

<b>TITLE: Nondiscrimination In Employment</b>	
Approved by: <u>                    <i>Rob Gregor</i>                    </u> <i>Rob Gregor, Superintendent of Schools</i>	Series: <b>Personnel</b> Version: <b>2</b> Effective Date: <b>2/6/2026</b> Previous Policy Date: <b>4/20/2022</b> Revised By: <b>Committee</b> Policy Number: <b>AR 4030</b>

All complaints alleging discrimination in employment, as defined in the accompanying Superintendent policy, shall be investigated and resolved in accordance with procedures specified in this 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 designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to organize and manage the county office’s efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the county office’s nondiscrimination policies. The coordinator may be contacted at:

**Mary Hang, Executive Director of Human Resources**  
**935 14th Street, Marysville, CA 95901**  
**530-749-4870**  
**mary.hang@yubacoe.k12.ca.us**

**Measures to Prevent Discrimination**

To prevent unlawful discrimination, harassment, and retaliation in the Yuba County Office of Education (YCOE) employment, the Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where YCOE 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 YCOE’s nondiscrimination policy and regulation, including the complaint procedures and the coordinator’s contact information, by: (Education Code 234.1; 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 YCOE schools and offices, including staff lounges and other prominent locations
  - c. Posting them on the YCOE's website and providing easy access to them through county office-supported social media, when available
3. Disseminate YCOE'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 YCOE 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 county office'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 YCOE's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

YCOE may also provide bystander intervention training to employees that 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 YCOE's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure compliance.

7. For any 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**

Any complaint alleging unlawful discrimination or harassment covered by this administrative regulation and accompanying Superintendent policy 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.

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

The 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 complaint has been filed or whether the complaint is complete

The coordinator shall meet with the complainant to describe YCOE'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(s) 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 Superintendent or designee, County Office legal counsel, or the County Office'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 by the coordinator 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 Superintendent or designee.

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

### **Other Remedies**

In addition to filing a discrimination or harassment complaint with the YCOE, 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)

An employee may also file a complaint with the Wage and Hour Division of the U.S. Department of Labor for an alleged violation of the PUMP Act and/or EEOC for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2)

Additionally, an employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

**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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
2 CCR 11006-11086	<a href="#"><u>Discrimination in employment</u></a>
2 CCR 11023	<a href="#"><u>Harassment and discrimination prevention and correction</u></a>
2 CCR 11024	<a href="#"><u>Required training and education on harassment based on sex, gender identity and expression, and sexual orientation</u></a>
2 CCR 11027-11028	<a href="#"><u>National origin and ancestry discrimination</u></a>
5 CCR 4900-4965	<a href="#"><u>Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance</u></a>
CA Constitution Article 1, Section 1	<a href="#"><u>Inalienable rights</u></a>
Civ. Code 51.7	<a href="#"><u>Freedom from violence or intimidation</u></a>
Ed. Code 200-262.4	<a href="#"><u>Prohibition of discrimination</u></a>
Gov. Code 11135	<a href="#"><u>Prohibition of discrimination</u></a>
Gov. Code 12900-12996	<a href="#"><u>Fair Employment and Housing Act</u></a>
Gov. Code 12940-12954	<a href="#"><u>Unlawful employment practices</u></a>
Gov. Code 12960-12976	<a href="#"><u>Unlawful employment practices; complaints</u></a>
Lab. Code 1030-1034	<a href="#"><u>Lactation Accommodation</u></a>

**State**

Lab. Code 1197.5

**Description**

[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](#)

28 CFR 35.101-35.190

[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](#)

**Management Resources****Description**

CA Civil Rights Department Publication	<a href="#">The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022</a>
CA Civil Rights Department Publication	<a href="#">Harassment Prevention Guide for California Employers, 2017</a>
CA Civil Rights Department Publication	<a href="#">Your Rights and Obligations as a Pregnant Employee, January 2023</a>
Court Decision	<a href="#">Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53</a>
Court Decision	<a href="#">Tennessee v. Cardona (2024) 737 F.Supp.3d 510</a>
Court Decision	<a href="#">Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581</a>
Court Decision	<a href="#">McDonnell Douglas Corp v. Green (1973) 411 U.S. 792</a>
Court Decision	<a href="#">John T. D. v. River Delta Joint Unified School District (2021) WL 5176356</a>
Court Decision	<a href="#">Burlington Industries, Inc v. Ellerth (1998) 524 U.S. 742</a>
Court Decision	<a href="#">Faragher-Ellerth v. City of Boca Raton (1998) 524 U.S. 775</a>
Court Decision	<a href="#">Groff v. DeJoy (2023) 600 U.S. 447</a>
Court Decision	<a href="#">Kennedy v. Bremerton (2022) 142 S.Ct. 2407</a>
Court Decision	<a href="#">Shephard v. Loyola Marymount (2002) 102 Cal.App. 4th 837</a>
Court Decision	<a href="#">Thomson v. North American Stainless LP (2011) 62 U.S. 170</a>
Federal Register	<a href="#">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</a>
U.S. Department of Education Publication	<a href="#">Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025</a>
U.S. Equal Employment Opportunity Comm Publication	<a href="#">EEOC Compliance Manual</a>
Website	<a href="#">U.S. Department of Labor, Office of Federal Contract Compliance Program</a>

**Management Resources**

Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Industrial Relations</a>
Website	<a href="#">California Civil Rights Department</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
Website	<a href="#">U.S. Equal Employment Opportunity Commission</a>

