

EMPLOYEE WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA  
(LOCAL)

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**Note:** This policy addresses discrimination, harassment, and retaliation involving District employees. For discrimination, harassment, and retaliation involving students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

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DEFINITIONS	Solely for purposes of this policy, the term “employees” includes former employees, applicants for employment, and unpaid interns.
PROHIBITED HARASSMENT	The District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, gender, national origin, age, disability, sexual orientation, gender identity, gender expression, genetic information, or any other basis prohibited by law.
PROGRAM DEVELOPMENT AND STAFF TRAINING DEPARTMENT	The District’s Professional Development Department shall provide training and counseling as needed to promote awareness of this policy and the reduction of prohibited harassment, as defined below, throughout the District. The employees designated to receive harassment, discrimination, or retaliation complaints shall be made aware of all cases related to these types of complaints and shall work with the parties involved to resolve conflicts.
DISCRIMINATION	Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, gender, national origin, age, disability, sexual orientation, gender identity, gender expression, genetic information, or any other basis prohibited by law, that adversely affects the employee’s employment.
HARASSMENT	Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee’s race, color, religion, gender, national origin, age, disability, sexual orientation, gender identity, gender expression, genetic information, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:  <ol style="list-style-type: none"><li>1. Has the purpose or effect of unreasonably interfering with the employee’s work performance;</li><li>2. Creates an intimidating, threatening, hostile, or offensive work environment; or</li><li>3. Otherwise adversely affects the employee’s performance, environment, or employment opportunities.</li></ol>
EXAMPLES	Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or practices, accent, skin color, gender identity, or need for workplace accommodation; threatening or intimidating conduct; offensive

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jokes, name-calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other stereotypes; or other types of aggressive conduct such as theft or damage to property.

SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee's employment;
2. Submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
3. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

Sexual harassment may include the above conduct between persons of the same gender.

EXAMPLES

Examples of sexual harassment may include, but are not limited to, sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, communication, or contact.

RETALIATION

The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding harassment or discrimination is subject to appropriate discipline.

EXAMPLES

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

PROHIBITED  
CONDUCT

In this policy, the term "prohibited conduct" includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

REPORTING  
PROCEDURES

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The

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	<p>employee may report the alleged acts to a supervisor in his or her chain of command.</p> <p>Alternatively, the employee may report the alleged acts to one of the District officials below.</p>
DEFINITION OF DISTRICT OFFICIALS	<p>For the purposes of this policy, District officials are the Title IX coordinator, the ADA coordinator, Section 504 coordinator, and the Superintendent.</p>
ADA, TITLE IX, AND SECTION 504 COORDINATOR	<p>Reports of discrimination based on sex, including sexual harassment, may be directed to the designated coordinator. [See DIA(EXHIBIT)]</p>
SUPERINTENDENT	<p>The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.</p>
ALTERNATIVE REPORTING PROCEDURES	<p>An employee shall not be required to report prohibited conduct to the person alleged to have committed it. Reports concerning prohibited conduct, including reports against the Title IX coordinator, ADA coordinator, or Section 504 coordinator, may be directed to the Superintendent.</p> <p>A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.</p>
TIMELY REPORTING	<p>Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct.</p>
NOTICE OF REPORT	<p>Any District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate District official and take any other steps required by the policy or other guidelines issued by the administration.</p>
INVESTIGATION OF THE REPORT	<p>The District shall request a written report from the complainant. If a report is made orally, the District official shall reduce the report to written form, and require signed confirmation by the complaining employee.</p> <p>Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District official shall immediately request or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.</p>

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	<p>If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.</p> <p>When appropriate, the campus principal or supervisor shall be involved in or informed of the investigation.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</p>
CONCLUDING THE INVESTIGATION	<p>Absent extenuating circumstances, the investigation should be completed within 15 business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.</p> <p>The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.</p>
DISTRICT ACTION	<p>If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.</p> <p>The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.</p>
CONFIDENTIALITY	<p>To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.</p>
APPEAL	<p>A complainant who is dissatisfied with the investigation may appeal through DGBA (LOCAL), beginning at the appropriate level.</p> <p>The complainant may have a right to file a complaint with appropriate state or federal agencies.</p>
RECORDS RETENTION	<p>Copies of reports alleging prohibited conduct, investigation reports, and related records shall be maintained by the District in accordance with the District's record retention schedule". [See CPC series]</p>
ACCESS TO POLICY	<p>This policy shall be distributed annually to District employees. Copies of the policy shall be readily available at each campus and the District administrative offices.</p>

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ADOPTION OR LAST  
AMENDED DATE

This policy was last adopted or amended on March 24, 2016.