

**All Personnel**

**NONDISCRIMINATION IN EMPLOYMENT**

**Complaint Coordinator**

All allegations of discrimination in employment, including those involving an intern, volunteer, or job applicant, shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

The district designates its Legal Compliance Specialist as its coordinator of discrimination complaints. The Legal Compliance Specialist is responsible for coordinating the district's efforts to comply with state and federal nondiscrimination laws and to answer questions regarding the district's nondiscrimination policies. The Legal Compliance Specialist may be contacted at:

Elk Grove Unified School District  
Robert L. Trigg Education Center, Room 103  
9510 Elk Grove-Florin Road  
Elk Grove, CA 95624  
Telephone: (916) 686-7795  
Email: Legalcompliance@egusd.net

**Complaint Procedure**

The following procedures shall be used when a district employee, intern, volunteer or job applicant brings forth a complaint alleging unlawful discrimination, harassment or related retaliation, as defined in BP 4030.

Filing a Complaint

1. The complaint must be submitted no later than one year after a complainant knew, or should have known, of the alleged unlawful discrimination or related retaliation.
2. The complaint must be submitted in writing. If the complainant is unable to put the complaint in writing, the district will assist the complainant in the preparation and/or submission of the complaint. A complainant's refusal to put his/her complaint in writing shall not preclude the district from processing the complaint in a manner it deems appropriate.
3. The written complaint should include the following information: complainant's name and signature, the name of the harmed or impacted employee (if different from the complainant), the name of the individual who allegedly committed the act(s), a description of the incident, the date and location where the incident

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occurred, any witnesses who may have relevant information, other evidence of the discrimination, harassment or related retaliation, and any other pertinent information which may assist in investigating and resolving the complaint.

4. The complaint may be submitted to the complainant's immediate supervisor, the site principal, or any administrator, who will then promptly forward the complaint to the Legal Compliance Specialist. The complaint may also be submitted directly to the Legal Compliance Specialist.
5. A supervisory or management employee who is aware of an incident of unlawful discrimination, harassment or related retaliation, shall report it to the Legal Compliance Specialist as soon as practical regardless of whether the complainant files a complaint.

**Processing, Investigating and Resolving Complaints**

**Informal Mediation**

If the parties agree and the district deems it appropriate, the complaint may be informally resolved through discussion or an informal mediation process led by the Legal Compliance Specialist or designee. Parties involved in informal mediation may withdraw their consent to participate in the informal mediation at any time and request that the district move forward with the complaint procedures, described below.

**Investigation Procedures**

If a complaint cannot be resolved to the satisfaction of the complainant through an informal mediation or if the complainant or respondent do not agree to informally resolve the complaint, the Legal Compliance Specialist or designee will immediately assess and process the written complaint as appropriate. If an investigation is required, the Legal Compliance Specialist or designee will ensure that a fair, timely and thorough investigation is conducted that provides the complainant and respondent with appropriate due process and reaches reasonable conclusions based on the evidence collected.

The Legal Compliance Specialist or designee will identify and designate the person who will be responsible for conducting the investigation and rendering findings. The complainant and respondent, in accordance with any rights afforded by the applicable collective bargaining agreement(s), will be notified that the district received a complaint and that an investigation has been initiated.

After assessing the complaint and/or during the investigation, the Legal Compliance Specialist or designee shall evaluate whether interim measures, such as scheduling changes, transfers, or

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leaves, need to be taken before the investigation is completed, in order to reduce the likelihood that the alleged incidents will reoccur. The interim measures shall not be retaliatory in nature.

In conducting the investigation, the Legal Compliance Specialist or designee 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 Legal Compliance Specialist or designee should also make reasonable efforts to interview the complainant, the respondent, and other persons who could be reasonably expected to have relevant information. The investigation shall be fair, timely, and thorough.

In the interest of maintaining the privacy of all parties involved and preserving the integrity of the investigation, complaint proceedings shall be kept confidential insofar as appropriate. However, it may be necessary to reveal some information to conduct an effective investigation. Thus, complete confidentiality cannot be guaranteed.

All documents, communications and records dealing with the investigation of the complaint shall be placed in a confidential district complaint file and not in any employee's individual personnel file.

(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)

**Written Report of Investigation Findings**

The Legal Compliance Specialist or designee shall conclude the investigation and prepare a written report of investigation findings ("written findings") within sixty (60) days after receipt of the complaint. This timeline may be extended for good cause. If an extension is needed, the Legal Compliance Specialist or designee shall notify the complainant and explain the reasons for the extension.

The written findings may include a summary of: (1) the complaint and allegations; (2) the steps taken during the investigation; (3) the evidence obtained during the investigation; and (4) the factual findings made by the investigator based on the preponderance of the evidence (more likely than not) standard. If a determination has been made that district policies were violated and/or if it is determined that misconduct occurred, the district shall take necessary corrective action and ensure that retaliation or further discrimination or harassment is prevented.

The written findings shall be presented to the complainant and the respondent.

**Appeal Rights**

The complainant may appeal the written findings to the Board, within 10 working days of receiving the written findings from the Legal Compliance Specialist or designee's findings, to

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request Board review of the investigation process, including whether sufficient evidence was gathered to support the investigation findings under the preponderance of the evidence standard.

Once a request has been made to appeal the written findings to the Board, the Board will decide whether to accept the appeal in order to further consider the complaint. If the Board decides not to accept the appeal, or if there has been no request to appeal the written findings to the Board, the written report of findings issued shall be final.

If the Board decides to accept the appeal, prior to the Board meeting during which the Board will further consider the complaint, the Superintendent or designee shall provide the Board with all documents related the complaint, including the written findings. The Board may, but is not required to, consider supplemental evidence from the complainant or respondent.

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.

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 9321 - Closed Session Purposes and Agendas)

**Other Remedies**

In addition to filing an unlawful discrimination or harassment complaint with the district, an employee, volunteer, intern, or applicant may 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, the individual must file his/her complaint within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code section 12960.
2. To file a valid complaint directly with EEOC, the individual must file his/her complaint within 180 days of the alleged discriminatory act(s) (42 U.S.C. 2000e-5)
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, the individual must file his/her complaint within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 U.S.C. 2000e-5)

Regulation  
Approved: August 19, 2019

**ELK GROVE UNIFIED SCHOOL DISTRICT**  
**Elk Grove, California**