

All Personnel

NONDISCRIMINATION IN EMPLOYMENT

The Governing Board prohibits unlawful discrimination against and/or harassment of district employees and job applicants at any district site or activity on the basis of actual or perceived race, color, national origin, ancestry, religion, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, sex, or sexual orientation. The Board also prohibits retaliation against any district employee or job applicant who complains, testifies or in any way participates in the district's complaint procedures instituted pursuant to this policy.

(cf. 4031 Complaints Concerning Discrimination)

(cf. 4119.11 Sexual Harassment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4119.41 - Employees with Infectious Disease)

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

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

Any district employee who observes or has knowledge of an incident of unlawful discrimination or harassment shall report the incident to his /her supervisor or Superintendent as soon as practical after the incident. Failure of a district employee to report discrimination or harassment may result in disciplinary action. A district employee shall be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident of discrimination and/or harassment, whether or not the victim complains.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

Equal opportunity shall be provided to all employees and applicants in every aspect of personnel policy and practice. The District shall not discriminate against disabled persons who, with or without reasonable accommodation, can perform the essential functions of the job.

The Board designates the following position as Coordinator for Nondiscrimination in Employment:

Superintendent or Designee
462 Johnson Street, Sebastopol, CA 95472
(707) 824-6403

(cf. 1312.5 - Complaints Concerning Discrimination)

Board Policy 4030 (b)

Training and Notifications

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.

The District's policy shall be posted in all schools and offices including staff lounges and student government meeting rooms. (4 CCR 4960)

Other Remedies

An employee may, in addition to filing a discrimination complaint with the District, file a complaint with either the Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). Time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, the employee must file his/her complaint within one year of the alleged discriminatory act(s). (Government Code 12960)
2. To file a valid complaint directly with EEOC, the employee must file his/her complaint within 180 days of the alleged discriminatory act(s). To file a valid complaint with EEOC after filing a complaint with DFEH, the employee must file the complaint within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier. (42 USC 2000e-5)

Legal Reference:

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

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 programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681 - 1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

2000h-2 - 2000h-6 Title IX, 1972 Education Act Amendments

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

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Board Policy 4030 (c)

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

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March, 1999

OFFICE OF CIVIL

Notice of Non-Discrimination, January, 1999

WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

DFEH: <http://www.dfeh.ca.gov>

Adopted: August 24, 1993

Revised: 11/18/99; 4/13/00; 1/11/01; 1/14/03;
3/17/04; 2/9/11

Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD

Sebastopol, California