

**UCEN Board/Oasis Charter Public School  
Salinas, California**

**Adopted Administrative Regulation: 9/7/2023**

**Section IV Personnel Services  
Article VI Nondiscrimination in Employment**

The UCEN Board and Oasis Charter Public School are committed to ensuring that all complaints filed regarding discrimination in employment are immediately addressed. All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or person contracted to provide services to the school shall be investigated and resolved in accordance with the specified procedures in this administrative regulation.

The UCEN Board designates the Executive Director as the coordinator for nondiscrimination who will be responsible for the investigation of discrimination in employment and any allegations of discrimination in employment in accordance with law and procedures.

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Any allegation filed against the Executive Director shall be forwarded to a designee and a determination will be made as to who and how the complaint will be investigated.

**Measures to Prevent Discrimination**

To prevent unlawful discrimination, harassment, and retaliation the Executive Director or designee shall implement the following measures:

1. Display in a prominent and conspicuous location(s) accessible to employees such as school office, staff lounge, and post on the school website the California Department of Fair Employment and Housing (DFEH) posters regarding workplace discrimination and harassment and rights of transgender employees.
2. Provide the Board Policy (BP) and Administrative Regulation (AR) to employees at the orientation session prior to the start of their position with verification of receipt of the BP and AR.
3. Include the BP and AR in the Employee Handbook.
4. Periodically review the school HR manual regarding recruitment, selection, and promotion processes.

5. Consider training of employees in recognizing problematic behaviors, comments, and potential interventions where practical to avert discrimination behaviors or actions.

## **Complaint Procedures**

Complaints of sexual harassment shall be investigated and resolved in accordance with the school's Title IX Sexual Harassment Procedures if the alleged conduct meets the criteria of required for a Title IX Sexual Harassment complaint.

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

### **Notice and Receipt of Complaint**

A complainant may inform a supervisor, or Executive Director or designee.

1. The complainant may first attempt to resolve the situation informally.
2. A person who receives information about discrimination or harassment or observes an incident shall report it whether or not the complainant files a written complaint.
3. 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, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

## **Investigation Process**

The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving the notice of the alleged discriminatory or harassing behavior regardless of whether a written complaint has been filed or whether the written complaint is complete.

1. The coordinator shall meet with the complainant to discuss the incident and actions being sought by the complainant in response to the allegation.
2. The coordinator shall inform the complainant that the investigation of the allegation will be timely, and thoroughly conducted to ensure collection of sufficient facts to make reasonable conclusions based on the information gathered during the investigation.
3. The coordinator shall inform all parties that the investigation will be kept confidential to the extent possible, and that some information may be revealed as necessary to conduct the investigation or unless required by law.
4. The investigation shall begin immediately, and the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.
5. The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

6. When necessary, the coordinator may discuss the complaint with legal counsel.
7. The coordinator may determine if interim measures may be necessary with the parties involved to avoid and prevent future incidents. Such action(s) are not to be interpreted to mean a form of retaliation.

### **Written Report**

No more than twenty (45) business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings. The timeline may be extended for good cause and if so, the parties shall be notified of the reason(s) for the extension.

The report should include the following:

1. Date Report was completed.
2. Summary of steps taken during the investigation
3. Findings
4. Decision and reasons for the decision
5. Remedial/Corrective Actions that have or will be taken to address the behavior, options for remedial action(s) and resolutions for the complainant, ensure that retaliation or further discrimination or harassment is prevented.

### **Other Remedies**

In addition to filing a discrimination or harassment complaint with the school, a person may file a complaint with either California Civil Rights Department or the Federal Equal Employment Opportunity Commission.

### **Time Limits**

1. To file a complaint with the Civil Rights Department it must be done within three years of the alleged discriminatory act(s) unless exceptions exist in the Government Code.
2. To file a valid complaint directly to EEOC, must be done within 180 days of the alleged discriminatory act(s).
3. To file a valid complaint simultaneously with EEOC and the Civil Rights Department after first filing a complaint the EEOC's deadline is 300 days of the alleged discriminatory act(s).