

Salinas City Elementary School District

Non Discrimination In Employment

Regulation #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 district, shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

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

Susana Mancera-Juárez
Assistant Superintendent of Human Resources
840 South Main Street
Salinas, CA 93901
(831) 784-2206
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Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Civil Rights Department (CRD) 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 district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by (5 CCR 4960; 34 CFR 100.6, 106.8)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
 - b. Posting them in all district schools and offices, including staff lounges and other prominent location
 - c. Posting them on the district's website and providing easy access to them through district-supported social media when available
3. Disseminate the district'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 district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies;

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- 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 that contains information that clearly describes the district'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 district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made.
 6. The district 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)
 7. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law
 8. For any district 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 Superintendent, 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.
2. The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.
3. 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.
4. 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,

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and any other pertinent information which may assist in investigating and resolving the complaint.

5. 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.
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 - a. The coordinator shall meet with the complainant to describe the district'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.
 - b. 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.
 - c. 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.
 - d. The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.
 - e. When necessary to carry out the investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.
 7. 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.
 8. 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.
 - a. 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 Superintendent or designee.
 - b. A summary of the findings shall be presented to the complainant and the person accused.
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9. Appeal to the Governing Board: The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable at a regular or special Board meeting. Any complaint against a district employee shall be addressed in a closed session in accordance with law. The Board shall afford the appellant no less than 15 minutes and not more than 30 minutes depending on the number of or type of complaint, to present their appeal and offer any rebuttal to respondent's or the district's response, if any. The respondent and/or the Superintendent or designee shall receive the same amount of time to respond to the appeal. The Board shall cause written notice to be given the appellant and Respondent of the date, time, location, and amount of time to present or respond to the appeal.

The Board shall make its decision within 30 days of the hearing and shall send its decision to all concerned parties. The Board's decision shall be final.

Other Remedies

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

1. For filing a complaint with CRD 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 CRD, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by CRD, whichever is earlier (42 USC 2000e-5)

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	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

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CA Constitution Article 1, Section 1	Inalienable rights
Civ. Code 51.7	Freedom from violence or intimidation
Ed. Code 200-262.4	Prohibition of discrimination
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940-12952	Unlawful employment practices
Gov. Code 12960-12976	Unlawful employment practices; complaints
Pen. Code 422.56	Definitions; hate crimes

Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
29 USC 621-634	Age Discrimination in Employment Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.6	Title VI; Compliance information
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.1-110.39	Nondiscrimination on the basis of age
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964

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42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age discrimination in federally assisted programs
Executive Order 11246	“Know Your Rights: Workplace Discrimination is Illegal” poster
U.S. Constitution	Amendment 1; Free exercise, free speech, and establishment clauses

Management Resources

Description

CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment
CA Civil Rights Department Publication	Transgender Rights in the Workplace
CA Civil Rights Department Publication	Harassment Prevention Guide for California Employers
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Shephard v. Loyola Marymount, (2002) 102 Cal.App. 4th 837
Court Decision	Thomson v. North American Stainless LP (2011) 62 U.S. 170
U.S. DOE Office for Civil Rights Publication	Notice of Non-Discrimination, August 2010
U.S. Equal Employment Opportunity Comm Publication	Know Your Rights: Workplace Discrimination is Illegal, October 2022
U.S. Equal Employment Opportunity Comm Publication	Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999
U.S. Equal Employment Opportunity Comm Publication	EEOC Compliance Manual

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Website	U.S. Department of Labor, Office of Federal Contract Compliance Program
Website	CSBA District and County Office of Education Legal Services
Website	California Civil Rights Department
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Equal Employment Opportunity Commission

Cross References

Board Policy / Administrative Regulation / Exhibit / Bylaw

Description

BP 0410	Nondiscrimination In District Programs And Activities
BP 0470	COVID-19 Mitigation Plan
BP 1113	District And School Websites
AR 1113	District And School Websites
1113-E(1)	District And School Websites
BP 1114	District-Sponsored Social Media
AR 1114	District-Sponsored Social Media
BP 1240	Volunteer Assistance
AR 1240	Volunteer Assistance
BP 1312.1	Complaints Concerning District Employees
AR 1312.1	Complaints Concerning District Employees
BP 1312.3	Uniform Complaint Procedures
AR 1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures

