

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. Hiring, compensation, terms, conditions, and other privileges of employment
2. Taking adverse employment actions such as termination or denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is offensive and 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 employee'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 one, or a combination of two or more protected characteristics, which include, but may not be limited to, an employee's pregnancy, childbirth, breastfeeding, or any related medical condition, or on an employee's gender, gender expression, gender identity, or sexual orientation
 - b. Religious creed discrimination based on an employee's religious belief, observance, and practice, including religious dress or grooming practices, or based on the county office'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. Requiring medical or psychological examination of a job applicant or making 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
 - d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee
 - e. Requiring an employee to disclose information relating to the employee's reproductive health decision-making
 - f. Including a statement in a job advertisement, posting, application, or other material that an applicant is required to have a driver's license, unless the county office reasonably expects driving to be one of the job functions for the position and reasonably believes that satisfying the job function using an alternative form

of transportation would not be comparable in travel time or cost to the county office.

The Superintendent also prohibits retaliation against any county office employee who opposes any discriminatory employment practice by the county office or its employees, agents, or representatives or who complains, reports an incident, testifies, assists, or in any way participates in the county office's complaint process pursuant to this policy. No employee 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; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign a release of the employee's claim or right to file a claim against the county office or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated county office coordinator within one workday. All other employees shall report such incidents to their supervisor or designated county office coordinator within one workday.

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

Any county office 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.

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation. However, complaints alleging sexual harassment under Title IX shall be investigated and resolved in accordance with the procedures specified in Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

The county office shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created

or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the county office is notified that a complaint has been filed with the California Civil Rights Department, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated. (Government Code 12946)

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 Superintendent 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	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
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 12940-12954	Unlawful employment practices
Gov. Code 12960-12976	Unlawful employment practices; complaints
Lab. Code 1030-1034	Lactation Accommodation
Lab. Code 1197.5	Wages, hours, and working conditions
Lab. Code 79-107	Division of Labor Standards Enforcement
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

Federal

28 CFR 35.101-35.190

Description[Americans with Disabilities Act](#)

29 CFR 1636

[Implementation of the Pregnant Workers Fairness Act](#)

29 USC 218d

[Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers \(PUMP\) 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 106.1-106.82

[Discrimination on the basis of sex; effectuating Title IX](#)

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](#)

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 2000gg-2000gg-6

[Pregnant Workers Fairness Act](#)

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](#)

U.S. Constitution, First Amendment

[Free exercise, free speech, and establishment clauses](#)**Management Resources****Description**

CA Civil Rights Department Publication

[Sexual Harassment, January 2023](#)

CA Civil Rights Department Publication

[Family Care and Medical Leave and Pregnancy Disability Leave, January 2023](#)

CA Civil Rights Department Publication

[California Law Prohibits Workplace Discrimination and Harassment, January 2024](#)

CA Civil Rights Department Publication

[The Rights of Employees Who Are Transgender or Gender Nonconforming; Fact Sheet, November 2022](#)

CA Civil Rights Department Publication

[Harassment Prevention Guide for California Employers, 2017](#)

CA Civil Rights Department Publication

[Your Rights and Obligations as a Pregnant Employee, January 2023](#)

Court Decision

[Burlington Northern and Santa Fe Ry. Co. v. White](#)

