

Alisal Union School District
Board Policy
Non-Discrimination In Employment

BP 4030
Personnel

The Governing Board desires to provide a positive work environment where employees and job applicants are assured of equal access and opportunities and are free from discrimination, harassment, intimidation, and bullying in accordance with law. The Board prohibits district employees from discriminating against, harassing, intimidating, or bullying any other district employee or job applicant on the basis of the person's actual or perceived race, religious creed, color, national origin, ancestry, age, marital or parental status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation.

Prohibited discrimination consists of the taking of any adverse employment action against a person, including termination or denial of promotion, job assignment, or training, or in discriminating against the person in compensation, terms, conditions, or other privileges of employment based on any of the prohibited categories of discrimination listed above.

The prohibition against discrimination based on the religious creed of an employee or job applicant includes any discrimination based on the person's religious dress or grooming practices or any conflict between the person's religious belief, observance, or practice and an employment requirement. The prohibition against discrimination based on the sex of an employee or job applicant shall include any discrimination based on the person's pregnancy, childbirth, breastfeeding, or any related medical conditions. (Government Code 12926, 12940)

Harassment consists of any unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe or pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

The following position is designated as Coordinator for Non-Discrimination in Employment:

Alisal Union School District
Assistant Superintendent of Human Resources
1205 E. Market St.
Salinas, Ca 93905 **Phone (831) 753-5700**

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy should, as appropriate, immediately contact his/her supervisor, the Coordinator, or the Superintendent who shall advise the employee or applicant about the district's procedures for filing, investigating, and resolving any such complaint.

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Coordinator or Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

Training and Notifications

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's Non-Discrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin, or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

The district's policy shall be posted in all district schools and offices including staff lounges. (5 CCR 4960)

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 Non-Discrimination in elementary and secondary education programs 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 Non-Discrimination Act of 2008 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964 6101-6107 Age discrimination in federally assisted programs 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 110.1-110.39 Non-Discrimination on the basis of age COURT DECISIONS Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863 Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837
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Management Resources:

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

Notice of Non-Discrimination, August 2010

U.S. 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

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 ALISAL UNION SCHOOL DISTRICT

adopted: December 8, 1992 Salinas, California

revised: December 6, 1995

revised: July 31, 2013

revised: January 14, 2015

revised: December 9, 2015