2021)