

# OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Series 4000 – PERSONNEL

## Policy 4031

### **Complaints Concerning Discrimination 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 Solano County Office of Education (SCOE) shall be investigated and resolved in accordance with procedures specified in this policy. 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 Administrative Policy 4119.12 - Title IX Sexual Harassment Complaint Procedures.

SCOE designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to organize and manage SCOE's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding SCOE's nondiscrimination policies. The coordinator may be contacted at:

Name: Manolo Garcia

Title or Position: Associate Superintendent – Human Resources and Educator Effectiveness

Work Address: 5100 Business Center Drive, Fairfield, CA 94534-1658

Telephone Number: (707) 399-4400

Email: [complianceofficer@solanocoe.net](mailto:complianceofficer@solanocoe.net)

### **Measures to Prevent Discrimination**

To prevent unlawful discrimination, harassment, and retaliation in SCOE employment, the Solano County Superintendent of Schools (Superintendent) or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where SCOE 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, including sex-based 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 SCOE's nondiscrimination policy, 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 SCOE schools and offices, including staff lounges and other prominent locations
  - c. Posting them on SCOE's website and providing easy access to them through SCOE-supported social media, when available

**Policy 4031 (Continued)**

3. Disseminate SCOE's nondiscrimination policy and administrative regulation 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
  - c. Posting a copy on SCOE's intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
  - 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 SCOE'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. SCOE 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 SCOE's Title IX Coordinator
  - d. How to locate SCOE's nondiscrimination policy and the SCOE'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 SCOE 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 SCOE's website.

SCOE shall not distribute a publication stating that SCOE treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.
5. Provide to employees a handbook which contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior
6. Provide training regarding SCOE's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made, as well as any additional training as specified in 34 CFR 106.8 related to the prohibition of Title IX sex discrimination

SCOE may also provide bystander intervention training to employees that includes information

**Policy 4031 (Continued)**

and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

7. Periodically review SCOE's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure SCOE compliance with law and Administrative Policy 4111 - Recruitment and Selection
8. For any SCOE 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)

Complaint Procedure

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

1. Notice and Receipt of Complaint: A complainant may inform a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.
2. The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

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, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

3. 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 SCOE'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 also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin 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.

**Policy 4031 (Continued)**

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 may discuss the complaint with the Superintendent's designee, SCOE legal counsel, or SCOE's risk manager.

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

4. Written Report on Findings and Remedial/Corrective Action: No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. 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 shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

5. Appeal to the Superintendent: The complainant or the person accused may appeal any findings to the Superintendent within 10 business days of receiving the written report of the coordinator's findings. The coordinator shall provide the Superintendent with all information presented during the investigation. Upon receiving an appeal, the Superintendent shall schedule a hearing as soon as practicable. Any complaint against a SCOE employee shall be addressed in closed session hearing in accordance with law. The Superintendent shall render their decision within 10 business days.

Other Remedies

In addition to filing a discrimination or harassment complaint with SCOE, a person may file a complaint with either 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 CRD, whichever is earlier (42 USC 2000e-5)

**Policy 4031 (Continued)**

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)



OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

## Attachment A

Page 2 of 2

### Policy 4031 (Continued)

**DISCRIMINATION COMPLAINT FORM** *(Continued)*

Name and title of person(s) or action(s) causing discrimination: \_\_\_\_\_

Name(s), title(s), and contact information of witnesses or person(s) who may have relevant information or evidence helpful to the investigation and resolution of the complaint: \_\_\_\_\_

---

Have you discussed your complaint with the Equal Employment Opportunity Coordinator (Assistant Superintendent of Human Resources)? ☐ Yes ☐ No

What corrective action are you seeking? \_\_\_\_\_

---

---

---

---

---

---

---

Complainant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_