

The Board of the Anaheim Union High School District prohibits unlawful discrimination against and/or harassment of district employees and job applicants on the basis of actual or perceived race, color, national origin, ancestry, religion, age, marital status, pregnancy, physical and mental disability, medical condition, genetic information, military and veteran status, gender (including identity or expression), sex, or sexual orientation at a district site and/or activity. The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any District employee who engages or participates in unlawful discriminating, or who aids, abets, incites, compels or coerces another to discriminate, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

Any District employee who observes or has knowledge of an incident of unlawful discrimination or harassment shall report as soon as possible after the incident. Failure of a district employee to report discriminating or harassment may result in disciplinary action.

The Superintendent or designee shall annually publicize, within the district and in the community, the district's nondiscrimination policy and availability of complaint procedures. Such publication shall be included in each announcement, bulletin or application form that is used in employee recruitment. The district's policy and administrator regulation shall be posted in all schools and offices including staff lounges and student government meeting rooms. The district shall ensure records of employment are maintained in accordance with legal requirements.

Legal References:

Legal Reference:

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.76 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended 2000h-2-2000h-6 Title IX, 1972 Education Act Amendments 12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 29

1602.14 Preservations of Records

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

Board of Trustees

July 8, 1976

Revised: November 13, 1986

Revised: September 7, 1989

Reviewed: March 8, 1990

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Revised: October 4, 2001

Revised: May 6, 2004

Revised: September 12, 2019

Revised: October 13, 2022

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Complaint Procedure

Any complaint by an employee or job applicant alleging discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: Any employee or job applicant (the “complainant”) who believes he/she has been subjected to prohibited discrimination or harassment shall promptly inform his/her supervisor, the Assistant Superintendent of Human Resources, or the Superintendent. The Board designates the Assistant Superintendent of Human Resources as the Coordinator of complaints concerning discrimination in employment.

The complaint must be filed not later than six months from the date the alleged discrimination occurred, or the date the complainant first knew of the alleged discrimination, unless the time for filing is extended by the Superintendent upon written request by the complainant setting forth the reasons for the extension.

A supervisor or manager who receives 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 complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

The written complaint shall include:

- (a) The complainant’s name;
- (b) The name of the individual who allegedly committed the act;
- (c) A description of the incident;
- (d) An explanation as to why the complainant believes the alleged conduct or incident is discriminatory or harassing;
- (e) The date and location where the incident occurred;
- (f) Any witnesses who may have relevant information, and other evidence of the discrimination or harassment; and
- (g) Any other pertinent information that may assist in investigating and resolving the complaint.

(cf. 6101 – Equal Opportunity - Employment)

(cf. 6106 – Sexual Harassment – Employees and Applicants)

(cf. 6201.02 – Compliance with the Americans with Disabilities Act)

2. Investigation Process: The Coordinator or designee shall initiate an impartial investigation of an allegation of discrimination or harassment, regardless of whether a written complaint has been filed or whether the written complaint is complete.

(cf. 5703 – Care of District Records)

(cf. 6212.01 – Personnel Files)

(cf. 6203.02 – Confidential Information)

If the Coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation. As part of this investigation, the Coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The allegations will be kept confidential to the extent possible, but information will be revealed as necessary to conduct an effective investigation.

The Coordinator shall consider 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 60 days after receiving the complaint, the Coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator shall notify the complainant and explain the reasons for the extension.

The report should include the decision and the reasons for the decision, and summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also will include any corrective action(s) that have been or will be taken to address the behavior, correct the effect on the complainant, and ensure that retaliation or further discrimination or harassment does not occur, to the extent allowed under the law. Specific personnel actions taken with respect to an employee shall not be disclosed to the complainant. The report or a summary of the report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. Appeal to the Board of Education: The complainant or the person accused may appeal any findings to the Board within 15 calendar days of receiving the written report of the Coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall consider the appeal as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board may uphold the Coordinator's decision without hearing the appeal. The Board shall render its decision within 30 days of hearing the appeal or deciding not to hear the appeal.

(cf. 91204 - Complaints Concerning District Employees)

Other Remedies

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

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960);
2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5); or
3. To file a valid 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).

Record Keeping

As required by federal regulations, any personnel or employment record made or kept by the District shall be preserved for a period of one year from the date of the making of the record or the personnel action involved, whichever occurs later. Additionally, where a charge of discrimination has been filed, or an action brought by the Commission or the Attorney General, against the District under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), the District shall preserve all personnel records relevant to the charge or action until final disposition of the charge or the action. The District will maintain and destroy records in accordance in District record practices.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

GOVERNMENT CODE

12920-12921 Nondiscrimination

12940-12948 Discrimination prohibited; unlawful practices, generally

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 29

1602.14 Preservations of Records

CODE OF FEDERAL REGULATIONS, TITLE 34

106.8 Designation of responsible employee for Title IX

Management Resources:**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS**

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

WEB SITESCalifornia Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>**Board of Trustees**

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