

AR 4030 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. However, complaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administration Regulation 4519.12 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

The District designates the position identified below as its coordinator for nondiscrimination in employment (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 Personnel Services
6061 East Avenue, Etiwanda CA 91739
(909) 899-2451
personnel@etiwanda.org

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 Civil Rights Department (CRD) 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, 106.8)
 - 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 regulations 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.

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- c. Posting a copy on the District intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies (Annual Staff Notifications).
 - 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. Post in a prominent location on the district's website and include in each handbook, catalog, announcement, bulletin, and application form for students, parents/guardians or other authorized legal representative, and employees, the Title IX notice of nondiscrimination which includes the following: (34 CFR 106.8)
 - a. The district does not discriminate on the basis of sex in any education program or activity that it operates.
 - b. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or the U.S. Department of Education Office for Civil Rights.
 - c. The name or title, office and email address, and telephone number of the district's Title IX Coordinator.
 - d. How to locate the district's nondiscrimination policy and the district's grievance procedures for Title IX complaints.
 - e. How to report conduct that may constitute sex discrimination under Title IX.
 - f. How to make a complaint of Title IX sex discrimination.

If necessary due to the format or size of any publication specified above, the district may include only the statement that the district prohibits sex discrimination in any education program or activity that it operates, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the complete notice on the district's website.

The district shall not distribute a publication stating that the district treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.

5. Provide information 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.
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 and Board Policy 4111 – Recruitment and Selection.
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)

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Complaint Procedure

Any complaint alleging discrimination or harassment may be addressed in accordance with the following procedures:

1. **Notice and Receipt of Complaint:** A complainant who is an employee may inform a direct supervisor, another supervisor, the coordinator, or the Superintendent. However, if the supervisor is the person against whom the employee is complaining, the employee shall inform the coordinator or the Superintendent. A job applicant shall inform the coordinator or the Superintendent or designee.

The complainant may file a written complaint in accordance with this procedure, or if they are an employee, may first attempt to resolve the situation informally with their supervisor.

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, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. **Investigation Process:** The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete. 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. 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 that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall inform the complainant that the allegations will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

If the coordinator determines that a detailed fact-finding investigation is necessary, they shall begin the investigation immediately. The coordinator may, with concurrence of the Superintendent, retain an outside investigator to conduct the investigation. As part of this investigation, the coordinator or other investigator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document 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 or investigator may discuss the complaint with the Superintendent or designee, District legal counsel, or the District's risk manager.

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The coordinator also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents do not occur. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Corrective Action:** In most cases, within 30 business days after receiving the complaint, the coordinator or investigator shall conclude the investigation and prepare a written report of findings. This timeline may be extended for good cause depending on the nature of the complaint and the complexity of the investigation.
If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

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 or a separate document shall recommend or describe any corrective action(s) that have been or should be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complaint, and ensure that retaliation or further discrimination or harassment does not occur.

The report or a summary of the report/findings shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. **Appeal to the Governing Board:** The complainant or person accused may appeal any findings to the Governing Board within 10 calendar days of receiving the written report of the coordinator's findings. The Board may accept the decision without hearing the complaint. If the Board determines to hear the appeal, all parties to the Complaint may be asked to attend a board meeting in order to clarify the issues. If the appealing party does not attend the meeting after receiving notice of the date and time of the meeting, the Board may decide not to hear the matter. Statements by the parties to the Board shall be subject to time limits as determined by the Board. Any complaint against a District employee shall be addressed in closed session in accordance with law. The parties will be advised in writing of the Board's decision to uphold, modify, or reject the decision, herein. The decision of the Board shall be final.

Other Remedies

In addition to filing a discrimination or harassment complaint with the District, a person may file a complaint with either the California Civil Rights Department (CRD) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. For filing a complaint with CRD 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 CRD, 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)

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An employee may also file a complaint with the Wage and Hour Division of the U.S. Department of Labor for an alleged violation of the PUMP Act and/or the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act.
(29 USC 218c, 218d, 42 USC 2000gg-2)

Additionally, an employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034 (Labor Code 1034).

Board Approved:

October 3, 2024

April 27, 2023, February 27, 2020

January 19, 2017, August 19, 2004