

- 4000 PERSONNEL
- 4100 ALL PERSONNEL
- 4110 EMPLOYMENT
- 4112 **EQUAL OPPORTUNITY AND NONDISCRIMINATION**

The Marin County Office of Education does not discriminate and is committed to and will afford equal employment opportunity to all applicants and employees without regard to race, religious creed, color, national origin or ancestry, immigration status, ethnic group identification, ethnicity, physical disability, mental disability, medical condition, genetic condition, marital status, pregnancy, parental status, sex, gender, gender identity, gender expression, age, or sexual orientation in compliance with Government Code Section 12940.

Prohibited discrimination or harassment consists of unwelcome conduct, whether verbal, physical, or visual, based on any of the prohibited categories of discrimination listed above that it is so severe and pervasive that it adversely affects an individual's employment opportunities or has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile, or offensive work environment.

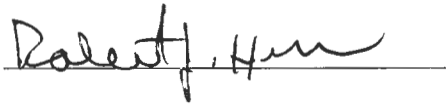
The Marin County Office of Education also prohibits retaliation against any employee or job applicant who complains, testifies, assists, or in any way participates in the complaint procedures instituted pursuant to this policy.

Any Marin County Office of Education employee who engages or participates in prohibited discrimination or harassment, or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior, shall be in violation of this policy and shall be subject to disciplinary action, up to and including dismissal.

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of this policy should immediately contact his/her supervisor, the Coordinator, or the County Superintendent who shall advise the employee or applicant about the procedures for filing, investigating, and resolving any such complaints. Failure to initiate a complaint within a reasonable period of time of when the complainant knew or should have known of the perceived discrimination shall constitute good cause to deny the complaint. Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4112 - Complaint Procedures - Equal Opportunity and Nondiscrimination.

References: Title VI of the Civil Rights Act
Title IX of the Educational Amendments of
1972 Section 504 of the Rehabilitation Act
of 1973 The Age Discrimination Act of 1975
Government Code Sections 12920, 12940
Education Code Sections 210.2, 210.7 220

Approved as to form:

A handwritten signature in cursive script, appearing to read "Robert J. Henry", is written over a horizontal line.

Robert J. Henry of Counsel

Approved by
Marin County Board of Education

8/8/89 (Corrected 11/28/89)
Revised and approved: 2/13/2007
Revised and approved: 7/10/2012
Revised and approved: 6/26/2018

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE RULES AND REGULATIONS

COMPLAINT PROCEDURES -
EQUAL OPPORTUNITY AND NONDISCRIMINATION
(Board Policy 4112)

These administrative regulations and procedures apply to complaints filed by applicants and employees who allege discrimination on one or more of the protected classifications identified in Board Policy 4112.

DEFINITIONS

Complaint-Any alleged violation of policies or statutes which involve discrimination on the basis of one or more of the protected classifications set forth in Board Policy 4112. This includes, but is not limited to Title IX (gender) and Section 504 of the Rehabilitation Act (handicap).

Complainant-An employee or applicant alleging that a violation of Board Policy 4112 or any statute that prohibits discrimination has taken place.

Coordinator-Includes the "Title IX Coordinator" and/or the "Coordinator of Section 504."

Immediate Supervisor- The certificated or classified manager supervising the program or department in which the complainant is employed.

Working Day-A day on which the Marin County Office of Education is open for business.

MISCELLANEOUS PROVISIONS

Except as required by law, all discussions, notes and other written documents pertaining to a complaint shall be kept confidential by all parties involved in this procedure.

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Complainant and accused may appear with a representative, if desired, at all levels.

In the event that the complaint is against the individual responsible for the complaint procedure at any level, the complainant may address the complaint directly to the next level.

There shall be no reprisals of any kind against any complainant or his/her authorized representative(s) because of his/her participation in the complaint process.

In the event the complainant fails to exhaust all remedies under complaint procedures provided herewith, or to abide by the time lines with respect to each level, the complaint shall be presumed to be abandoned, and the matter shall be considered to be settled in accordance with the last answer thereto. In the event any level fails to give its answer within the time limits prescribed, the complainant shall have the right to proceed immediately to the next level. Any time limit may be extended by written mutual agreement of both parties.

Any settlement of a complaint shall be applicable to the complaint only, and shall not be binding authority for disposition of any other complaint

All persons are strongly encouraged to report any suspected discrimination to their immediate supervisor, the Coordinator or the Superintendent within a reasonable period of time of learning of the suspected discrimination.

COMPLAINT PROCEDURE

Informal

1. Complainants should first discuss, if comfortable, the issue with the person responsible for the behavior in question. Either party may request that the coordinator be present.
2. In the event the matter is not resolved informally within a reasonable time, the complainant may appeal to Level I.

Level I - Immediate Supervisor or Coordinator

1. The complaint shall be submitted in writing to the employee's immediate supervisor or the Coordinator. Applicants should file complaints with the Coordinator. If the complaint includes the Coordinator, then the complaint should be submitted to the Superintendent who will assign the investigation. Failure of complainant to put the complaint into written form will forfeit further consideration of the matter.
2. Within ten (10) working days after the receipt of the complaint the immediate supervisor/coordinator shall investigate the complaint, including giving all persons who participated in the informal level reasonable opportunity to be heard.
3. Within fifteen (15) working days after receiving the complaint the immediate supervisor/coordinator shall render a decision in writing, together with supporting reasons, and shall furnish a copy to the complainant and the person to whom they are responsible.

Level II - Division Deputy/Assistant Superintendent

1. Within ten (10) working days after receiving the decision of the immediate supervisor/coordinator, the complainant may appeal the decision of Level II to the Division Deputy/Assistant Superintendent. The appeal shall be in writing and shall be accompanied by a copy of the decision at Level II.
2. Within ten (10) working days after the receipt of the appeal, the Division Deputy/Assistant Superintendent shall investigate the complaint, giving all persons who participated in Level II a reasonable opportunity to be heard.
3. Within fifteen (15) working days after receiving the appeal, the Division Deputy/Assistant Superintendent shall submit a decision in writing, together with supporting reasons, to the complainant and the immediate supervisor/coordinator.

Level III - Superintendent/Governing Board

1. Within ten (10) working days after receiving the decision of the Division Deputy/Assistant Superintendent, the complainant may appeal the decision of the Level II to the Superintendent/Governing Board. The appeal shall be in writing, shall be accompanied by a copy of the decision of Level II, and shall be delivered to the Superintendent.
2. Within ten (10) working days after receipt of the appeal, the Superintendent/Governing Board shall schedule the matter for a hearing in closed session.
3. Within twenty (20) working days after the hearing in closed session, the Superintendent/Governing Board shall render its decision in writing, together with the supporting reasons, to the complainant and the Division Deputy/Assistant Superintendent. The decision of the Superintendent/Governing Board shall be final.

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