

Perris Union HSD

Board Policy

~~Nondiscrimination In Employment~~

~~BP 4030~~

All Personnel

BP 4030(a)

NONDISCRIMINATION IN EMPLOYMENT

The Governing Board ~~desires~~ is determined to provide a district employees, interns, volunteers, and job applicants a safe, positive ~~work~~ environment where ~~employees and job applicants~~ they are assured of full and equal employment access and opportunities ~~and are free~~, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. ~~The Board prohibits~~ This policy shall apply to all district employees and, to the extent required by law, to interns, volunteers, and job applicants.

(cf. 1240 - Volunteer Assistance)

(cf. ~~from discriminating against or harassing any other~~ 4111/4211/4311 - Recruitment and Selection)

No district employee ~~or job applicant~~ shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the ~~person's~~ employee's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, ~~military and~~ veteran status, gender, gender identity, gender expression, sex, or sexual orientation ~~or his/her~~ association with a person or group with one or more of these actual or perceived characteristics.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training

(cf. 4151/4251/4351 - Employee Compensation)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or

effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment

4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
 - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status

~~(cf. 4032 - Reasonable Accommodation)~~

~~(cf. 4033 - Lactation Accommodation)~~

~~(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)~~

- b. Religious creed discrimination based on an employee's religious belief or observance, including his/her religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement.
- c. Disability discrimination based on a district requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity

~~(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)~~

~~(cf. 4154/4254/4354 - Health and Welfare Benefits)~~

- d. Disability ~~(cf. 5145.7 - Sexual Harassment)~~

~~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~~the district's failure to make reasonable accommodation for the known physical or mental disability 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~~to engage in a timely, good faith, interactive process with an employee or job applicant shall include any discrimination based on the person's pregnancy, childbirth, breastfeeding, or any related-, to determine effective reasonable accommodations for the employee, when he/she has requested reasonable accommodation for a known physical or

mental disability or medical conditions. (Government Code 12926, 12940)condition

(cf. 4032 - Reasonable Accommodation)

~~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 opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the district's complaint ~~procedures instituted~~ process 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.~~

~~(cf. 4117.4 - Dismissal)~~

~~(cf. 4118 - Suspension/Disciplinary Action)~~

~~(cf. 4218 - Dismissal/Suspension/Disciplinary Action)~~

The following position is designated as Coordinator for Nondiscrimination in Employment:

Assistant Superintendent of Human Resources or Designee
155 E. Fourth Street
Perris, CA, 92570
(951) 943-6369

Any ~~No~~ 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~~ who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940)

Complaints ~~regarding~~ concerning employment discrimination ~~or~~, harassment, or retaliation shall immediately be investigated in accordance with ~~AR 4031 - Complaints Concerning Discrimination in Employment~~ procedures specified in the accompanying administrative regulation.

~~(cf. 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~~ or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The district shall protect any employee who reports such incidents from retaliation.

~~Training and Notifications~~

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy. He/she shall provide training and information to employees about how to recognize harassment ~~and~~, discrimination, or other related conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

~~(cf. 4131 - Staff Development)~~

~~(cf. 4231 - Staff Development)~~

~~(cf. 4331 - Staff Development)~~

~~The~~ In addition, the Superintendent or designee shall regularly publicize, within the post, in a conspicuous place on district ~~and in~~ premises, the community, the district's nondiscrimination policy ~~and the availability~~ California Department of complaint procedures. ~~Such~~ Fair Employment and Housing 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 and student government meeting rooms. (5on workplace discrimination and harassment issued pursuant to 2 CCR 4960)11013.~~

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.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

~~7287-6~~11006-11086 *Discrimination in employment*
11013 *Recordkeeping*
11019 *Terms, conditions and privileges of employment*
11023 *Harassment and discrimination prevention and correction*
11024 *Sexual harassment training and education*
CODE OF REGULATIONS, TITLE 5
4900-4965 *Nondiscrimination 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 Nondiscrimination 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 *Nondiscrimination 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

Management Resources:

Management Resources:

[CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS](#)
[California Law Prohibits Workplace Discrimination and Harassment, December 2014](#)
[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~~

[New Compliance Manual Section 15: Race and Color Discrimination, April 2006](#)

[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

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PERRIS UNION HIGH SCHOOL DISTRICT

Perris, California