

Policy 4030: Nondiscrimination In Employment

Status: DRAFT

Original Adopted Date: 08/16/2005 | **Last Revised Date:** 09/10/2024 | **Last Reviewed Date:** 10/14/2025

The Governing Board is determined to provide a safe, positive environment where all district employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy **and accompanying administrative regulation**, employees include interns, volunteers, **contractors, job applicants, and other persons with an employment relationship** with the district.

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of **one, or a combination of two or more, protected characteristics which include, but may not be limited to**, the employee's actual or perceived race **or ethnicity**; ancestry; color; **ethnic group identification; nationality**; national origin; **immigration status**; sex; **sexual orientation**; sex stereotypes; gender; **gender identity; gender expression**; religion; religious creed; **age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and** parental, marital, and family status; or association with a person or group with one or more of these actual or perceived characteristics. (**Education Code 200, 210.1, 210.2, 212, 212.1, 220, 230, 260; Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688, 29 USC 621, 42 USC 2000d-2000d-7, 2000e-2**)

The district shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that such inquiry is necessary to comply with federal immigration law. (2 CCR 11028)

In addition, unless otherwise provided for in law, the district may not discriminate against an employee in any term or condition of employment, or otherwise penalize a person, including termination, based on the person's use of cannabis off the job and away from the workplace, or on a drug screening which finds that the person has nonpsychoactive cannabis metabolites in the person's hair, blood, urine, or other bodily fluid. However, the district retains the right to maintain drug-free **and alcohol-free** schools or prohibit employees from possessing, being impaired by, or using **intoxicants, including but not limited to** cannabis **and alcohol** while on the job. (Government Code 12954)

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 district'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 district 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 district

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, reports an incident, testifies, assists, or in any way participates in the district'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 district 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 district coordinator within one workday. All other employees shall report such incidents to their supervisor or designated district coordinator within one workday.

The Superintendent or designee shall use all appropriate means to reinforce the district'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 district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

Any district 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 district 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 district 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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

2 CCR 11006-11086

2 CCR 11023

2 CCR 11024

2 CCR 11027-11028

5 CCR 4900-4965

CA Constitution Article 1, Section 1

Civ. Code 51.7

Ed. Code 200-262.4

Gov. Code 11135

Gov. Code 12900-12996

Gov. Code 12940-12954

Gov. Code 12960-12976

Lab. Code 1030-1034

Lab. Code 1197.5

Lab. Code 79-107

Pen. Code 422.56

Description

Discrimination in employment

[Harassment and discrimination prevention and correction](#)[Required training and education on harassment based on sex, gender identity and expression, and sexual orientation](#)[National origin and ancestry discrimination](#)

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

[Inalienable rights](#)[Freedom from violence or intimidation](#)[Prohibition of discrimination](#)[Prohibition of discrimination](#)[Fair Employment and Housing Act](#)[Unlawful employment practices](#)[Unlawful employment practices; complaints](#)[Lactation Accommodation](#)[Wages, hours, and working conditions](#)[Division of Labor Standards Enforcement](#)[Definitions; hate crimes](#)**Federal**

20 USC 1681-1688

28 CFR 35.101-35.190

29 CFR 1636

29 USC 218d

29 USC 621-634

29 USC 794

34 CFR 100.6

34 CFR 104.7

34 CFR 104.8

34 CFR 106.1-106.82

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 2000gg-2000gg-6

42 USC 2000h-2-2000h-6

42 USC 6101-6107

U.S. Constitution, First Amendment

Description

Title IX of the Education Amendments of 1972; discrimination based on sex

Americans with Disabilities Act

[Implementation of the Pregnant Workers Fairness Act](#)[Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers \(PUMP\) Act](#)[Age Discrimination in Employment Act](#)[Rehabilitation Act of 1973; Section 504](#)[Title VI; Compliance information](#)[Section 504; Designation of responsible employee and adoption of grievances procedures](#)[Notice of Nondiscrimination on the Basis of Handicap](#)[Discrimination on the basis of sex; effectuating Title IX](#)[Nondiscrimination on the basis of age](#)[Americans with Disabilities Act](#)

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended

[Genetic Information Nondiscrimination Act of 2008](#)[Pregnant Workers Fairness Act](#)

Title IX of the Civil Rights Act of 1964

[Age discrimination in federally assisted programs](#)[Free exercise, free speech, and establishment clauses](#)

Management Resources

CA Civil Rights Department Publication

CA Civil Rights Department Publication

CA Civil Rights Department Publication

CA Civil Rights Department Publication

CA Civil Rights Department Publication

CA Civil Rights Department Publication

Court Decision

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Federal Register

U.S. Department of Education Publication

U.S. DOE, Office for Civil Rights Publication

U.S. Equal Employment Opportunity Comm
Publication

Website

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Cross References

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[Sexual Harassment, January 2023](#)

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

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

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

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

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

[Burlington Northern and Santa Fe Ry. Co. v. White \(2006\) 548 U.S. 53](#)

[Tennessee v. Cardona \(2024\) 737 F.Supp.3d 510](#)

[Olmstead v. L.C. ex rel. Zimring \(1999\) 527 U.S. 581](#)

[McDonnell Douglas Corp v. Green \(1973\) 411 U.S. 792](#)

[John T. D. v. River Delta Joint Unified School District \(2021\) WL 5176356](#)

[Burlington Industries, Inc v. Ellerth \(1998\) 524 U.S. 742](#)

[Faragher-Ellerth v. City of Boca Raton \(1998\) 524 U.S. 775](#)

[Groff v. DeJoy \(2023\) 600 U.S. 447](#)

[Kennedy v. Bremerton \(2022\) 142 S.Ct. 2407](#)

[Shephard v. Loyola Marymount \(2002\) 102 Cal.App. 4th 837](#)

[Thomson v. North American Stainless LP \(2011\) 62 U.S. 170](#)

[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](#)

[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023](#)

[Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025](#)

[EEOC Compliance Manual](#)

[U.S. Department of Labor, Office of Federal Contract Compliance Program](#)

[CSBA District and County Office of Education Legal Services](#)

[California Department of Industrial Relations](#)

[California Civil Rights Department](#)

[U.S. Department of Education, Office for Civil Rights](#)

[U.S. Equal Employment Opportunity Commission](#)

Description

[Nondiscrimination In District Programs And Activities](#)

[District And School Websites](#)

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[Volunteer Assistance](#)

[Volunteer Assistance](#)

[Complaints Concerning District Employees](#)

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