

Personnel**COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT****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 district's Coordinator for Nondiscrimination in Employment, or the Superintendent.

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.

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 school days of receiving notice of the 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 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, he/she shall begin the investigation immediately. 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.

When necessary to carry out his/her investigation or to protect employee or student safety, the Coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT (continued)

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:** No more than 30 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 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 also shall 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.

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. **Appeal to the Board of Trustees:** The complainant or the person accused may appeal any findings to the Board within 10 working 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 schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 working days.

Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a person may also file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). 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)
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)

COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT (continued)

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4032 - Reasonable Accommodation)
- (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
- (cf. 3580 - District Records)
- (cf. 4112.6/4212.6/4312.6 - Personnel Files)
- (cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
- (cf. 1312.1 - Complaints Concerning District Employees)
- (cf. 9321 - Closed Session Purposes and Agendas)

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

2001d-2001d-7 Title VI, Civil Rights Act of 1964

2001e-2001e-17 Title VII, Civil Rights Act of 1964, as amended

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

2001h-2-2001h-6 Title IX of the Civil Rights Act of 1964

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 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

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

5/13/92

5/12/93

(12/91) 6/99

11/10/99

8/10

Deleted 6/22/16

Students

RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT

District residency status may be granted to a student if at least one parent/guardian works for Natomas Unified School District. (Education Code 48204)

Applications for Admission

When applying for his/her child's admission to a district school based on employment, the parent/guardian shall provide proof of physical employment within district boundaries. This evidence may include a paycheck stub or letter from his/her employer listing an actual address within district boundaries. Stubs or letters listing only a post office box as an address shall not be accepted.

The Board of Trustees may deny enrollment based on parent/guardian employment if any of the following circumstances exists:

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer. (Education Code 48204)
2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan. (Education Code 48204)
3. The school facilities are overcrowded at the relevant grade level.
4. Other circumstances exist that are not arbitrary. (Education Code 48204)

If the Board denies the student admission for any of the above reasons, the Superintendent or designee shall notify the parent/guardian in writing of the Board's decision including specific reasons for the denial.

Students enrolled in the district on the basis of parent/guardian employment shall not be required to reapply for enrollment in subsequent school years. Such students may continue to attend school in the district through the highest grade provided by the district, if the parent/guardian so chooses and if at least one of the student's parents/guardians continue to be physically employed within the district boundaries, subject to restrictions specified in law related to excess costs and negative impact on desegregation plans. (Education Code 48204)

If a parent/guardian whose child has been admitted based on employment subsequently ceases to be employed by the district, the Superintendent or designee may then deny that student's enrollment.

RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT (continued)

District Students Transferring to other Districts Based on Parent/Guardian Employment

When a student's parents/guardians request that the student be transferred to another district based on the parent/guardian's physical employment within that other district, the Board may deny the request if the percentage of district students admitted to other districts on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. A transfer may also be denied if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan. (Education Code 48204)

The student's parent/guardian shall be notified in writing of the Board's decision to deny the transfer to the school district in which the parent/guardian's employer is situated. The notice shall include specific reasons for the denial.

(cf. 5111.1 - District Residency)
(cf. 5117 - Interdistrict Attendance)

Legal Reference:

EDUCATION CODE

46601 Failure to approve interdistrict attendance
48200-48204 Compulsory education law; especially;
48204 Residency based on parent/guardian employment

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 198 (2001)

Management Resources:

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

(3/93 2/95) 3/02
7/24/02
(2/95 3/02) 7/04
Approved 8/10/05
11/07
4/9/08
Deleted 6/22/16

Bylaws of the Board

STUDENT BOARD MEMBER

Purpose

The purpose of this position is to improve communication between the Board of Trustees and students opinion; to strengthen the democratic processes within the district; to increase responsibilities carried by students; and to improve the opportunity for participation in the decision-making process by young people.

Representation

One Student Board Member is selected from a district high school to represent all schools within the district as a member on the Board of Trustees.

Selection

One high school student shall be appointed by the Superintendent with assistance from the current student board member and high school principal(s) to serve as the Student Board Member to the Board of Trustees. All high school students at all high schools including charter schools authorized by the District are eligible to apply for the position of Student Trustee.

The Student Board Member candidate may self-nominate or be nominated by another. The candidate must be a current Sophomore or Junior in good standing (a Junior/Senior for the year of service).

Functions

In matters requiring the Board's consideration, the student representative shall provide advice in areas of district pupil concern. The Student Board Member will not participate in personnel items, executive closed sessions, and certain other areas not appropriate to pupil determination. The Student Board Member shall participate in school board meetings in the following manner:

The Student Board Member may cast preferential votes and have the power to motion and second. A preferential vote is a formal expression of opinion that is recorded in the minutes and shall not affect the final numerical outcome of a vote.

Term of Office

The Student Board Member shall serve a one-year term from the month of July through the month of June, as follows: Regular attendance is expected during the months of September through May. Attendance is optional during the months of June, July and August.

Vacancy

If the position of Student Board Member becomes vacant, another student Board member shall be appointed following the selection process noted above.

STUDENT BOARD MEMBER (continued)

Requirements of Position

The Student Board Member shall:

1. Attend all regular Board meetings, except Closed Session;
2. Have permission of his/her parents/guardian to serve the one-year term;
3. Receive a Board Agenda and supporting information and be prepared to discuss items of pupil interest and concern;
4. Have the time and willingness to share with students, information on Board meetings and return student input as necessary;
5. Be compensated for his/her year-long service to the Board and students of the district through a \$500.00 scholarship to be awarded upon graduation from high school and verification of attendance in a college or university program.

Status

The student board member will not be liable or responsible for actions taken by the Board of Trustees.

Legal Reference:

EDUCATION CODE

33000.5 Appointment of student members to State Board of Education

35012 Board members; number, election and terms; pupil members

GOVERNMENT CODE

3540-3549.3 Meeting and Negotiating in Public Educational Employment