

ARTICLE: 4.0 PERSONNEL SUPPORT SERVICES
4.1 GENERAL PERSONNEL PRACTICES
4.101 NONDISCRIMINATION

SECTION 4.101.1 Discrimination Complaints

The following procedures shall apply in handling discrimination complaints filed by persons against the Poway Unified School District.

Definitions

In the implementation of this procedure, the following definitions shall pertain:

1. Complaint

An allegation by an employee or applicant for employment of a violation, misapplication, or misinterpretation of written District employment policies and/or procedures resulting in adverse conditions personally affecting the employee, based on actual or perceived ancestry, age, color, disability, gender identity, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics.

Other employer-employee relations matters for which a specified method of review is prescribed by law or within a negotiated agreement are not within the scope of this procedure.

2. Complainant

The employee or applicant for employment filing the complaint.

3. Workday

A day when the administration center of the Poway Unified School District is open for business and on which day all parties involved are on duty.

General

All parties need to recognize their mutual responsibilities to secure, at the lowest possible administrative level, prompt and equitable solutions to a complaint and to agree that these proceedings shall be as informal and confidential as possible.

A complaint must be initiated within 30 workdays after the alleged act or condition giving rise to the occurrence of the complaint.

The administrator will establish a meeting within the time limits described in this procedure.

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.

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.

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Level I

The complainant will first meet informally with his/her immediate supervisor or principal. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the principal shall prepare, within 10 working days, a written summary of his/her meeting(s) with the complainant. This report shall be available when requested by the associate superintendent for Personnel Support Services.

An applicant for employment shall present his/her complaint at Level II.

Level II

If a complaint cannot be satisfactorily resolved at Level I, the complainant shall submit his/her complaint in writing on the District's complaint form (PUSD P-144) and present it to the associate superintendent for Personnel Support Services, describing specifically the time, place, nature, and participants of the alleged discriminatory acts or policies. The associate superintendent for Personnel Support Services shall assign a staff member to assist the complainant with this writing if such help is needed. The associate superintendent for Personnel Support Services will respond to the complainant in writing within 15 working days.

The associate superintendent for Personnel Support Services shall conduct any investigation necessary to respond to the complaint, including discussion with the complainant, person(s) involved, and appropriate staff members, and review of the supervisor/principal's report and all other relevant documents. If a response from third parties is necessary, the associate superintendent for Personnel Support Services may designate up to 10 additional working days for investigation of the complaint. With the complainant's consent, an additional period of time may be allowed for resolution of the complaint. Every reasonable effort will be made to resolve the problem in a manner acceptable to all parties. Complaint forms will be available from the Personnel Support Services office.

Level III

If the problem cannot be resolved at the second level, the complainant shall have the right to present the complaint to the Superintendent, or designee, following the same procedures as in Level II.

Level IV

If the matter cannot be resolved at the third level, the complainant may request a hearing before the Governing Board. Any such request must be made in writing within 20 working days after receiving the Superintendent or designee's decision. The Board may grant the hearing request for the next regular Board meeting for which it can be placed on the agenda. If the Board elects to hear the case, the Board shall hear all information relevant to the complaint and shall render its decision within 15 working days.

Alternate Steps

The existence of this complaint procedure does not affect the right of any individual or group to file a complaint with the (state) Department of Fair Employment and Housing (DFEH) and/or the (federal) Equal Employment Opportunity Commission (EEOC).

Civil Law Remedies

Pursuant to California Education Code (Article 6, Section 262.3), persons who have filed a complaint with an educational institution are advised that civil law remedies, including, but not limited to, injunctions, restraining orders, or other orders may also be available to them.

The U.S. Department of Education, Office for Civil Rights, enforces compliance with Section 504, the ADA, and Title IX and may be contacted for assistance with complaints relating to these laws and their regulations. The DFEH and the EEOC are agencies that enforce compliance with state and federal laws and regulations protecting individuals from employment discrimination and may be contacted for assistance with complaints of employment discrimination.

