

Administrative Regulation

Reporting and Responding to Complaints of Discrimination/Harassment in Employment

A. Coordinator for Nondiscrimination and Title IX/Sexual Harassment Officer

The district has designated the following position as coordinator for nondiscrimination and Title IX/sexual harassment officer (“coordinator”):

Assistant Superintendent, Personnel Services
10331 Stanford Avenue
Garden Grove, CA 92840
(714) 663-6464

B. Procedures for Reporting and Responding to Reports of Discrimination/Harassment in Employment

1. Reporting Discrimination or Harassment

Reports of discrimination or harassment in employment should be made as soon as possible after the alleged conduct occurs, optimally within 30 days. Prompt reporting will enable the district to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action. The district shall respond to reports of discrimination and harassment to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred. Unreasonable delay in reporting may impede the district’s ability to conduct an investigation and/or effect appropriate action, as well as both parties’ legal rights.

2. Options for Resolution

Individuals reporting discrimination or harassment will be informed about options for resolving potential violations of the policy on nondiscrimination or the sexual harassment policy, whichever is applicable. These options will include procedures for Early Resolution and procedures for Formal Investigation.

Individuals reporting discrimination or harassment will be informed about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the discrimination or harassment, and disciplinary actions that might be taken against the

accused as a result of the report, including information about the procedures leading to such outcomes.

An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment action) for having reported discrimination or harassment in good faith, who assisted someone with a report of discrimination or harassment, or who participated in any manner in an investigation or resolution of a report of discrimination or harassment, may make a report of retaliation under these procedures.

3. Procedures for Early Resolution

The goal of Early Resolution is to resolve concerns at the earliest stage possible. Parties are encouraged to utilize Early Resolution options when they desire to resolve the situation cooperatively and/or when a Formal Investigation is not likely to lead to a satisfactory outcome. Early Resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for Early Resolution will be flexible and encompass a full range of possible appropriate outcomes. Early Resolution includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted educational and training programs, or providing remedies for the individual harmed by the discrimination or harassment. Early Resolution also includes options such as discussions with the parties, making recommendations for resolution, and conducting a follow-up review after a period of time to assure that the resolution has been implemented effectively.

While the district encourages early resolution of a complaint, the district does not require that parties participate in Early Resolution. Some reports of discrimination or harassment may not be appropriate for Early Resolution. The coordinator shall have the discretion to determine that Early Resolution is not appropriate.

4. Procedures for Formal Investigation

In response to reports of discrimination or harassment in cases where Early Resolution is inappropriate (such as when the facts are in dispute in reports of serious misconduct, or when reports involve individuals with a pattern of inappropriate behavior or alleged criminal acts such as physical assault) or in cases where Early Resolution is unsuccessful, the coordinator or his/her designee may conduct a Formal Investigation. In such cases, the individual making the report will be encouraged to file a

written request for Formal Investigation. The wishes of the individual making the request will be considered, but are not determinative, in the decision to initiate a Formal Investigation. In cases where there is no written request, the coordinator may initiate a Formal Investigation after making a preliminary inquiry into the facts.

Formal Investigation of reports of discrimination or harassment includes the following:

- a. The individual(s) accused of conduct violating the district's policy on nondiscrimination or the sexual harassment policy are informed of the allegations.
- b. The investigation generally includes interviews with the parties if available, interviews with other witnesses as needed, and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses is limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation are advised that maintaining confidentiality is essential to protect the integrity of the investigation.
- c. Upon request, the complainant and the accused may each have a representative present when he or she is interviewed. Other witnesses may have a representative present at the discretion of the investigator.
- d. At any time during the investigation, the investigator may recommend that interim protections or remedies for the complainant or witnesses be provided by appropriate district officials. These protections or remedies may include separating the parties, placing limitations on contact between parties, or making alternative working arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the policy on nondiscrimination or the sexual harassment policy.
- e. The investigation shall be completed as promptly as possible and in most cases within 30 working days of the date the request for Formal Investigation was filed. This timeline may be extended for good cause.
- f. The investigator shall prepare a written report of his/her findings. The report shall include the decision and the reasons for the decision and shall summarize all the steps taken during the

investigation. The report shall be presented to the superintendent or the designee. A summary of the report shall be presented to the complainant and the person accused. The report shall be redacted to protect the privacy of witnesses. If a determination has been made that discrimination or harassment occurred, the parties shall be informed as to the corrective action(s) that have been taken or will be taken to the extent such notice is consistent with the “privacy” provisions of this regulation.

- g. The complainant or the person accused may appeal any findings to the superintendent within 10 working days of receiving the summary of the investigator’s findings. Upon receiving an appeal, the superintendent shall schedule a meeting with the person who filed the appeal as soon as practicable. The superintendent shall render his/her decision within 10 working days of the meeting.

C. Privacy

The district shall protect the privacy of individuals involved in a report of discrimination or retaliation to the extent required by law and district policy. A report of discrimination may result in the gathering of extremely sensitive information about individuals. While such information is considered confidential, laws regarding access to public records may require disclosure of certain information concerning a report of discrimination or harassment. In such cases, every effort will be made to redact the records to protect the privacy of individuals. An individual who has made a report of discrimination may be advised of sanctions imposed against the accused when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report). However, information regarding disciplinary action taken against the accused will not be disclosed without the accused’s consent, unless it is necessary to ensure compliance with the action or the safety of individuals.

D. Confidentiality of Reports

District employees, such as the coordinator, managers, and supervisors have an obligation to respond to reports of discrimination, harassment, and retaliation, even if the individual making the report requests that no action be taken. An individual’s requests regarding confidentiality of reports of discrimination, harassment, or retaliation will be considered in determining an appropriate response; however, such requests will be

considered in the dual contexts of the district's legal obligation to ensure a working and learning environment free from discrimination, harassment, and retaliation and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the district will comply with requests for confidentiality to the extent possible.

