

QUICK GUIDE FOR CALIFORNIA TEACHERS

ARE YOU A CALIFORNIA TEACHER WHO IS BEING DISCRIMINATED AND/OR RETALIATED AGAINST?

Discrimination and retaliation come in various forms. According to the Equal Opportunity Employment Commission, *Retaliation occurs when an employer takes a materially adverse action because an applicant or employee asserts rights protected by the EEO laws. Asserting EEO rights is called "protected activity."* (<https://www.eeoc.gov/laws/guidance/retaliation-qa.cfm>)

If you believe you have been a victim of discriminatory and/or retaliatory actions by your employer, you have options:

1. Attempt to work with your union, if possible. Unions may not always be very helpful, especially those who work too closely with a school district. If you feel that your union is not supporting you, then you have several options available to you.
2. File a complaint with the Equal Opportunity Employment Commission (EEOC). The US EEOC enforces federal laws prohibiting employment discrimination and related activities such as retaliation. As a California state employee, you are entitled to file with the EEOC. There are timelines to file, so don't delay. <https://www.eeoc.gov/employees/howtofile.cfm>
 1. A benefit of filing with the EEOC is that you will receive a Notice of Right to Sue, which you must have before filing a lawsuit in Federal court. Here's more information on the process: <https://www.eeoc.gov/employees/process.cfm>
 2. Alternative, you can also file a complaint with the California Department of Fair Housing and Employment. However, you do NOT need to file with both, as the agencies share information.
3. File a Unfair Practice Charge in the Public Employment Relations Board. You do not need to be an attorney to do this and you can represent yourself or have a non-attorney friend assist.
 1. Information is available here: <https://www.perb.ca.gov>
 2. How to file an Unfair Practice Charge: <https://www.perb.ca.gov/UPCByMail.aspx>
 3. Here's the link to the form necessary to file: <https://www.perb.ca.gov/Forms/upcform.pdf>
 4. You can file against the **district** and/or the **union**.
 5. Generally, you have **six** months to file a PERB charge from the time of adverse action.
4. File a formal complain with your district. Districts usually have their own procedures where an outside group (sometimes a law firm) is hired to investigate. For example, San Francisco Unified School District (SFUSD) complaints can be filed here: <http://www.sfusd.edu/en/ada-access-and-equity/office-of-equity/uniform-complaint-procedure.html>
5. Peer Assistance and Review Program (PAR)
 1. PAR programs throughout California have been out of compliance in various forms. Some PAR programs are used as a method to exit older teachers. In some cases, the data show discriminatory results not only based on age but also based on race/ethnicity.
 2. If you are over the age of 40, you are in a protected class, per the federal Age Discrimination in Employment Act.
 3. Here is a study on the deleterious effects of PAR on teachers: <https://digitalscholarship.unlv.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=3432&context=thesesdissertations>
6. Document ALL your conversations/emails to union and district representatives. Those documents will be important in supporting your case with the EEOC, PERB, and/or civil lawsuit, if you decide to file one.