



Summit Public Schools California Employee: NonDiscrimination Policy¹

Nondiscrimination:

Summit Public Schools (“Summit”) is committed to providing a work environment free of unlawful discrimination and harassment, including sexual harassment. Summit will provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion and training. Such equal employment opportunity will be provided without discrimination on the basis of actual or perceived characteristics set forth in Penal Code § 422.5, Education Code § 220 and actual or perceived sex, sexual orientation, gender, gender identity, gender expression, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, honorably-discharged veteran or military status, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics.

Employment of Persons with Disabilities:

In order to fulfill its commitment of nondiscrimination to those with disabilities, the following conditions will prevail:

- No qualified person with disabilities will, solely by reason of a disability, be subjected to discrimination and Summit will not limit, segregate or classify any applicants for employment or any staff member in any way that adversely affects his/her opportunities or status because of a disability. This prohibition applies to all aspects of employment from recruitment to promotions, and includes fringe benefits and other elements of compensation.
- Summit will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled applicant or staff member unless it is clear that an accommodation would impose an undue hardship on the operation of Summit’s program. Such reasonable accommodations may include:
 - Making facilities used by staff readily accessible and usable by persons with disabilities; and
 - Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters and other similar actions.

¹ Revised 10/24/19



In determining whether or not accommodations would impose an undue hardship on Summit, factors to be considered include the nature and cost of the accommodation.

- Summit will not use any employment tests or criteria that screen out persons with disabilities unless the test or criteria is clearly and specifically job-related. Also, Summit will not use such tests or criteria if alternative tests or criteria (that do not screen out persons with disabilities) are available.
- While Summit may not make pre-employment inquiry as to whether an applicant has a disability or as to the nature and severity of any such disability, it may inquire into an applicant's ability to perform job-related functions.
- Any staff member who believes that there has been a violation of this policy or the law prohibiting discrimination because of a disability may initiate a grievance through the procedures for staff complaints.

Nondiscrimination for Military Service:

Summit will not discriminate against any person who is a member of, applies to be a member or performs, has performed, applies to perform or has an obligation to perform service in a uniformed service, on the basis of that participation in a uniformed service. This includes initial employment, retention in employment, promotion or any benefit of employment. Summit will also not discriminate against any person who has participated in the enforcement of these rights under state or federal law.



Summit Public Schools California (“SPS”) - Employee Discrimination Complaint Procedure

The Governing Board recognizes that Summit Public Schools (“SPS”) has primary responsibility for ensuring that it complies with the applicable state and federal laws and regulations governing educational programs.

SPS shall follow the Complaint Procedures when addressing:

- **Complaints that SPS has violated anti-discrimination laws.**

Nondiscrimination:

To ensure fairness and consistency, the following grievance procedure is to be used in Summit’s relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member’s status with Summit will be adversely affected in any way because the staff member utilized these procedures. As used in this procedure, “grievance” will mean a complaint that has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws. A “complaint” will mean a charge alleging specific acts, conditions or circumstances which are in violation of the anti-discrimination laws. A “respondent” will mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint. The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint.

Grievance Procedure:

To ensure fairness and consistency, the following review procedures are to be used in Summit’s relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws. No staff member’s status with Summit will be adversely affected in any way because the staff member utilized these procedures.

Definitions:

As used in this procedure:



A. “**Grievance**” means a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws.

B. “**Complaint**” means a written, signed charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to 1) Specific misrepresentations by SPS that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that Summit was required to provide under applicable laws. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any SPS campus, to the SPS compliance officer at the school responsible for investigating discrimination complaints, or to Summit’s home office compliance officer. Any Summit employee who receives a complaint that meets these criteria will promptly notify the compliance officer.

C. “**Respondent**” means the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The Board acknowledges and respects every individual’s rights to privacy. Discrimination, intimidation, harassment, and bullying complaints shall be investigated in a manner that protects [to the greatest extent possible] the confidentiality of the parties and the integrity of the process. SPS cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation, as determined by the Superintendent of SPS or their designee on a case-by-case basis.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken. Summit Public Schools is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a grievance under this policy and procedure and from retaliating against an individual for filing such a grievance.

PROCEDURES



The following procedures shall be used to address all complaints that allege a violation of federal or state laws or regulations governing educational programs. The compliance officer shall maintain a record of each complaint and subsequent related actions. All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Informal Process for Resolution

When a staff member has an employment problem concerning equal employment opportunity, he/she will discuss the problem with the immediate supervisor, personnel director or superintendent within 60 days of the circumstances which gave rise to the problem. The staff member may also ask the compliance officer to participate in the informal review procedure. It is intended that the informal discussion will resolve the issue. If the staff member feels he/she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the staff member may directly contact the compliance officer before pursuing formal procedures. If the discussion with the officer or immediate supervisor does not resolve the issue the staff member may proceed to the formal review procedures. During the course of the informal process, Summit will notify complainant of their right to file a formal complaint.

Formal Process for Resolution

Filing of A Complaint:

- A. Any individual, parent, public agency or organization may file a written complaint of alleged noncompliance. Complaints alleging discrimination, harassment, intimidation or bullying must be initiated no later than 6 months from the date the alleged unlawful discrimination, harassment, intimidation or bullying occurred or 6 months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying. Written complaints shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and date stamp. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, the Charter School staff shall assist him/her in the filing of the complaint.



