

PLEASE READ
Poway Unified School District
2018-2019 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 regulation. 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 is an equal opportunity employer and is committed to an active Nondiscrimination Program. It is the stated policy of the Poway Unified School District that harassment is prohibited and that all employees and applicants shall receive equal consideration and treatment. All recruitment, hiring, placements, transfers, and promotions, will be on the basis of qualifications of the individual for the positions being filled regardless of Sex, Sexual Orientation, Race, Color, Ancestry, Religious Creed, National Origin, Physical Disability (Including HIV and AIDS), Mental Disability, Medical Condition (Cancer), Age (Over 40), Marital Status and Denial of Family Care Leave.

To achieve the goals of our Nondiscrimination Program, it is necessary that each member of this District understand the importance of the program and his or her 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.

COMPLAINT PROCEDURES HERE IS WHAT TO DO IF YOU BELIEVE THAT YOU HAVE BEEN DISCRIMINATED AGAINST

Level I

The complainant may first meet informally with his/her immediate supervisor or principal or that person's supervisor if the complaint is against the immediate supervisor/principal. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the supervisor/principal shall prepare, within 10 working days, a written summary of his/her meeting(s) with the complainant.

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 and present it to the associate superintendent for Personnel Support Services who 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. 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.

Level III

If the problem cannot be resolved at Level II, 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 Level III, the complainant may request a hearing before the Board of Education. 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).

UNIFORM COMPLAINT PROCEDURES

The following procedures shall be used to address all complaints which allege that the District has violated federal or state laws or regulations governing education programs:

Filing of Complaint

Any individual, public agency, or organization may file a written complaint of noncompliance with the designated Uniform Complaint Procedures Coordinator. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (See CSBA Board Policies and Administrative Regulations: [AR 1312.3 Uniform Complaint Procedures](#)).

Appropriate Investigation of Complaint

The investigator shall provide an opportunity for the complainant to present information relevant to the complaint within 15 calendar days of receiving the complaint.

Written Decision

Within 40 calendar days of receiving the complaint, the investigator shall send to the complainant a written report of the District's investigation and decision.

Appeal to the Associate Superintendent

If a complainant is dissatisfied with the investigator's decision, he/she may, within five calendar days following the forwarding of the decision, file a written appeal to the associate superintendent. Within 15 calendar days of receiving the written appeal, the associate superintendent will send the complainant a written report of the decision.

Appeal to the Board of Education

If the complainant wishes the Board of Education to review the decision, the complainant must request an extension of the Title V timelines. He/she may, within five calendar days following the forwarding of the associate superintendent's decision, request a review by the Board of Education by forwarding the written appeal to the District Superintendent. At its next regular Board meeting, the Board will determine whether to hear the appeal.

The Board may decide not to consider the written decision. If the Board determines to consider the appeal, it will be considered at the next regular Board meeting. Whether or not the Board determines to consider the written decision, the Superintendent shall send the Board's decision to the complainant.

Appeal to the California Department of Education

If a complainant is dissatisfied with the District's decision, he/she may appeal in writing to the California Department of Education within 15 calendar days of receiving the District's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals.

Civil Law Remedies

Civil law remedies may be imposed by a court for violations that include, but are not limited to, prohibited discrimination on the basis of gender, race, color, national origin, lack of English skills or disability. A complainant may pursue available civil law remedies outside of the District's complaint procedures. Complaints may seek assistance from mediation centers, legal assistance agencies or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

SEXUAL HARASSMENT

The Poway Unified School District recognizes that harassment on the basis of sex is a violation of both federal and state employment discrimination laws as well as District Policy and Administrative Procedure. The District is committed to providing all employees with a work environment free from sexual harassment, and will not tolerate such conduct on the part of any District employee or student.

Any employee or prospective employee with a complaint of sexual harassment should implement these complaint procedures as soon as possible. These procedures are designed to effectively manage the investigatory process while protecting the rights of both the complainant and respondent. The detailed nature of the procedure is to ensure the process is clear and understandable. Any person with questions or concerns about the process may, at any time, ask for assistance from the investigator or the assistant superintendent for Personnel Support Services. **No individual will suffer reprisals for reporting any incidents of sexual harassment or making any complaints.**

The District will promptly and thoroughly investigate any complaints of sexual harassment, and will take expeditious action to resolve such complaints, in accordance with these procedures.

Sexual Harassment consists of unwelcome sexual advances, requests for sexual favors, and verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work setting.

Sexual Harassment may be considered to occur under any of the following conditions.

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment or progress.
2. Submission to, or rejection of, the conduct by the individual is used as the basis of employment decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance, or of creating an intimidating, hostile, or offensive work environment.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through Poway Unified School District.