## Cross References

**Code****Description**

0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
1113	<a href="#">District And School Websites</a>
1113	<a href="#">District And School Websites</a>
1113-E(1)	<a href="#">District And School Websites</a>
1114	<a href="#">District-Sponsored Social Media</a>
1114	<a href="#">District-Sponsored Social Media</a>
1240	<a href="#">Volunteer Assistance</a>
1240	<a href="#">Volunteer Assistance</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(1)	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(2)	<a href="#">Uniform Complaint Procedures</a>
1313	<a href="#">Civility</a>
3312	<a href="#">Contracts</a>
3530	<a href="#">Risk Management/Insurance</a>
3530	<a href="#">Risk Management/Insurance</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
3600	<a href="#">Consultants</a>
4000	<a href="#">Concepts And Roles</a>
4032	<a href="#">Reasonable Accommodation</a>

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<b>Code</b>	<b>Description</b>
4033	<a href="#">Lactation Accommodation</a>
4111	<a href="#">Recruitment And Selection</a>
4111.2	<a href="#">Legal Status Requirement</a>
4111.2	<a href="#">Legal Status Requirement</a>
4112.4	<a href="#">Health Examinations</a>
4112.41	<a href="#">Employee Drug Testing</a>
4112.41	<a href="#">Employee Drug Testing</a>
4112.5	<a href="#">Criminal Record Check</a>
4112.5-E(1)	<a href="#">Criminal Record Check</a>
4112.6	<a href="#">Personnel Files</a>
4112.8	<a href="#">Employment Of Relatives</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9-E(1)	<a href="#">Employee Notifications</a>
4113.5	<a href="#">Working Remotely</a>
4114	<a href="#">Transfers</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4119.1	<a href="#">Civil And Legal Rights</a>
4119.11	<a href="#">Sexual Harassment</a>
4119.11	<a href="#">Sexual Harassment</a>
4119.12	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
4119.12-E(1)	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
4119.22	<a href="#">Dress And Grooming</a>
4119.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4119.41	<a href="#">Employees With Infectious Disease</a>
4131	<a href="#">Staff Development</a>
4144	<a href="#">Complaints</a>
4144	<a href="#">Complaints</a>
4151	<a href="#">Employee Compensation</a>

<b>Code</b>	<b>Description</b>
4154	<a href="#">Health And Welfare Benefits</a>
4154	<a href="#">Health And Welfare Benefits</a>
4161.5	<a href="#">Military Leave</a>
4161.8	<a href="#">Family Care And Medical Leave</a>
4211	<a href="#">Recruitment And Selection</a>
4211.2	<a href="#">Legal Status Requirement</a>
4211.2	<a href="#">Legal Status Requirement</a>
4212.4	<a href="#">Health Examinations</a>
4212.41	<a href="#">Employee Drug Testing</a>
4212.41	<a href="#">Employee Drug Testing</a>
4212.6	<a href="#">Personnel Files</a>
4212.8	<a href="#">Employment Of Relatives</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E(1)	<a href="#">Employee Notifications</a>
4213.5	<a href="#">Working Remotely</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218.1	<a href="#">Dismissal/Suspension/Disciplinary Action (Merit System)</a>
4219.1	<a href="#">Civil And Legal Rights</a>
4219.11	<a href="#">Sexual Harassment</a>
4219.11	<a href="#">Sexual Harassment</a>
4219.12	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
4219.12-E(1)	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
4219.22	<a href="#">Dress And Grooming</a>
4219.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4219.41	<a href="#">Employees With Infectious Disease</a>
4231	<a href="#">Staff Development</a>
4244	<a href="#">Complaints</a>

<b>Code</b>	<b>Description</b>
4244	<a href="#">Complaints</a>
4251	<a href="#">Employee Compensation</a>
4254	<a href="#">Health And Welfare Benefits</a>
4254	<a href="#">Health And Welfare Benefits</a>
4261.5	<a href="#">Military Leave</a>
4261.8	<a href="#">Family Care And Medical Leave</a>
4311	<a href="#">Recruitment And Selection</a>
4311.2	<a href="#">Legal Status Requirement</a>
4311.2	<a href="#">Legal Status Requirement</a>
4312.4	<a href="#">Health Examinations</a>
4312.41	<a href="#">Employee Drug Testing</a>
4312.41	<a href="#">Employee Drug Testing</a>
4312.6	<a href="#">Personnel Files</a>
4312.8	<a href="#">Employment Of Relatives</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9-E(1)	<a href="#">Employee Notifications</a>
4313.5	<a href="#">Working Remotely</a>
4319.1	<a href="#">Civil And Legal Rights</a>
4319.11	<a href="#">Sexual Harassment</a>
4319.11	<a href="#">Sexual Harassment</a>
4319.12	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
4319.12-E(1)	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
4319.22	<a href="#">Dress And Grooming</a>
4319.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4319.41	<a href="#">Employees With Infectious Disease</a>
4331	<a href="#">Staff Development</a>
4344	<a href="#">Complaints</a>
4344	<a href="#">Complaints</a>
4351	<a href="#">Employee Compensation</a>

<b>Code</b>	<b>Description</b>
4354	<a href="#"><u>Health And Welfare Benefits</u></a>
4354	<a href="#"><u>Health And Welfare Benefits</u></a>
4361.5	<a href="#"><u>Military Leave</u></a>
4361.8	<a href="#"><u>Family Care And Medical Leave</u></a>
5145.71	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
5145.71-E(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
9000	<a href="#"><u>Role Of The Board</u></a>
9321	<a href="#"><u>Closed Session</u></a>
9321-E(1)	<a href="#"><u>Closed Session</u></a>
9321-E(2)	<a href="#"><u>Closed Session</u></a>