

Grossmont Union HSD

Administrative Regulation

Complaints Concerning Discrimination in Employment

AR 4031
Personnel

Responsibility

The Assistant Superintendent of Human Resources (Certificated) and the Director of Classified Personnel are hereby designated as the District's complaint officers for their respective classes of personnel for all matters related to conditions of employment.

Should the Assistant Superintendent of Human Resources (Certificated) or the Director of Classified Personnel be involved in the alleged complaint, the Assistant Superintendent of Educational Services shall act as the complaint officer.

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. 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.
2. 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.
3. Meetings related to a complaint shall be held at times the District determines as least likely to interfere with school schedules and operations.
4. For the protection of the complainant and the District, complaint proceedings shall be kept confidential insofar as appropriate.
5. All documents, communications, and records dealing with the complaint shall be placed in a District complaint file.
6. 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.

7. 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/site supervisor of the school where the allegedly discriminatory act occurred. A complaint regarding discrimination away from a school site should be discussed informally 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 ten working days, a written summary of his/her meeting(s) with the complainant.

Level II

If a complaint cannot be satisfactorily resolved at Level I, the complainant may submit a formal written complaint to the Assistant Superintendent, Human Resources (certificated), or the Director of Classified Personnel within ten 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 work site 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.

The Assistant Superintendent, Human Resources, or the Director of Classified Personnel shall respond to the complainant in writing within ten working days.

Level III

If the complaint cannot be resolved at Level II, the complainant may present the complaint to the Superintendent or designee within ten 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 complainant in writing within ten working days.

If the Superintendent or designee finds it necessary to conduct further investigation, he/she may designate up to ten additional working days for such investigation and shall respond to the complainant in writing within ten 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 Governing Board within ten 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 may grant a hearing. Any complaint against a District employee shall be conducted in closed session as a personnel matter. The Board shall render a decision in writing within ten school days of the decision.

(cf. 1312.1 - Complaints Concerning School Personnel)

Legal Reference:

EDUCATION CODE

200-262.3 Prohibition of discrimination

GOVERNMENT CODE

12920-12921 Nondiscrimination

12940-12948 Discrimination prohibited; unlawful practices, generally

TITLE VI, CIVIL RIGHTS ACT OF 1964

TITLE VII, CIVIL RIGHTS ACT OF 1964

TITLE IX, EDUCATION AMENDMENTS OF 1972

SECTION 504, REHABILITATION ACT OF 1973

AGE DISCRIMINATION ACT OF 1975

AMERICANS WITH DISABILITIES ACT

Regulation GROSSMONT UNION HIGH SCHOOL DISTRICT

issued: October 21, 1993

La Mesa, California

Revised: September 15, 1994