Forms of sexual harassment include, but are not limited to:

1. Deliberate written or oral comments, gestures, or physical contacts of a sexual nature or demeaning to one's gender which are unwelcome and/or interfere with work productivity.
2. Implicit or explicit sexual behavior by an employee, supervisor, or co-worker which has the effect of controlling, influencing, or otherwise affecting the job, salary, project, performance evaluation, opportunity or employment, or career of an employee, or non-District affiliated applicant for employment.
3. Unwelcome suggestive, vulgar, or obscene letters, notes, posters, calendars, or other visual products, or derogatory comments, slurs, and/or jokes of a sexual nature.

COMPLAINT PROCEDURES HERE IS WHAT TO DO IF YOU BELIEVE THAT YOU HAVE BEEN SEXUALLY HARASSED

Any employee or applicant who believes he or she has been subjected to sexual harassment should immediately inform any supervisor.

Any supervisor or administrator who receives information from a complaint or otherwise that sexual harassment has allegedly occurred should immediately notify the associate superintendent of Personnel Support Services. Some allegations may be so egregious as to require District investigation, regardless of an individual's desire to remain anonymous or not process a complaint. Therefore, confidentiality is not guaranteed.

If an individual informs a supervisor or administrator about alleged harassment but asks the matter be kept confidential and no action be taken, the District must still discharge its duty to prevent and correct harassment.

The associate superintendent for Personnel Support Services will designate an investigator to investigate all complaints in accordance with this procedure.

The complainant will be immediately informed of any rights under any relevant complaint procedure, policy, or collective bargaining agreement

All complaints should be reduced to writing and should be submitted to the investigator within a one year period of workdays after the alleged harassment has occurred. Complaints which are over sixty (60) days old or which are not reduced to writing will be pursued at the discretion of the assistant superintendent for Personnel Support Services or the Superintendent. Notwithstanding these requirements, the associate superintendent for Personnel Support Services or the Superintendent will investigate all formal or informal complaints of sexual harassment to determine whether or not corrective action is necessary.

All written complaints shall be signed and dated by the complainant, and shall contain at least the name(s) of the individual(s) involved, the date(s) of the event(s) at issue, and a detailed description of the actions constituting the alleged sexual harassment. Names, addresses, and phone numbers of witnesses or potential witnesses should also be included.

All complaints will be reviewed and investigated by the appointed investigator. The investigation may include interviews with: 1) the complainant; 2) the respondent; and 3) any other person(s) who reasonably may have relevant knowledge concerning the complaint, such as witnesses and victims of similar conduct.

Where the investigator determines sexual harassment may have occurred, the investigator shall present the respondent with a copy of the complaint the Administrative Procedure and provide the respondent with an opportunity to respond to the allegations. Such response must be received within a reasonable amount of time, as determined by the investigator.

Immediately following review and investigation of the complaint, the investigator will prepare and deliver to the Superintendent a written recommendation to resolve the complaint. The recommendation will include at least a description of the nature and extent of the investigation conducted by the District, action taken by the District in the event immediate action was necessary, and a proposed resolution to the complaint.

A copy of the proposed resolution will be distributed to the complainant and the respondent. Where the parties agree to the proposed resolution, the resolution shall be implemented and the investigation shall be concluded.

If the complainant or respondent is not satisfied with the proposed resolution, he or she may appeal to the Superintendent within five (5) workdays of receipt of the proposal. The appeal must be in writing, signed, and shall state each and every reason for the appeal and disagreement with the proposed resolution. The Superintendent shall investigate the appeal and, within twenty (20) workdays from its receipt, shall render a written decision and indicate the basis and reasons for the decision.

If the complainant or respondent is not satisfied with the Superintendent's findings, he or she may make a final appeal to the Board of Education within five (5) workdays of receipt of the Superintendent's decision. The appeal must be in writing, signed, and shall state each and every reason for the appeal and disagreement with the Superintendent's decision. The Board will, in its sole discretion, determine what, if any, further proceedings should occur. The determination of the Board as to procedures and resolution of the allegations will be final.

In the event it is determined there is merit to the complaint, the District will take corrective action, including such discipline up to and including suspension and/or immediate termination of employment, as is appropriate in accordance with applicable law and Board policies and procedures.

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.

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| DISTRICT EQUAL OPPORTUNITY Title IX Coordinator James Jimenez Telephone: 858-521-2761 | Poway Unified School District 15250 Avenue of Science San Diego, CA 92128 | Uniform Complaint Procedure Coordinator: James Jimenez Telephone: 858-521-2761 |
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