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BP 1313	Civility
BP 3312	Contracts
BP 3530	Risk Management/Insurance
AR 3530	Risk Management/Insurance
BP 3580	District Records
AR 3580	District Records
BP 3600	Consultants
BP 4000	Concepts And Roles
BP 4032	Reasonable Accommodation
BP 4033	Lactation Accommodation
BP 4111	Recruitment And Selection
BP 4111.2	Legal Status Requirement
AR 4111.2	Legal Status Requirement
BP 4112.4	Health Examinations
BP 4112.41	Employee Drug Testing
AR 4112.41	Employee Drug Testing
BP 4112.6	Personnel Files
BP 4112.8	Employment Of Relatives
BP 4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
BP 4113.5	Working Remotely

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BP 4114	Transfers
BP 4118	Dismissal/Suspension/Disciplinary Action
AR 4118	Dismissal/Suspension/Disciplinary Action
BP 4119.1	Civil And Legal Rights
BP 4119.11	Sexual Harassment
AR 4119.11	Sexual Harassment
BP 4119.12	Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures
BP 4119.22	Dress And Grooming
BP 4119.23	Unauthorized Release Of Confidential/Privileged Information
BP 4119.41	Employees With Infectious Disease
BP 4131	Staff Development
BP 4144	Complaints
AR 4144	Complaints
BP 4151	Employee Compensation
BP 4154	Health And Welfare Benefits
AR 4154	Health And Welfare Benefits
BP 4161.5	Military Leave
BP 4161.8	Family Care And Medical Leave
BP 4211	Recruitment And Selection
BP 4211.2	Legal Status Requirement

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AR 4211.2	Legal Status Requirement
BP 4212.4	Health Examinations
BP 4212.41	Employee Drug Testing
AR 4212.41	Employee Drug Testing
BP 4212.6	Personnel Files
BP 4212.8	Employment Of Relatives
BP 4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
BP 4213.5	Working Remotely
BP 4218	Dismissal/Suspension/Disciplinary Action
AR 4218	Dismissal/Suspension/Disciplinary Action
BP 4219.1	Civil And Legal Rights
BP 4219.11	Sexual Harassment
AR 4219.11	Sexual Harassment
BP 4219.12	Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures
BP 4219.22	Dress And Grooming
BP 4219.23	Unauthorized Release Of Confidential/Privileged Information
BP 4219.41	Employees With Infectious Disease
BP 4231	Staff Development

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BP 4244	Complaints
AR 4244	Complaints
BP 4251	Employee Compensation
BP 4254	Health And Welfare Benefits
AR 4254	Health And Welfare Benefits
BP 4261.5	Military Leave
BP 4261.8	Family Care And Medical Leave
BP 4311	Recruitment And Selection
BP 4311.2	Legal Status Requirement
AR 4311.2	Legal Status Requirement
BP 4312.4	Health Examinations
BP 4312.41	Employee Drug Testing
AR 4312.41	Employee Drug Testing
BP 4312.6	Personnel Files
BP 4312.8	Employment Of Relatives
BP 4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
BP 4313.5	Working Remotely
BP 4319.1	Civil And Legal Rights
BP 4319.11	Sexual Harassment
AR 4319.11	Sexual Harassment

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BP 4319.12	Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	Title IX Sexual Harassment Complaint Procedures
BP 4319.22	Dress And Grooming
BP 4319.23	Unauthorized Release Of Confidential/Privileged Information
BP 4319.41	Employees With Infectious Disease
BP 4331	Staff Development
BP 4344	Complaints
AR 4344	Complaints
BP 4351	Employee Compensation
BP 4354	Health And Welfare Benefits
AR 4354	Health And Welfare Benefits
BP 4361.5	Military Leave
BP 4361.8	Family Care And Medical Leave
BB 9000	Role Of The Board
BB 9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session