Management Resources

Description

	<u>(2006) 548 U.S. 53</u>
Court Decision	<u>Tennessee v. Cardona (2024) 737 F.Supp.3d 510</u>
Court Decision	<u>Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581</u>
Court Decision	<u>McDonnell Douglas Corp v. Green (1973) 411 U.S. 792</u>
Court Decision	<u>John T. D. v. River Delta Joint Unified School District (2021) WL 5176356</u>
Court Decision	<u>Burlington Industries, Inc v. Ellerth (1998) 524 U.S. 742</u>
Court Decision	<u>Fragher-Ellerth v. City of Boca Raton (1998) 524 U.S. 775</u>
Court Decision	<u>Groff v. DeJoy (2023) 600 U.S. 447</u>
Court Decision	<u>Kennedy v. Bremerton (2022) 142 S.Ct. 2407</u>
Court Decision	<u>Shepard v. Loyola Marymount (2002) 102 Cal.App. 4th 837</u>
Court Decision	<u>Thomson v. North American Stainless LP (2011) 62 U.S. 170</u>
Federal Register	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u>
U.S. Department of Education Publication	<u>Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</u>
U.S. DOE, Office for Civil Rights Publication	<u>Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025</u>
U.S. Equal Employment Opportunity Comm Publication	<u>EEOC Compliance Manual</u>
Website	<u>U.S. Department of Labor, Office of Federal Contract Compliance Program</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>California Department of Industrial Relations</u>
Website	<u>California Civil Rights Department</u>
Website	<u>U.S. Department of Education, Office for Civil Rights</u>
Website	<u>U.S. Equal Employment Opportunity Commission</u>

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3312	Contracts
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3580	District Records
3580	District Records
3600	Consultants
4000	Concepts And Roles
4032	Reasonable Accommodation
4033	Lactation Accommodation
4111	Recruitment And Selection
4111.2	Legal Status Requirement
4111.2	Legal Status Requirement
4112.4	Health Examinations
4112.41	Employee Drug Testing

Code	Description
4112.41	<u>Employee Drug Testing</u>
4112.5	<u>Criminal Record Check</u>
4112.5-E(1)	<u>Criminal Record Check</u>
4112.6	<u>Personnel Files</u>
4112.8	<u>Employment Of Relatives</u>
4112.9	<u>Employee Notifications</u>
4112.9-E(1)	<u>Employee Notifications</u>
4113.5	<u>Working Remotely</u>
4114	<u>Transfers</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4119.1	<u>Civil And Legal Rights</u>
4119.11	<u>Sexual Harassment</u>
4119.11	<u>Sexual Harassment</u>
4119.12	<u>Title IX Sexual Harassment Complaint Procedures</u>
4119.12-E(1)	<u>Title IX Sexual Harassment Complaint Procedures</u>
4119.22	<u>Dress And Grooming</u>
4119.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4119.41	<u>Employees With Infectious Disease</u>
4131	<u>Staff Development</u>
4144	<u>Complaints</u>
4144	<u>Complaints</u>
4151	<u>Employee Compensation</u>
4154	<u>Health And Welfare Benefits</u>
4154	<u>Health And Welfare Benefits</u>
4161.5	<u>Military Leave</u>
4161.8	<u>Family Care And Medical Leave</u>
4211	<u>Recruitment And Selection</u>
4211.2	<u>Legal Status Requirement</u>

Code	Description
4211.2	Legal Status Requirement
4212.4	Health Examinations
4212.41	Employee Drug Testing
4212.41	Employee Drug Testing
4212.6	Personnel Files
4212.8	Employment Of Relatives
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.5	Working Remotely
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.1	Civil And Legal Rights
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.12	Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4219.22	Dress And Grooming
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.41	Employees With Infectious Disease
4231	Staff Development
4244	Complaints
4244	Complaints
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.5	Military Leave
4261.8	Family Care And Medical Leave

Code	Description
4311	Recruitment And Selection
4311.2	Legal Status Requirement
4311.2	Legal Status Requirement
4312.4	Health Examinations
4312.41	Employee Drug Testing
4312.41	Employee Drug Testing
4312.6	Personnel Files
4312.8	Employment Of Relatives
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.5	Working Remotely
4319.1	Civil And Legal Rights
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.12	Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4319.22	Dress And Grooming
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.41	Employees With Infectious Disease
4331	Staff Development
4344	Complaints
4344	Complaints
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.5	Military Leave
4361.8	Family Care And Medical Leave
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures

Code	Description
9000	<u>Role Of The Board</u>
9321	<u>Closed Session</u>
9321-E(1)	<u>Closed Session</u>
9321-E(2)	<u>Closed Session</u>