

POWAY UNIFIED SCHOOL DISTRICT



2022-2023 ANNUAL NOTIFICATION

ALL EMPLOYEES

Your rights as an employee are protected by federal and state laws and regulations. To help make you aware of your rights, the District is providing notice in compliance with these laws and regulations. If you have any questions or need to clarify something you read here, please contact your immediate supervisor or Personnel Support Services.

Nondiscrimination Philosophy and Policy Statement

The Poway Unified School District (PUSD) is an equal opportunity employer/program and is committed to an active Nondiscrimination Program. PUSD prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived protected characteristics under the law, including but not limited to ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, immigration status, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. For more information, please contact the Title IX/Equity Compliance Officer, Associate Superintendent of Personnel Support Services, Poway Unified School District, 15250 Avenue of Science, San Diego, CA 92128-3406, 858-521-2800, extension 2121.

To achieve the goals of our Nondiscrimination Program, it is necessary that each member of this District understand the importance of the program and their individual responsibility to contribute toward its fulfillment. Each employee of the District making decisions affecting employment shall fully comply with the District's nondiscrimination policy.

Poway Unified School District will update and reaffirm this EEO Policy Statement annually.

NONDISCRIMINATION IN EMPLOYMENT COMPLAINT POLICIES & PROCEDURES

The following policy (BP 4030) and procedure (AR 4030) shall be used to address complaints which allege employment discrimination:

[Board Policy \(BP\) 4030](#)

[Administrative Regulation \(AR\) 4030](#)

UNIFORM COMPLAINT POLICIES & PROCEDURES

The *Poway Unified School District* annually notifies our students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of our Uniform Complaint Procedures (UCP) process.

The UCP Annual Notice is available on our website.

We are primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP.

Programs and Activities Subject to the UCP

- Accommodations for Pregnant and Parenting Pupils

POWAY UNIFIED SCHOOL DISTRICT



- Adult Education Programs
- After School Education and Safety Programs
- Agricultural Career Technical Education
- Career Technical and Technical Education and Career Technical and Technical Training Programs
- Child Care and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance
- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district
- Every Student Succeeds Act
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- School Safety Plans
- School site Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing

And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) of the California Department of Education (CDE) or designee deems appropriate.

POWAY UNIFIED SCHOOL DISTRICT



Filing a UCP Complaint

A UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred.

A UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by our agency.

A pupil enrolled in any of our public schools shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint may be filed with the principal of a school or our superintendent or their designee.

A pupil fee or LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complainant provides evidence or information leading to evidence to support an allegation of noncompliance.

Responsibilities of the *Poway Unified School District*

We shall post a standardized notice, in addition to this notice, with educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district.

Complaints will be investigated in accordance with the district's UCP and written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant.

We advise complainants of the opportunity to appeal an Investigation Report of complaints regarding programs within the scope of the UCP to the Department of Education (CDE).

We advise complainants of civil law remedies, including injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of our UCP procedures shall be available free of charge.

For UCP Complaints Regarding State Preschool Health and Safety Issues Pursuant to Section 1596.7925 of the California *Health and Safety Code* (HSC)

In order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the California *Health and Safety Code* (HSC) a notice shall be posted in each California state preschool program classroom in each school in our agency.

The notice is in addition to this UCP annual notice and addresses parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California *Code of Regulations* (5 CCR) that apply to California state preschool programs pursuant to HSC Section 1596.7925, and (2) the location at which to obtain a form to file a complaint.

POWAY UNIFIED SCHOOL DISTRICT



Contact Information

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints:

Uniform Complaint Procedure Coordinator:

James Jimenez

**Associate Superintendent
Personnel Support Services**

15250 Avenue of Science

San Diego, CA 92128

Telephone: 858-521-2800 Ext. 2121

Email: jjimenez@powayusd.com

[Board Policy \(BP\) 1312.3](#)

The following procedure (AR 1312.3) shall be used to file a complaint under BP 1312.3:

[Administrative Regulation \(AR\) 1312.3](#)

The following forms shall be used to file the complaint.

[UCP Complaint Form – English](#)

[UCP Complaint Form - Spanish](#)

The following procedure (AR 1312.4) shall be used to address complaints regarding the insufficiency of textbooks and instructional materials, teacher vacancy or misassignment, or the condition of school facilities:

Williams Uniform Complaint Procedure:

[Administrative Regulation \(AR 1312.4\)](#)

[Williams Uniform Complaint Notice](#)

[Williams Uniform Complaint Form](#)

SEXUAL HARASSMENT

The following policy (BP 4119.11) and procedure (AR 4119.11) shall be used to address complaints which allege sexual harassment, which includes but is not limited to, unwelcome sexual advances; unwanted requests for sexual favors; unwanted verbal; visual, or physical conduct of a sexual nature; harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical condition:

POWAY UNIFIED SCHOOL DISTRICT



[Board Policy \(BP\) 4119.11](#)

[Administrative Regulation \(AR\) 4119.11](#)

The following procedure (AR 4119.12) shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity in which a district school exercises substantial control over the context and respondent, was subjected to:

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

[Administrative Regulation \(AR\) 4119.12](#)

[Notice of Title IX Sexual Harassment Policy E 4119.12](#)

Student Sexual Harassment Policies and Procedures

The Poway Unified School District recognizes that harassment on the basis of sex or gender is a violation of both Federal and State employment discrimination laws as well as District Policy and Administrative Regulations. The District is committed to providing students/staff with an academic environment free from sexual harassment, and will not tolerate such conduct on the part of any District employee, student, or other person at school or at a school-sponsored activity. Any person with a complaint of sexual harassment should implement the complaint process contained in the Administrative Regulations, 5145.7.

[Board Policy \(BP\) 5145.7](#)

[Administrative Regulation \(AR\) 5145.7](#)

[Administrative Regulations \(AR\) 5145.71 Title IX Sexual Harassment Complaint Procedures](#)

Prohibited sexual harassment includes unwelcome conduct based upon sex or gender by someone who is of the opposite or same gender, a fellow student, a teacher or other employee of the District, a District administrator, or any other person, within the school, school environment, or school-sponsored activity.

Any question or concern about sexual harassment involving students may be directed to the District's Title IX Coordinator or to the principal or assistant principal of that student's school. The District will promptly and thoroughly investigate any complaints of sexual harassment, and will take immediate action to resolve such complaints.

POWAY UNIFIED SCHOOL DISTRICT



The Title IX Coordinator for Poway Unified School District can be contacted about concerns at any stage of this process, by contacting the Associate Superintendent as follows:

**James Jimenez, Associate Superintendent
Personnel Support Services
POWAY UNIFIED SCHOOL DISTRICT
15250 Avenue of Science
San Diego, CA 92128
(858) 521-2800, Ext. 2121**

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 the 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 (state) Department of Fair Employment Opportunity Commission (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.

<p>Title IX/Equity Compliance Officer: James Jimenez Associate Superintendent Personnel Support Services Telephone: 858-521-2800 Ext. 2121</p>	<p>Poway Unified School District 15250 Avenue of Science San Diego, CA 92128</p>	<p>Uniform Complaint Procedure Coordinator: James Jimenez Associate Superintendent Personnel Support Services Telephone: 858-521-2800 Ext. 2121</p>
---	---	--