

Employment Discrimination and Harassment Complaint Procedures

511-R

An employee, former employee or applicant for employment who believes that any part of the school organization has violated any law prohibiting discrimination or harassment based on a legally protected status in the workplace (including provisions prohibiting employer retaliation in connection with such laws) or that there has been a violation of the District's equal opportunity employment or harassment/bullying policy may bring forward a complaint as outlined below:

Any person presenting a report or complaint under these procedures who has concerns about safety, confidentiality, or retaliation should discuss those concerns with the designated complaint officer as early as possible in the process – preferably at or even prior to the time that a detailed report or complaint is filed.

In conjunction with the District's receipt of notice of any report or complaint of alleged discrimination, harassment, bullying, or retaliation under these procedures, the District shall consider (and a complainant may affirmatively request consideration of) any interim measures that should be taken before the final outcome of an investigation (e.g., safety planning or other steps needed to protect the complainant).

Informal Procedure

Anyone who believes he/she has a valid basis for a complaint may discuss the concern with the appropriate administrator prior to initiating a formal complaint. The appropriate administrator would often be the building principal or direct supervisor. If the complaint is against or involves the building principal or the direct supervisor, the appropriate administrator would be the Director of Student Services, Director of Finance and Operations, or Superintendent. If the complaint is against or involves the Superintendent, the appropriate administrator would be the Director of Pupil Services or the Director of Finance and Operations.

If the complaint is submitted to the building principal, Superintendent, or other administrator as identified above, that individual shall serve as, or designate, a complaint manager. The complaint manager shall be responsible for coordinating the processing of the complaint, including any attempt to mediate a possible resolution to the complaint, any investigation that may be necessary,

and all communications with the individual(s) who submitted the complaint and other appropriate parties.

If the complaint is against the Superintendent or a Board member and is submitted to the Director of Pupil Services or the Director of Finance and Operations, that individual shall forward the complaint to the Board President, who shall hire outside legal counsel. Legal counsel shall determine, in consultation with the complaining party and the Board President, whether it is in the District's best interests to attempt to mediate a resolution to the complaint or to process the informal complaint under the steps of the formal complaint procedure, as identified below.

If the reply that the complainant receives is not acceptable to him/her, or if, for any reason, the individual does not feel comfortable attempting to resolve the matter informally as described in this section of the procedure, the individual may initiate the formal complaint procedure according to the steps listed below.

Formal Complaint Procedure

Step 1: The complainant shall submit a signed complaint to the Director of Pupil Services or the Payroll and Benefits Coordinator or the Director of Finance and Operations who shall serve as or designate the complaint manager. The complaint manager shall be responsible for coordinating the processing of the complaint, including any attempt to mediate a possible resolution to the complaint, any investigation that may be necessary, and all communications with the individual(s) who submitted the complaint and other appropriate parties.

Except as provided in the following paragraph, the complaint coordinator shall have responsibility to decide the merits of the case at Step 1, determine what actions will be taken (if any), and report in writing the resolution of the complaint to the appropriate parties.

If the allegation is against the Superintendent, the complainant shall submit the Step 1 complaint either directly to the Board President or to the Director of Pupil Services or the Director of Finance and Operations, who shall forward the complaint to the Board President. The Board President shall engage outside legal counsel as the complaint manager, who shall recommend either of the following to the Board President following an

investigation into the matters raised by the complaint: (1) that the complaint lacks merit and that the Board President may communicate that conclusion and resolution to the appropriate parties; or (2) the complaint may have merit and/or that some degree of responsive or remedial action may be appropriate, and that legal counsel advises consultation with the full Board regarding such possible resolution. In conjunction with legal counsel, the Board President shall report in writing the resolution of the case to the appropriate parties.

The District can usually respond most effectively to a complaint when a complaint is filed shortly after the occurrence of the event(s) giving rise to the complaint. In general, formal complaints under this procedure should be filed within 300 calendar days of the occurrence of the alleged unlawful, discriminatory, harassing or retaliatory act(s), or within 300 days after the last occurrence of an ongoing condition. While there is no absolute deadline for the filing of a complaint under this procedure, it is important for complainants to be aware that gaps in time of even less than 300 days can make it more difficult to engage in fact-finding and/or may limit the remedies that are reasonably available from the District. The District, acting through the complaint manager may determine that any complaint filed more than 300 days after the alleged act(s) occurred (or more than 300 days after the last occurrence of an ongoing condition) is not sufficiently timely to permit an investigation and/or possible remedy. A decision to dismiss a complaint because it is untimely may be appealed to the Board under Step 2, and the Board may either affirm the dismissal of the complaint for lack of a timely filing or remand the complaint for further processing.

Step 2: If the complainant or alleged responsible party is dissatisfied with the decision of the complaint coordinator, he/she may appeal to the Superintendent within twenty-one (21) calendar days of the date that he/she was notified of the Step 1 written decision. Such appeal shall be delivered to the Superintendent or (if the Superintendent is the alleged perpetrator) to the Board President or District Legal Counsel. If the Superintendent issued the Step 1 decision that is being appealed, the Superintendent shall treat the appeal as a request for reconsideration. If the Board issued the Step 1 decision that is being appealed, the Board shall treat appeal as a request for reconsideration.

Step 3: If the complainant or alleged responsible party is dissatisfied with the decision of the Superintendent, he/she may appeal to the Board within twenty-one (21) calendar days of the date that he/she was notified of the Step 2 written decision. Such appeal shall be delivered to the Board Secretary or (if the Superintendent is the alleged perpetrator and both Steps 1 and 2 went before the Board) to the District Legal Counsel. The decision reached at Step 3 is the final step of the internal process.

External Agency or Court Filing: If the complainant is not satisfied with the Board's decision, or in lieu of or in addition to utilizing the internal complaint procedures established by this procedure, the complainant may pursue alternate actions available under state or federal laws (e.g. appeal to State Superintendent of Public Instruction (for teachers and administrative personnel), filing of complaint with the Equal Rights Division of the Department of Workforce Development, the U.S. Office for Civil Rights - Region V and/or any court having proper jurisdiction). Any party with a complaint is solely responsible for determining the applicable outside agencies or courts with which a complaint may properly be filed and the applicable filing deadlines. Unless mandated by a state or federal law or regulation, pursuing an internal complaint under this procedure does not extend or toll the filing deadlines applicable to filing a complaint with an external agency or court. While it is not always necessary to pursue an internal complaint before filing a complaint with an external agency or court, all individuals are given notice that failure to follow an employer's internal procedures for giving notice of incidents and complaints can, in some cases, affect the individual's ability to seek remedies from an external agency or court.

The District's responses to discrimination complaints shall be made within any timelines established by law.

Maintenance of Complaint Records

Records should be kept for each complaint filed and, at a minimum, should include the following:

1. The name and address of the complainant and his/her title or status.
2. The date the complaint was filed.

3. The specific allegation made and any corrective action requested by the complainant.
4. The name and address of the respondents.
5. The levels of processing followed, and the resolution, date and decision-making authority at each level.
6. A summary of facts and evidence presented by each party involved.
7. A determination of the facts, statement of the final resolution, and the nature and date(s) of any corrective or remedial action taken.

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