

CORONA-NORCO UNIFIED SCHOOL DISTRICT

4390

HUMAN RESOURCES

ALL EMPLOYEES

CONDUCT – HARASSMENT/DISCRIMINATION

The Corona-Norco Unified School District is committed to offering employment opportunity based on ability and performance in a productive climate free of discrimination. Accordingly, unlawful harassment or discrimination by employees will not be tolerated. In addition, the district will endeavor to protect employees, to the extent possible, from reported unlawful harassment by non-employees in the workplace.

- A. The conditions of employment in the district, including wages, hours, terms and benefits, shall be applied without regard to actual or perceived ancestry, age, color, disability, medical condition, gender, gender identity, gender expression, nationality, immigration status, race or ethnicity, religion, sex, sexual orientation, marital or parental status, political belief, or association with a person or group with one or more of these actual or perceived characteristics. Employees shall observe all laws, policies and regulations prohibiting discrimination or harassment.

District shall not unlawfully discriminate against employees or job applicants on the basis of actual or perceived ancestry, age, color, disability, medical condition, gender, gender identity, gender expression, nationality, immigration status, race or ethnicity, religion, sex, sexual orientation, marital or parental status, political belief, or association with a person or group with one or more of these actual or perceived characteristics.

Equal opportunity shall be provided by employees and applicants in all aspects of personnel policy and practice. District shall not discriminate against handicapped persons who, with reasonable accommodation, can perform the essential functions of the job.

- B. Ethnic or racial slurs and other verbal or physical conduct relating to a person's actual or perceived ancestry, age, color, disability, medical condition, gender, gender identity, gender expression, nationality, immigration status, race or ethnicity, religion, sex, sexual orientation, marital or parental status, political belief, or association with a person or group with one or more of these actual or perceived characteristics constitute harassment when they interfere with the person's work performance or create an intimidating work environment.

- C. Sexual harassment has been defined by federal and state regulations as a form of sex discrimination. Under law, it includes but is not limited to, unwelcome sexual advances, requests for sexual favors, display of derogatory posters, cartoons or drawings, and other verbal or physical conduct of a sexual nature.

Private, personal conduct may at some point become unwelcome. Employees placed on notice that the co-employee now believes the conduct to be unwelcome shall cease such conduct immediately. Any conduct of a sexual nature following such notice may be determined to be sexual harassment. Such conduct is subject to investigation by the employer on the complaint of an individual who believes it to be unwelcome.

Employees who participate in a consensual relationship, and at some point wish to discontinue the relationship, must clearly state to the other participant that the conduct is no longer consensual or welcome, and that all such conduct must cease.

Any employees who have knowledge of conduct by another employee, volunteer, or individual in the school community which may constitute sexual harassment of students are required to immediately report such conduct to any of the individuals specified in this policy. In addition, any manager, or supervisor who is aware of conduct in violation of this policy shall immediately report such conduct to a designated administrator.

Employees are hereby placed on notice that if they engage in acts which the district determines to be acts of sexual harassment, such acts are outside of the scope and course of their employment. Such conduct may result in the employee having to obtain his or her own legal counsel, and sexual harassment or unlawful discrimination may result in a money judgment against the employee personally.

It is the purpose of this policy to ensure that all employees may file allegations of discrimination or sexual harassment without fear of retaliation. All allegations of discrimination or sexual harassment will be investigated in a timely and confidential manner.

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A. Level 1

To accommodate the unique nature of discrimination or unlawful harassment complaints, an informal process is provided for the primary purpose of resolution of a complaint at the earliest possible date. The employee must bring concerns to his/her/their immediate supervisor within one year of the alleged act or occurrence. The supervisor shall counsel the employee and outline the options available.

In attempting to informally resolve the complaint, the supervisor shall obtain a factual written statement of the complaint and may follow-up on the incidents even if the complainant does not pursue a Level 2 formal complaint.

If the respondent is the complainant's supervisor, the complainant may bypass Level 1 and begin at Level 2.

B. Level 2

If the complaint is not resolved at Level 1, within fifteen (15) business days, the complainant may request a Level 2. At the Level 2 review, complainant will file a written complaint with the District's Coordinator of Human Resources outlining:

1. The specific nature of the complaint and a brief statement of the facts related to the complaint or conflict.
2. The previous steps taken to attempt to resolve the complaint or conflict.
3. The action which the complainant wishes taken and the reasons why such action will resolve the complaint or conflict.

If necessary, the District Coordinator or designee shall complete additional investigation. The District Coordinator shall provide a written summary of the resolution to the complainant. The District Coordinator or designee shall endeavor to complete the investigation and provide written resolution within sixty (60) calendar days.

C. Level 3

If the matter is not resolved to the complainant's satisfaction at Level 2, the complainant may request in writing that the complainant be considered by the Superintendent or Designee. Such appeal must be requested within fifteen (15) business days of the date of the Level 2 written findings.

The Superintendent or Designee shall provide written findings upholding or reversing the decision made at Level 3.

D. Level 4

If the matter is not resolved to the complainant's satisfaction at Level 3, the complainant may request in writing that the complainant be considered by the Board of Education. Such appeal must be requested within fifteen (15) business days of the date of the Level 3 written findings.

The Board of Education, after reviewing the complaint, the District Coordinator's report, information submitted by the complainant, and the Superintendent's recommendation (if any), may grant the complainant an opportunity to address the Board of Education or a committee of the Board of Education.

The complainant shall be advised, in writing, of the Board of Education's decision, which shall be final.

Nothing in this regulation limits a complainant's ability to address the Board of Education during a Board meeting, pursuant to the guidelines set forth by the Board for such public comments, on matters that are within the Board's subject matter jurisdiction.

E. Post-Complaint Processes

Any employee determined by impartial investigation to have discriminated against or unlawfully harassed another employee or applicant for employment will be subject to appropriate disciplinary procedures up to and including termination.

A non-employee who subjects an employee to sexual harassment in the workplace will be informed of the District Harassment/Discrimination Policy by the employee's supervisor or the Assistant Superintendent, Human Resources/designee; action will be taken as appropriate.

Revised: October 20, 2020 (Formerly named BP 4190) (8/21/18; 1/12/93; position title and names of division corrected 1/03; Board Policy Adopted 10/20/92)