

SWEETWATER UNION HIGH SCHOOL DISTRICT

CLASSIFICATION: Administration

REGULATION NO.: 2224.1

SUBJECT: Complaint Procedure -
Nondiscrimination

ADOPTED: August 2, 1976

RESPONSIBLE OFFICE: Human Resources

REVISED: June, 2006

REFERENCE: Policy 2224, 2225
Regulation 2224.2

NEXT REVIEW: 2010

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I. General Provisions

- A. It is desirable that complaints of alleged discrimination brought by students, parents, employees, prospective employees, and other members of the community be resolved at the earliest possible time. Complaints of alleged discrimination in educational programs and activities funded directly by the State or Federal government shall be pursued in accordance with District Policy 2225 and Administrative Regulation 2225.1. Other complaints of alleged discrimination shall be pursued in accordance with this regulation, unless a more specific appeal or adjudication procedure is provided in district directives. If a collective bargaining agreement establishes a differing procedure, the complainant and the district shall use the procedure provided within that collective bargaining agreement to resolve the complaint in lieu of the procedure within this regulation.
- B. The initiation or pursuit of a complaint of discrimination will not cause any retaliation against the complainant or his/her representative, unless the complaint is found to be malicious and totally without substance, in which case the complainant may be subject to disciplinary procedures and/or other sanctions permitted by law.
- C. The district shall not undertake any disciplinary action involving any respondent(s) or the complainant until a final decision has been rendered and the individual subject to potential discipline has had an opportunity to respond unless, in the opinion of the superintendent or his/her designee, immediate action is necessary considering the health, safety or welfare of the complainant, respondent(s), or other member of the district community, or because of legal obligations of the district.

If immediate action is necessary, the superintendent or his/her designee shall undertake reasonable efforts to first inform the individual subject to discipline and allow him/her an opportunity under the circumstances to respond to the

allegations. "Disciplinary Action" for purposes of this regulation shall not include placement on paid administrative leave.

- D. Time schedules are intended to assure prompt consideration of a complaint. No complaint shall be recognized unless it is instituted in a timely fashion. If an appeal is not timely pursued to the next level of the procedure, the complaint shall be considered resolved based upon the answer provided within the last level.

Extension of time for appeals and issuance of decisions may be provided through mutual agreement of the complainant and respondent(s).

- E. The complainant and the respondent(s) may be assisted by a representative of his/her choice at any stage of these proceedings.

II. Definitions

- A. "Complainant" - An individual who brings either a formal or informal complaint of alleged discrimination.
- B. "Respondent" - A person against whom a claim of discrimination has been made.
- C. "Supervisor" - The individual who is the immediate supervisor of the respondent. If the complainant is uncertain who the respondent's supervisor is, the complainant shall seek direction from the superintendent or his/her designee, whose designation of the supervisor shall be conclusive for purposes of this procedure.
- D. "Compliance Officer" - The head of the respective divisions.
- E. "Workday" - Monday through Friday, excluding Federal, State, and local holidays during which the district office is officially closed. When action must be undertaken within a designated number of workdays, the action must occur by the close of business of the last workday.

III. Procedures for Processing Complaints of Alleged Discrimination

- A. Level I Allegations of discrimination shall be pursued as soon as possible by the complainant and must be initiated within thirty (30) workdays of the incident constituting alleged discrimination. The allegations shall first be presented orally and informally to the respondent(s) or to the supervisor or respondent(s).

B. Level II If the complaint is not adequately resolved, the complainant may present the problem or complaint to the appropriate compliance officer no later than the fifteenth (15) workday following its initial presentation to respondent(s) or to his/her supervisor. (If a question exists as to the identity of the appropriate compliance officer, the appealing party shall immediately confer with the superintendent or his/her designee, whose determination shall be final for purposes of this procedure.) All complaints shall be in writing, shall be signed and dated by the complainant, and shall contain at least the name(s) of the individual(s) involved, the date of the event(s) at issue, a detailing of the substance of the allegations constituting discrimination, and an address and telephone number for contacting the complainant or complainant's representative.

The compliance officer shall promptly investigate the allegations and take action as soon as practical to resolve the complaint. Within twenty-five (25) workdays after receiving the written complaint, the compliance officer shall render a written decision (which shall indicate the basis and reasons for the decision) and shall forward copies of the decision to the complainant or his/her representative and respondent(s).

C. Level III If the complainant and/or respondent(s) is/are not satisfied with the disposition at Level II, the complainant and/or respondent(s) may appeal the decision within five (5) workdays of its receipt to the superintendent or his/her designee. The appeal shall be in writing, signed and dated by the appellant, shall attach a copy of the prior level decision, and shall state each and every reason for the appeal and disagreement with the Level II decision. The superintendent or his/her designee shall investigate the appeal and, within twenty-five (25) workdays from its receipt, shall render a written decision and indicate the basis and reasons for the decision.

D. Level IV If a complainant or respondent(s) believe(s) it is necessary to carry the complain beyond the

Level III decision, an appeal may be made to the board of trustees within five (5) workdays of service of the Level III decision. The appeal shall be in writing, be signed and dated by the appellant, and indicate each and every basis for the appeal. The board will review the appeal in closed session and determine whether or not any type of hearing will be granted. The determinations of the board shall be final.