Information Sheet – 10/11/16 - Board of Trustees Meeting

TO: Board of Trustees Item: 8.3

FR: Celli Coeville

DATE: October 11, 2016

RE: Policy Update, AR 4031, First Reading

Complaints Concerning Discrimination in Employment – See AR 4031. A minor revision was made under the “Personnel Procedures for Filing a Complaint”. “Superintendent” was replaced with “Director of Human Resources” as the Coordinator for Nondiscrimination in Employment.

COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT

Personnel Procedures for Filing a Complaint

The Board of Trustees designates the following person as Coordinator for Nondiscrimination in Employment:

~~Superintendent~~ Director of Human Resources
Jefferson School District
7500 W. Linne Road
Tracy, CA 95376
209-836-3388

The following 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.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)

1. The complaint must be initiated within 30 days after a complainant knew~~.~~ or should have known, of 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 operations.

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

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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 within 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 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 10 working days, a written summary of his/her meetings 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 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

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

COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT
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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 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 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 10 days. The Superintendent or designee shall review the Level II investigation file, including the complaint and all responses from district staff. The Superintendent or designee shall respond to the complainant in writing within 10 working days.

If the Superintendent or designee finds it necessary to conduct further investigation, he/she may designate up to 10 additional working days for such investigation and shall respond to the complainant in writing within 10 days of completing the investigation.

Level IV

If the matter is not resolved at Level III, the complainant may file a written appeal to the Board of Trustees within 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 10 working days.

(cf. 1312.1 - Complaints Concerning School Employees)

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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 10 working days.

Other Remedies

Complainants may appeal the district's action to the California Department of Education. The Superintendent or designee shall ensure that complainants are informed that injunctions, restraining orders and other civil law remedies may also be available to them. This information shall be published with the district's nondiscrimination complaint procedures and included in any related notices. (Education Code 262.3)