

**SAN LORENZO
UNIFIED SCHOOL DISTRICT
BOARD POLICY**

All Personnel

BP 4030 (a)
4031

NON-DISCRIMINATION IN EMPLOYMENT

The Governing Board prohibits unlawful discrimination against and/or harassment of district employees and job applicants on the basis of actual or perceived race, color, national origin, ancestry, religious creed, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender or sexual orientation, at any district site and/or activity. The Board also prohibits retaliation against any district employee or job applicant who complains, testifies or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any district employee who engages in unlawful discrimination or harassment shall be subject to disciplinary action up to and including dismissal.

Any district employee who permits unlawful discrimination or harassment may be subject to disciplinary action up to and including dismissal.

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures.

The Superintendent will designate the Administrator In Charge of Personnel Services the Non-discrimination/Title IX Coordinator for employees.

Other Remedies

An employee may, in addition to filing a discrimination complaint with the district, file a complaint with the Equal Employment Opportunity Commission (EEOC), the Office for Civil Rights (OCR), or the California Department of Fair Employment and Housing (DFEH).

Legal Reference:

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-7 Title VI, Civil Rights Act of 1964

2003-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans With Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

Board adopted: July 29, 2003

**SAN LORENZO
UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE REGULATIONS**

All Personnel

AR 4030 (a)
4031

NON-DISCRIMINATION IN EMPLOYMENT

Unlawful discrimination or harassment of an individual includes:

- Slurs, epithets, threats or verbal abuse
- Derogatory or degrading comments, descriptions, drawings, pictures or gestures
- Unwelcome jokes, stories, teasing or taunting
- Any other verbal, written, visual or physical conduct against the individual which:
 - a. Adversely affects his/her employment opportunities; or
 - b. Has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating hostile or offensive work environment

Any employee or job applicant who feels that he/she has been or is being unlawfully discriminated against or harassed should immediately contact his/her supervisor, the Nondiscrimination/Title IX Coordinator (Coordinator) for employees or the Superintendent in order to obtain procedures for reporting a complaint. Such complaints shall be filed in accordance with this regulation. An employee may bypass his/her supervisor when the supervisor is the alleged offender.

Any supervisor who received a discrimination/harassment complaint shall immediately notify the Coordinator or the Superintendent, who shall ensure that the complaint is appropriately investigated in accordance with district policy and regulations.

The Superintendent or designee shall ensure that annual training is provided to all employees regarding the issues of discrimination.

The following procedures shall be used when a district employee or job applicant 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.

1. The complaint should be initiated promptly 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 parties also shall be notified of their 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 appropriate to the circumstances.
5. For the protection of all the parties involved, complaint proceedings shall be kept confidential insofar as appropriate.
6. All documents, communications and records dealing with the investigation of the complaint shall be placed in a confidential district personnel complaint file and not in the employee's individual personnel file.
7. Time limits specified in these procedures may be revised only by written 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 his/her supervisor or the administrator of the school where the alleged discriminatory act occurred. A complaint regarding discrimination away from the school site should be discussed informally with the complainant's supervisor. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the supervisor or other administrator shall prepare, within 10 working days, a written summary of his/her meeting(s) with the complainant. This report shall be made available to the Nondiscrimination/Title IX Coordinator designated by the Governing Board in BP 339 - Nondiscrimination in Employment.

Level II

If a complaint cannot be resolved to the satisfaction of the complainant at Level I, he/she may submit a formal written complaint to the Coordinator within 10 working days of his/her attempt to resolve the complaint informally. The written complaint shall include the following:

- The complainant's name, address and telephone number
- The name and work location of the district staff member who committed the alleged violation
- A description of the alleged discriminatory act(s) or omission(s)
- The discriminatory basis alleged
- A specific description of the time, place, nature, participants in and witnesses to the alleged violation
- Other pertinent information which may assist in investigating and resolving the complaint
- The complainant's signature or that of his/her representative

The Coordinator shall assign a staff member to assist the complainant with this writing if such help is needed. The Coordinator shall respond to the complaint 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, either party may present the complaint to the Superintendent or designee within 10 working days. The Superintendent or designee shall review the Level II investigation file, including the written complaint and all responses from district staff. The Superintendent or designee shall respond to the complaint 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 complaint in writing within 10 working days of completing the investigation.

Level IV

If the matter is not resolved at Level III, either party may file a written appeal to the Board 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 or as soon as practicable for which the matter can be placed on the agenda. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 working days.

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.

Complainants may appeal the Board'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)

The name, office address, and telephone number of the district's Nondiscrimination/Title IX Coordinator for employees is as follows:

Administrator In-Charge of Personnel Services
San Lorenzo Unified School District
15510 Usher Street
San Lorenzo, CA 94580
(510) 317-4651

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

GOVERNMENT CODE

12920-12921 Non-discrimination

12940-12948 Discrimination prohibited; unlawful practices, generally

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act
794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments
12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March, 1999

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

Board Adopted: July 29, 2003