

PERSONNEL

SUBJECT: Nondiscrimination In Employment

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the district shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

The Governing Board designates the position identified below as its Nondiscrimination Coordinator (Coordinator) to organize and manage the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The Coordinator may be contacted at:

Assistant Superintendent of Human Resources
4850 Pedley Road
Jurupa Valley, California 92509
(951) 360-4124

Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Department of Fair Employment and Housing (DFEH) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth. (Government Code 12950; 2 CCR 11013, 11023, 11049)

2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the Coordinator's contact information 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.

3. Disseminate the district's nondiscrimination policy and administrative regulation

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to all employees by one or more of the following methods: (2 CCR 11023)

- a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return.
 - b. Sending a copy via email with an acknowledgment return form.
 - c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies.
 - d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session.
 - e. Any other way that ensures employees receive and understand the policy.
4. 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 employees who believe they have been the victim of any discriminatory or harassing behavior.
5. Provide training 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.

The district may also provide bystander intervention training to employees which includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

6. 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.
7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce. (2 CCR 11023)

Complaint Procedure (2 CCR 11023)

To the extent require by law, complaints of sexual harassment shall be addressed in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.

Any other complaint alleging unlawful discrimination or harassment shall be addressed in

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accordance with the following procedures:

Notice and Receipt of Complaint

A complainant may report a complaint to a direct supervisor, another supervisor, the Coordinator, or the Superintendent or designee. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the supervisor before filing a written complaint.

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 Coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name and contact information, the name of the individual who allegedly engaged in the conduct, a description of the conduct alleged, the date(s) and location(s) where the alleged conduct occurred, any witnesses who may have relevant information, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in addressing the complaint.

The Nondiscrimination Coordinator shall assign a staff member to assist the complainant with completing a written complaint if such help is needed.

Investigation

The Coordinator shall promptly initiate an impartial investigation of allegation(s) of discrimination or harassment regardless of whether a written complaint has been filed or whether the written complaint is complete. The Coordinator may investigate the complaint or assign an investigator.

The Coordinator 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(s). The Coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner consistent with this Administrative Regulation to reach reasonable conclusions based on the evidence collected. The Coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

If the Coordinator determines that a detailed fact-finding investigation is necessary, the Coordinator or assigned investigator will interview the complainant, the person(s) accused, and other persons who may have relevant information.

The Coordinator will monitor the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

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

The Coordinator also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, will be implemented as appropriate. The Coordinator shall ensure that such interim measures do not constitute retaliation.

Written Report on Findings and Remedial/Corrective Action

Within 60 business days after receiving the complaint, the Coordinator or assigned investigator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator shall notify the parties.

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, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

Appeal

The complainant or the person accused may appeal any findings to the Governing Board within 10 business days of receiving the summary of findings. The Superintendent or designee shall provide the Governing Board with the written report of findings. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 20 business days.

Retaliation Prohibited

The District prohibits retaliation in any form related to the filing of a complaint, the reporting of instances of discrimination or harassment, or for participation in the complaint procedures. Such participation shall not in any way affect the status or work assignments of the complainant.

Other Remedies

In addition to filing a discrimination or harassment complaint with the district, an individual may file a complaint with either DFEH or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

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1. For filing a complaint with DFEH alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960. (Government Code 12960)

2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s). (42 USC 2000e-5)

3. For filing a 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)