



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 9.1g

**Meeting Date:** November 20, 2014

**Subject:** Revision to Board Policy 4030

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: \_\_\_\_\_)
- Conference/Action
- Action
- Public Hearing

**Department:** Human Resources/Legal

**Recommendation:** Approve revisions to Board Policy 4030, Nondiscrimination in Employment, to include all protected groups pursuant to Ed. Code, as well as State and Federal law.

**Background/Rationale:** To update and bring into compliance with State and Federal law.

**Financial Considerations:** NA

**Documents Attached:** Revised Board Policy 4030.

<p><b>Estimated Time of Presentation:</b> (N/A if on Consent Agenda)</p> <p><b>Submitted by:</b> Cancy McArn, Assistant Superintendent of Human Resource Services &amp; Employee Compensation</p> <p><b>Approved by:</b> José L. Banda, Superintendent</p>
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# Sacramento City USD

## Board Policy

### Nondiscrimination In Employment

BP 4030

#### Personnel

The Governing Board prohibits unlawful discrimination, intimidation, bullying against and/or harassment of district employees and job applicants on the basis of actual or perceived race, color, national origin, nationality, ancestry, ethnicity, ethnic group identification, religious creed, religion, age, marital status, pregnancy, physical or mental disability, disability, medical condition, veteran status, gender, gender identity, gender expression, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics at any district site and/or activity. The Board also prohibits retaliation against any district employee or job applicant who complains, testifies or in any way participates in the district's complaint procedures instituted pursuant to this policy.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

Any district employee who engages in unlawful discrimination or harassment shall be subject to disciplinary action up to and including dismissal.

Any district employee who permits unlawful discrimination or harassment may be subject to disciplinary action up to and including dismissal. A district employee shall be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident of discrimination and/or harassment, whether or not the victim complains.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4318 - Suspension/Disciplinary Action)

The Superintendent or designee shall publicize annually, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures.

The Board designates the following position(s) as Coordinator(s) for Nondiscrimination in Employment:

Chief Personnel Officer

SCUSD, 520 Capital Mall, Sacramento, CA 95814

(916) 264-4021

## Other Remedies

An employee may, in addition to filing a discrimination complaint with the district, file a complaint with either the Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). The time limits for filing such complaints are as follows:

1. To file a valid complaint with EEOC, the employee must file his/her complaint within 300 days of the alleged discriminatory act(s). (42 USC 2000e-5)
2. To file a valid complaint with DFEH, the employee must file his/her complaint within one year of the alleged discriminatory act(s). (Government Code 12960)

Employees wishing to file complaints with the DFEH and EEOC should contact the nondiscrimination coordinator for more information.

## Legal Reference:

### CIVIL CODE

51.7 Freedom from violence or intimidation

### GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

### PENAL CODE

422.56 Definitions, hate crimes

### CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

### UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

### UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

### UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans With Disabilities Act

### CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 American with Disabilities Act

### CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

## Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June, 1999

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March, 1999

OFFICE OF CIVIL RIGHTS

Notice of Non-Discrimination, January, 1999

WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

DFEH: <http://www.dfeh.ca.gov>

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted: May 6, 2002 Sacramento, California

revised: November\_\_\_\_ 2014

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