E. Other Remedies

In addition to filing a discrimination or harassment complaint with the district, an applicant or employee 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:

- To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code Section 12960.
- To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s).
- 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.

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Ref: EC Sections 200-262.4
 Government Code Sections 12920-12921, 12840-12948
 Section 504 (Rehabilitation Act of 1973)
 United State Code, Title 20, Sections 1681-1688
 United States Code, Title 29, Sections 621-634, 794

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 Revised: August 16, 2011

GARDEN GROVE UNIFIED SCHOOL DISTRICT
DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINT FORM
Instruction Sheet

Administrative Regulations 4010.1, 4012.1

INSTRUCTIONS FOR COMPLETING THE FORM:

Print the form. Upon completion of the form, sign it and mail or deliver it to the address below. "Today's Date" refers to the date that you complete the form.

FILING A DISCRIMINATION COMPLAINT

The district prohibits discrimination and harassment of any person employed by or seeking employment with the district on the basis of actual or perceived race, color, ancestry, national origin, citizenship, ethnic group identification, religion, age (40 or older), marital status, pregnancy, sexual orientation, gender, gender identity, gender expression, physical or mental disability, medical condition (cancer related or genetic characteristics), genetic information (including family medical history), service in the uniformed services (as determined by the Uniformed Services Employment and Reemployment Act of 1994), or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics. If you feel that you have been subjected to discrimination or harassment by your supervisor, co-worker(s), or anyone in the workplace, based on any of the above protected bases, or subjected to retaliation for engaging in a protected activity, please complete the following form and mail or deliver it to the Assistant Superintendent of Personnel Services, Coordinator for Nondiscrimination.

- (1) **Name of Complainant:** The name of the person who is filing the complaint.
- (2) **Status:** Indicate whether you are a certificated or classified employee, an applicant, former employee, or if you have another affiliation with the district.
- (3) **Complainant's Department:** If you are an employee, the department in which you work; if you are a former employee, the department in which you worked.
- (4) **Contact Information:** Provide the phone number(s), e-mail, and mailing address where you can be reached.
- (5a) Please check the appropriate box on the other side of this form to identify the basis for which you feel you have been subjected to discrimination, harassment, or retaliation:
- (5b) **Sexual Harassment:** If you feel that you have been sexually harassed, please check "Yes" in the appropriate box on the other side of this form.
- (5c) **Retaliation:** If you believe you have been retaliated against for engaging in a protected activity, such as filing a complaint of discrimination or harassment, please check "Yes" in the appropriate box on the other side of this form.
- (6) **Date(s):** (month, day, and year): Dates of alleged incident(s) of discrimination/harassment/retaliation.
- (7) **Complaint:** Be as specific as possible. Include the following information: name of individual(s) who discriminated against you, what happened, and why you believe the discrimination was related to any basis listed in section 5 (race, color, etc.). If you have any witnesses, please provide contact information. Attach additional sheets if necessary.
- (8) **Government Agency:** If you have filed a complaint with a government agency (DFEH, EEOC, etc.), check "Yes", the agency with which you filed, and provide the date you filed.
- (9) **Resolution:** What actions will resolve your complaint (e.g., training opportunity, cease the alleged behavior, etc.)?
- (10) **Signature:** Sign and mail or deliver the completed form to the address on the form.

Attach any additional documentation which supports your claim of discrimination/harassment/retaliation. Information and assistance in completing this Complaint Form may be obtained from the Assistant Superintendent of Personnel Services, Coordinator for Nondiscrimination, (714) 663-6464.

(over)

**GARDEN GROVE UNIFIED SCHOOL DISTRICT
DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINT FORM**

1. **Name of Complainant:** _____
2. **Check one:**
 Certificated Employee Classified Employee Former Employee
 Applicant Other: _____
3. **Complainant's Department (if employed at District):** _____
4. **Contact Information:** Phone(s): _____ E-mail: _____
Mailing Address: _____
5. a. **I believe I was subjected to** **discrimination** **harassment** **because of my:**
- | | | |
|---|--|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Disability (physical or mental) | <input type="checkbox"/> Citizenship |
| <input type="checkbox"/> Color | <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Marital Status |
| <input type="checkbox"/> Age (40 and over) | <input type="checkbox"/> Sex (Gender) | <input type="checkbox"/> National Origin/Ancestry |
| <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Service in the Uniformed Services | <input type="checkbox"/> Gender Expression |
| <input type="checkbox"/> Pregnancy | <input type="checkbox"/> Religion | <input type="checkbox"/> Ethnic Group Identification |
| <input type="checkbox"/> Medical Condition (<i>cancer related or genetic characteristics</i>) | | |
| <input type="checkbox"/> Genetic Information (<i>including family medical history</i>) | | |
| <input type="checkbox"/> Other (please specify) _____ | | |
- b. **I believe I have been sexually harassed** Yes No
- c. **I believe I have been retaliated against based on a protected activity** Yes No
6. **Date(s) of alleged discrimination/harassment/retaliation:** _____
7. **State your complaint:** (*Attach additional sheets if necessary*)

8. a. **Have you filed a complaint with a government agency regarding this situation?** Yes No
b. **If yes, please indicate agency name and date complaint was filed:** DFEH EEOC Other: _____
Date Filed: _____
9. **What would you consider to be a successful or acceptable outcome/resolution to your complaint?**

10. **Signature:** _____ **Date:** _____

Please mail or deliver completed form to:
**Assistant Superintendent of Personnel Services
Garden Grove Unified School District
10331 Stanford Avenue
Garden Grove, California 92840**