

## Sequoia Union HSD | BP 4030 Personnel

### **Nondiscrimination In Employment**

The district shall not unlawfully discriminate against employees or job applicants. The district adheres to all applicable federal and state laws concerning nondiscrimination.

Equal opportunity shall be provided to all employees and applicants in every aspect of personnel policy and practice. The district shall not discriminate against physically or mentally disabled persons who, with reasonable accommodation, can perform the essential functions of the job in question.

### Unlawful Harassment of Employees

The district is committed to providing a work and educational environment free of unlawful harassment. The district maintains a strict personnel policy prohibiting sexual harassment and harassment of employees and job applicants on the basis of actual or perceived race, religious creed, color, national origin, ancestry, physical or mental disability, medical conditions, veteran status, marital status, pregnancy, gender, sex, sexual orientation, age or any other basis protected by federal, state or local law, ordinance or regulation at any district site and/or activity. All such harassment is unlawful. Irrespective of law, the district believes that all such harassment is offensive. The district's anti-harassment policy applies to all persons involved in the operations of the district and employees of the district, including management, supervisors, certificated employees, classified employees, and co-workers. Unlawful harassment in any form, including verbal, physical and visual conduct, threats, demands and retaliation, is prohibited. Sexual harassment is defined in Education Code 212.5. Violation of this policy will result in discipline, which may include discharge, depending on the seriousness of the violation.

Any district employee who engages or participates in unlawful discrimination, or who aids, abets, incites, compels, or coerces another to discriminate is in violation of this policy and is subject to disciplinary action which may include discharge, depending on the seriousness of the violation.

Any district employee who observes or has knowledge of an incident of unlawful discrimination or harassment shall report the incident to the principal, district administrator or Superintendent as soon as practical after the incident.

The Superintendent or designee shall regularly publicize within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures.

Employees who believe they are being harassed because of their sex, race, ancestry or other protected basis, should use the procedure outlines in administrative regulation.

(cf. 1312 - Complaints Concerning the Schools)

(cf. 4031 - Unlawful Harassment of Employees)

(cf. 4111.1 - Affirmative Action)

(cf. 4119.11 - Unlawful Harassment of Employees)

(cf. 4119.3 - Duties of Personnel)

(cf. 4119.41 - Employees with Infectious Disease)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964, as amended

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

COURT DECISIONS

Shephard v. Loyola Marymount, (2002) 102 CalApp.4th 837

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS

Notice of Non-Discrimination, January 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

Policy SEQUOIA UNION HIGH SCHOOL DISTRICT

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revised: April 21, 2010