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- B. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation or bullying.

Mediation:

- A. Within 3 days of the receipt of the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.
- B. Before initiating the mediation of an unlawful discrimination, harassment, intimidation or bullying complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information. If resolution is not reached at this level, the compliance officer will proceed with his/her investigation of the complaint.
- C. The use of mediation shall not extend SPS's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

INVESTIGATION:

The compliance officer is encouraged to hold an investigative meeting within five (5) days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

- A. The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.
- B. Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or his/her failure or refusal to cooperate in the



investigation, or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

- C. SPS will provide the investigator with access to records and/or other information related to the allegation in the complaint. SPS's refusal to provide the investigator with access to records and/or other information related to the allegation(s) in the complaint, or to otherwise fail to refuse or cooperate in the investigation or engage in any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

SPS'S WRITTEN RESPONSE:

The compliance officer will prepare a written report of the finding and decision within 60 days of receiving the complaint unless the complainant agrees in writing to extend the timeline.

SPS's decision will be reported in writing, sent to the complainant within 60 calendar days of receipt of the complaint. The decision shall be written in English and in the language of the complainant whenever feasible or as required by law. The report will contain the following elements:

- a) The findings of fact based on the evidence gathered;
- b) Conclusion(s) of law;
- c) Disposition of the complaint;
- d) The rationale for such a disposition;
- e) Corrective actions, if any are warranted;
- f) Notice of the complainant's right to appeal the SPS's decision to CDE within 15 days
- g) Procedures to be followed for initiating an appeal to CDE;
- h) For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies; and
- i) For unlawful discrimination, harassment, intimidation or bullying complaints arising under federal law, such complaint may be made at any time for the U.S. Department of Education, Office for Civil Rights.



If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of SPS's expectations. The report shall not give any further information as to the nature of the disciplinary action.

APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION

The complainant may appeal in writing to the California Department of Education (CDE) within 15 days of receiving SPS's response. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of SPS's decision.

Upon notification by the CDE that the complainant has appealed SPS's decision, the Director or designee shall forward the following documents to the CDE:

1. A copy of the original complaint;
2. A copy of the decision;
3. A summary of the nature and extent of the investigation conducted by SPS, if not covered by the decision;
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by all parties and gathered by the investigator;
5. A report of any action taken to resolve the complaint;
6. A copy of SPS's complaint procedures; and
7. Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by SPS when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 exists, including cases in which SPS has not taken action within 60 days of the date the complaint was filed with SPS.

CIVIL LAW REMEDIES



Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of SPS's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, however, a complainant must wait until 60 days has elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if SPS has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to SPS and the disposition, including any corrective measures instituted by SPS, will be retained in the office of the compliance officer for a period of six years.

SPS California Schools Compliance Officers

The Governing Board designates the following compliance officer to receive and investigate complaints and ensure SPS's compliance with the law:

Summit Public Schools - Denali Compliance Officer

Kevin Bock Executive Director
Summit Public Schools Denali
6th - 8th Grade Campus:
539 E Weddell Dr.
Sunnyvale, CA 94089

9th - 12th Grade Campus:
195 Leota Ave
Sunnyvale, CA 94086

Phone: (669) 721-2646
Email: kbock@summitps.org

Summit Public Schools - Everest Compliance Officer

Jimmy Zuniga Executive Director



Summit Public Schools Everest
455 5th Ave
Redwood City, CA 94063

Phone: (650) 366-1050
Email: jzuniga@summitps.org

Summit Public Schools - K2 Compliance Officer

Cynthia Jerez Executive Director
Summit Public Schools K2
1800 Elm Street
El Cerrito, CA 94530

Phone: (510) 374-4093
Email: cjerez@summitps.org

Summit Public Schools - Prep Compliance Officer

Caitlin Reilly Executive Director
Summit Public Schools Prep
890 Broadway St.
Redwood City, CA 94063

Phone: (650) 556-1110
Email: creilly@summitps.org

Summit Public Schools - Rainier Compliance Officer

Edwin Avarca Executive Director
Summit Public Schools Rainier
1750 S White Rd
San Jose, CA 95127

Phone: (408) 831-3105
Email: eavarca@summitps.org

Summit Public Schools - Shasta Compliance Officer



Wren Maletsky Executive Director
Summit Public Schools Shasta
905 Campus Dr.
Daly City, CA 94015

Phone: (415) 799-4719
Email: wmaletsky@summitps.org

Summit Public Schools - Tahoma Compliance Officer

Jonathan Stewart Executive Director
Summit Public Schools Tahoma
285 Blossom Hill Road
San Jose, CA 95123

Phone: (408) 729 -1981
Email: jstewart@summitps.org

Summit Public Schools - Tamalpais Compliance Officer

Abbie Ridenour Executive Director
Summit Public Schools Tamalpais
3020 Hilltop Mall Road
Richmond, CA 94806

Phone: (510) 374-4185
Email: aridenour@summitps.org

Summit Public Schools Home Office Compliance Officer

Summit Public Schools Compliance Officer

Keith Cantrelle (Conflict Resolution Advisor)
Summit Public Schools
780 Broadway
Redwood City, CA 94063
kcantrelle@summitps.org



Phone: (650) 257-9878

Fax: (650) 517-8356

The Superintendent or his/her designee shall ensure that Summit employees designated to investigate complaints are knowledgeable about laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.