

Santa Maria Joint Union HSD

Administrative Regulation

Nondiscrimination In Employment

AR 4030

Personnel

The district designates the position identified below as its compliance officer for nondiscrimination in employment (compliance officer) 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 compliance officer may be contacted at:

Assistant Superintendent of Personnel, or
Human Resources Manager, or
Assistant Superintendent of Instruction, or
Assistant Superintendent of Business Services, or
Superintendent
2560 Skyway Drive
Santa Maria, CA 93455
(805) 922-4573 ext. 4301

Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation against district employees, volunteers, interns, and job applicants, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the compliance officer's contact information, to employees, volunteers, interns, job applicants, and the general public by: (5 CCR 4960; 34 CFR 100.6, 106.9)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
 - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
 - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

2. Provide to employees a handbook that contains information that clearly describes the

district's nondiscrimination policy, procedures for filing a complaint, and resources available to anyone who feels that he/she has been the victim of any discriminatory or harassing behavior.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

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.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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 by an employee or job applicant alleging discrimination or harassment shall be addressed in accordance with the following procedures:

1. **Notice and Receipt of Complaint:** A complainant who is an employee shall inform his/her supervisor. However, if the supervisor is the person against whom the employee is complaining, the employee shall inform the compliance officer. A job applicant shall inform the compliance officer or designee.

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

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 compliance officer, whether or not the complainant files a 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, any witnesses 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.

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

(cf. 4032 - Reasonable Accommodation)

(cf.4119.11/4219.11/4319.11 - Sexual Harassment)

2. Investigation Process: The compliance officer shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

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

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

The compliance officer 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 do not occur. The compliance officer shall ensure that such interim measures do not constitute retaliation.

3. Written Report on Findings and Corrective Action: No more than 20 business days after receiving the complaint, the compliance officer 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 compliance officer shall notify the complainant 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, correct the effect on the complainant, and ensure that retaliation or further discrimination or harassment does not occur.

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

4. Appeal to the Board of Trustees: The complainant or the person accused may appeal any findings to the Board within 10 working days of receiving the written report of the Compliance

officer's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board may uphold the Superintendent or designee's decision without hearing the complaint or it may schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. If the Board holds a hearing, the Board shall render its decision within 10 working days after the hearing.

At any point during the investigative process, the Compliance officer, Superintendent or designee, or Board of Trustees may determine it is useful to utilize an investigator who is not a District employee in investigating complaints under this regulation. To the extent practicable, the investigator shall complete any investigation within the timelines identified in this regulation. However, if the investigator needs additional time, the Compliance officer shall notify the complainant and explain the reasons for the time extension.

(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)

Regulation SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT
approved: September 29, 2016 Santa Maria, California