

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION (REGULATION) DIA1

- GENERAL GUIDELINES 1. The District adheres to a policy of nondiscrimination in employment, training, promotion, and program accessibility for all staff members and students in accordance with all applicable state and federal regulations. See References (a), (b), (f), (g), (h), (i), and (j).
- IMPLEMENTATION a. All District personnel are responsible for implementation of the Equal Employment Opportunity (EEO) policy throughout the District. See References (a) and (b). The EEO office, Human Resources, is responsible to the Superintendent for ensuring that the District adheres to this policy, and is responsible for implementation of appropriate monitoring systems, data collection and analysis, and other necessary oversight.
- AMERICANS WITH DISABILITIES ACT COMPLIANCE b. The District, in compliance with Reference (f), designates the manager, EEO, as the person to coordinate the District's efforts to comply with and carry out the District's responsibilities under the Americans with Disabilities Act (ADA). The office address and telephone number of the manager, EEO, must be published in the District's directory and also be prominently posted throughout the Hattie Mae White Educational Support Center in workrooms, kitchens, and Human Resources reception areas.
- COMPLAINTS c. Complaint procedures to assure compliance with federal and state laws and References (a) and (b) have been established. See COMPLAINTS ON CLAIMS OF DISCRIMINATION.
- RETALIATION d. Retaliation against employees or students who file discrimination complaints or who assist the District in an investigation of a discrimination complaint is strictly prohibited. Acts of retaliation will result in disciplinary action that may include termination.
- BIENNIAL REPORT e. The EEO office files the biennial EEO-5 report as required.
- IMPLEMENTATION PROCEDURES 2. Implementation procedures for References (a) and (b) are as follows:
- RECRUITMENT a. The District solicits applications for employment from all types of schools, colleges, and employment agencies so that persons of both sexes and varied ethnic backgrounds may have equal opportunity to work for the District. Recruitment is conducted so as to ensure that every interested and qualified person may be aware of

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- vacancies and receive proper consideration for such positions upon application.
- ADMINISTRATOR AND SUPERVISOR TRAINING
- INTERVIEWER AND RECEPTIONIST TRAINING
- APPLICATIONS
- DEPARTMENTAL RESPONSIBILITIES
- EVALUATION
- COMPLAINTS OR CLAIMS OF DISCRIMINATION GUIDELINES
- b. The executive general manager, Human Resources, provides a training program to ensure that all administrative and supervisory personnel understand the policy and the plan for its implementation. This training program is repeated periodically to ensure proper orientation of newly assigned people.
 - c. First contact interviewers, receptionists, and recruiters must be made aware of the nondiscrimination policy and instructed on how to conduct interviews without regard for race, creed, color, sex, religion, marital status, national origin, or physical disability. See References (c) and (d).
 - d. Application forms are reviewed periodically to ensure that the form is free of questions and requests for information that may be discriminatory.
 - e. Department heads are responsible for implementation of the nondiscrimination policy within their departments and for assisting Human Resources in the recruitment and selection process so as to ensure equal opportunities for all personnel.
 - f. Human Resources evaluates the requirements of applicable federal rules, regulations, and guidelines related to equal employment opportunity.
3. Guidelines and procedures for complaints or claims of discrimination are as follows.
- a. The following guidelines apply to the discrimination complaint process:
 - Individuals who believe they have been subjected to illegal discrimination are encouraged to make their complaints immediately following an alleged act of discrimination;
 - District employees are obligated to perform their duties as directed while complaints are pending resolution;
 - If an individual believes that he or she is being retaliated against for having initiated a complaint, he or she should immediately report the alleged acts of retaliation to EEO;

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- It is incumbent upon employees to maintain an appropriate working environment free of intimidation or retaliation both during an investigation and upon resolution of a complaint. No one will interfere with an investigation by intimidating witnesses or withholding information. Participants in an investigation will not discuss facts or circumstances of the complaint to the extent that it interferes with the investigation;
- Employees must be aware that intentionally filing false accusations of discrimination will result in disciplinary action; and
- Employees who are aware of discrimination against other employees are encouraged to report the discriminatory acts.

See Reference (d).

REPORTING
PROCEDURES

- b. An individual who believes he or she is the subject of illegal discrimination is encouraged to report the alleged discrimination immediately. The individual has the choice of reporting the alleged discriminatory acts, other than complaints of ADA noncompliance, to any of the following:
- His or her immediate supervisor;
 - The school principal or work location supervisor;
 - The appropriate assistant superintendent or department head; or
 - The EEO office.

See References (d) and (k).

Complaints regarding allegations of noncompliance with the ADA will be directed to the manager, EEO, who will investigate the complaint. See Reference (e).

RESPONDING TO A
CLAIM OF
DISCRIMINATION

- c. The response, in some cases, will involve a complete investigation with witness interviews and disciplinary action. In other circumstances, the response could only involve discussions with the individual making the claim and the individual who allegedly committed the act of discrimination. The scope of the response will be determined by the nature of the allegations and the amount of information necessary to review the allegations. See Reference (l). Any disciplinary action against an em-

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ployee due to acts of discrimination will be recommended and implemented in accordance with References (a), (b), and (c).

COMPLAINT
RECIPIENT'S
RESPONSIBILITIES

- (1) Every administrator or supervisor who receives a complaint of discrimination must respond and initiate action. In every event of a complaint of discrimination, the individual receiving the complaint will complete the EEO Complaint Form and submit copies to EEO. See Reference (k).

INVESTIGATOR'S
RESPONSIBILITIES

- (2) The following steps will be taken with every investigation and response:
 - The investigator will obtain as much information as possible from the individual making the complaint, including dates, times, and locations of the alleged acts of discrimination, names of any witnesses, and physical and documentary evidence;
 - The investigator will begin an investigation within five working days of receiving the information from the individual making the complaint;
 - An investigation should include a discussion with the individual who allegedly committed the alleged discrimination to explain the specific allegations and to offer an opportunity for a response;
 - Upon completion of the investigation, the individual making the complaint should be informed about the resolution of the complaint;
 - Upon completion of the investigation, the individual who allegedly committed the discriminatory act should be informed of the resolution of the complaint. The individual may be accompanied by a representative of his or her choice to discuss the resolution of the complaint; and
 - Upon completion of the investigation, the EEO Complaint Response Form, documentation of the steps taken to investigate the complaint and the proposed resolution must be sent to EEO. See References (k) and (l).

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- CONSULTATION 4. This regulation has been through consultation (Administrative: November 6, 2007; Instructional: November 1, 2007; Noninstructional: November 13, 2007).
- MAINTENANCE RESPONSIBILITY 5. The executive general manager, Human Resources, is responsible for maintenance of this regulation.

REFERENCES:

- (a) Board Policy DAA(LEGAL)
 - (b) Board Policy DAA(LOCAL)
 - (c) Board Policy DH(LOCAL)
 - (d) Board Policy DIA(LOCAL)
 - (e) DAA2(REGULATION)
 - (f) Americans with Disabilities Act of 1990, Section 35.107
 - (g) Civil Rights Act of 1964, Title VII (as amended)
 - (h) Civil Rights Act of 1991
 - (i) Education Amendments of 1972, Title IX (as amended)
 - (j) Rehabilitation Act of 1973, Section 504
 - (k) Form – EEO Complaint Form
 - (l) Form – EEO Complaint Response Form
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