

FULLERTON SCHOOL DISTRICT

ALL PERSONNEL

Policy No.: 4031

Complaints Concerning Discrimination in Employment
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Board Adopted: November 29, 2005

The following procedures and/or those cited in Personnel Commission rules 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 Superintendent/Principal. 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 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 coordinator (coordinator) designated by the Board of Trustees in BP 4030 – 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:

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1. The complainant's name, address and telephone number.
2. The name and work location of the District staff member who committed the alleged violation.
3. A description of the alleged discriminatory act(s) or omission(s).
4. The discriminatory basis alleged.
5. A specific description of the time, place, nature, participants in and witnesses to the alleged violation.
6. Other pertinent information, which may assist in investigating and resolving the complaint.
7. 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 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 within 10 working days. The Superintendent shall review the Level II investigation file, including the written complaint and all responses from District staff. The Superintendent shall respond to the complaint in writing within 10 working days.

If the Superintendent 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 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 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.

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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 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.

Legal Reference:	Education Code 200-262.4	Prohibition of Discrimination
	Government Code 12920-12921 12940-12948	Nondiscrimination Discrimination Prohibited; Unlawful Practices, Generally
	United States Code, Title 29 621-634 794	Age Discrimination in Employment Act Section 504 of the Rehabilitation Act of 1973
	United States Code, Title 42 2001d- 2001d-7 2001e- 2001e-17 2001h-2- 2001h-6 12101-12213	Title VI, Civil Rights Act of 1964 Title VII, Civil Rights Act of 1964 as amended Title IX, 1972 Education Act Amendments Americans with Disabilities Act
	Code of Federal Regulations, Title 28 35.101-35.190	Americans with Disabilities Act