

**CLASSIFICATION: All Personnel**

**ADOPTED: 2/11/87**

**REVISED: 5/23/01**

**SUBJECT: Complaint Procedure, Employment  
Discrimination and Sexual Harassment**

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The following procedures shall be followed when a student, community member, employee or job applicant has a complaint alleging that a specific action, policy, procedure, or practice discriminated against him/her on any basis specified in the nondiscrimination and sexual harassment policies.

1. The complaint should be initiated promptly after a complainant knew, or should have known, of the alleged discrimination.
2. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.
3. For the protection of all the parties involved, complaint proceedings shall be kept confidential insofar as appropriate.
4. Time limits specified in these procedures may be revised only by written agreement of all parties involved. If the San Diego County Office of Education fails to respond within a specified or adjusted time limit, a complainant may proceed to the next level. If a complainant fails to take the complaint to the next step within the prescribed time, the complaint shall be considered settled at the preceding step.

LEVEL I

1. The complaint should first be presented informally in a meeting with the complaining party's supervisor if the complaining party is an employee or with the Director, Human Resources, or his/her designee if the complaining employee's supervisor is the party against whom the complaint is being made. The complaint should first be presented informally in a meeting with the site manager, director, or assistant superintendent, whichever is appropriate. The Director, Human Resources, or his/her designee should assist any complaining party to provide information regarding this complaint procedure. Upon request, the Director, Human Resources, will designate a person of the same gender as the complaining party to assist in the complaint resolution process and the filing of a complaint.

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2. The meeting should be requested within thirty (30) calendar days of an alleged violation and must be held within five (5) work days of the receipt of the request for a meeting unless the complaining party and the Level I complaint officer agree otherwise. Complaints should be made as soon as possible after the event or events that led to the complaint.
3. The complaining party's supervisor, if the complaining party is an employee, or the Director, Human Resources, or his/her designee, if the complaining employee's supervisor is the party against whom the complaint is being made, or the site manager, director, or assistant superintendent will respond to the complainant in writing within ten (10) work days of meeting unless the complaining party and the complaint officer agree that a response can be provided within a longer period of time.

LEVEL II

1. In the event the complaint cannot be satisfactorily resolved at Level I, the complainant may request a meeting with the appropriate assistant superintendent.
2. The request for this meeting must be made within five (5) work days of the receipt of the Level I response.
3. The complaint must be submitted in writing to the appropriate assistant superintendent at the time the meeting is requested.
4. The assistant superintendent will meet with the complainant within five (5) work days of the receipt of the request for a meeting, unless the complaining party and the assistant superintendent agree that the meeting can be held at a later date. Every reasonable effort will be made to resolve the problem in a manner acceptable to all parties.
5. The assistant superintendent will respond to the complainant in writing within ten (10) work days of the meeting unless the complaining party and the assistant superintendent agree that the response can be given at a later date.

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**LEVEL III**

1. If the problem cannot be satisfactorily resolved at Level II, the complainant shall have the right to meet with the County Superintendent of Schools or his/her designee.
2. The request for this meeting must be made within five (5) work days of receipt of the response from Level II.
3. The County Superintendent of Schools will meet with the complainant within ten (10) work days of the request for a meeting unless the complaining party and the County Superintendent of Schools agree that the meeting can be held at a later date.
4. The County Superintendent of Schools will respond to the complainant in writing within ten (10) work days of the meeting unless the complaining party and the County Superintendent of Schools agree that the response can be given at a later date.
5. The response of the County Superintendent of Schools shall be final. In the event that the complaint is against the individual responsible for handling the complaint procedure at any level, the complainant can address the complaint directly to the Director, Human Resources, and if the complaint is against the Director, Human Resources, the complainant can address the complaint to the next appropriate level.

If the nature of the complaint is covered by another policy or administrative regulation of the County Board of Education or the County Superintendent of Schools, such as student discipline or special education, the Director, Human Resources, the site manager, director, or assistant superintendent will assist the complainant to file the complaint under the relevant procedure.

**Board Policy No.: 4002, 4003, 4004**

**Derivation: Former Administrative Regulation 4360.1, Adopted 2/11/87, Amended 5/13/92. Amended and renumbered 4003.1, 6/14/95. Amended 5/23/01.**