



PROVISIONS RELATING TO ALL EMPLOYEES

ADMINISTRATIVE REGULATION – **NONDISCRIMINATION IN EMPLOYMENT**

AR 4030

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the SBCEO shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

The SBCEO designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to organize and manage the SBCEO's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the SBCEO's nondiscrimination policies. The coordinator may be contacted at:

Mari Minjarez Baptista
Assistant Superintendent, Human Resources
4400 Cathedral Oaks Road Santa Barbara CA 93110
(805) 964-4711 ext. 5279
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Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in SBCEO employment, the County Superintendent of Schools or designee shall implement the following measures:

1. Display in a prominent and accessible location at every main office where the SBCEO has employees, and post electronically in a conspicuous location on the SBCEO employee resources website, up-to-date California Department of Fair Employment and Housing (DFEH) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049)
2. Publicize the SBCEO's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
 - b. Posting them in all SBCEO main offices, including staff lounges and other prominent locations
 - c. Posting them on the SBCEO's website and providing easy access to them through SBCEO-supported social media, when available
3. Disseminate the SBCEO's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)



- a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return
 - b. Sending a copy via email with an acknowledgment return form
 - c. Posting a copy on the SBCEO intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
 - d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session
 - e. Any other way that ensures employees receive and understand the policy
4. Provide to employees a handbook which contains information that clearly describes the SBCEO's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior
 5. Provide training regarding the SBCEO's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

The SBCEO may also provide bystander intervention training to employees which includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

6. Periodically review the SBCEO's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure SBCEO compliance with law
7. For any SBCEO facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

Complaint Procedure

Complaints of sexual harassment shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.

Any other complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: A complainant may inform a direct supervisor, another supervisor, the coordinator, the County Superintendent of Schools or, if available, a



complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. Investigation Process: The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the SBCEO's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out the investigation or to protect employee safety, the coordinator may discuss the complaint with the County Superintendent of Schools or designee, SBCEO legal counsel, or the SBCEO's risk manager.

The coordinator shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed in order to prevent further incidents. The coordinator shall ensure that such interim measures do not constitute retaliation.



3. **Written Report on Findings and Remedial/Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the County Superintendent of Schools or designee.

A summary of the findings shall be presented to the complainant and the person accused.

4. **Appeal to the County Superintendent of Schools:** The complainant or the person accused may appeal any findings to the County Superintendent of Schools within 10 business days of receiving the written report of the coordinator's findings. The designee shall provide the County Superintendent of Schools with all information presented during the investigation. The County Superintendent of Schools shall render the decision within 10 business days.

Other Remedies

In addition to filing a discrimination or harassment complaint with the SBCEO, a person may file a complaint with either DFEH or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. For filing a complaint with DFEH alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)
2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. For filing a complaint with EEOC after first filing a complaint with DFEH, 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)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11027-11028	National origin and ancestry discrimination



5 CCR 4900-4965

Civ. Code 51.7
 Ed. Code 200-262.4
 Gov. Code 11135
 Gov. Code 11138
 Gov. Code 12900-12996
 Gov. Code 12940-12952
 Gov. Code 12960-12976
 Pen. Code 422.56

Federal

20 USC 1681-1688
 28 CFR 35.101-35.190
 29 USC 621-634
 29 USC 794
 34 CFR 100.6
 34 CFR 104.7
 34 CFR 104.8
 34 CFR 106.8

 34 CFR 106.9
 34 CFR 110.1-110.39
 42 USC 12101-12213
 42 USC 2000d-2000d-7
 42 USC 2000e-2000e-17
 42 USC 2000ff-2000ff-11
 42 USC 2000h-2-2000h-6
 42 USC 6101-6107

Management Resources

CA Dept of Fair Employment and Housing Publication
 CA Dept of Fair Employment and Housing Publication
 CA Dept of Fair Employment and Housing Publication
 CA Dept of Fair Employment and Housing Publication
 Court Decision
 Court Decision
 U.S. DOE Office for Civil Rights Publication
 U.S. Equal Employment Opportunity Comm Publication
 U.S. Equal Employment Opportunity Comm Publication
 Website
 Website
 Website

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
[Freedom from violence or intimidation](#)
[Prohibition of discrimination](#)
 Unlawful discrimination
 Rules and regulations
 Fair Employment and Housing Act
 Unlawful employment practices
 Unlawful employment practices; complaints
 Definitions, hate crimes

Description

Discrimination based on sex or blindness, Title IX
 Americans with Disabilities Act
 Age Discrimination in Employment Act
 Rehabilitation Act of 1973, Section 504
 Compliance information
 Designation of responsible employee for Section 504
 Notice
 Designation of responsible employee and adoption of grievance procedures
 Severability
 Nondiscrimination on the basis of age
 Equal opportunity for individuals with disabilities
 Title VI, Civil Rights Act of 1964
 Title VII, Civil Rights Act of 1964, as amended
 Genetic Information Nondiscrimination Act of 2008
 Title IX of the Civil Rights Act of 1964
 Age discrimination in federally assisted programs

Description

Transgender Rights in the Workplace
 Workplace Harassment Guide for California Employers
 Your Rights and Obligations as a Pregnant Employee
 California Law Prohibits Workplace Discrimination and Harassment
 Shephard v. Loyola Marymount, (2002) 102 Cal.Appl 4th 837
 Thomson v. North American Stainless LP, (2011) 131 S.Ct. 863
 Notice of Non-Discrimination, August 2010
 Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999
 EEOC Compliance Manual

[California Department of Fair Employment and Housing](#)
[U.S. Department of Education, Office for Civil Rights](#)
[U.S. Equal Employment Opportunity Commission](#)

ADOPTED BY COUNTY SUPERINTENDENT:

REVISED: September 1, 2022