

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, employees include job applicants, interns, volunteers, and persons who contracted with the district to provide services, as applicable.

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 the employee's actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics.

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 the district is required to do so in order to comply with federal immigration law. (2 CCR 11028)

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 of 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 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 an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status
 - b. Religious creed discrimination based on an employee's religious belief or observance, 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

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

Personnel

NONDISCRIMINATION IN EMPLOYMENT

BP 4030

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)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

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 as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

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.

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 Department of Fair Employment and Housing, 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)

Personnel

NONDISCRIMINATION IN EMPLOYMENT

BP 4030

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.

State

2 CCR 11006-11086
2 CCR 11023

2 CCR 11024

2 CCR 11027-11028
5 CCR 4900-4965

Civ. Code 51.7
Ed. Code 200-262.4

Gov. Code 11135
Gov. Code 11138
Gov. Code 12900-12996
Gov. Code 12940-12952
Gov. Code 12960-12976
Pen. Code 422.56

Federal

20 USC 1681-1688
28 CFR 35.101-35.190
29 USC 621-634
29 USC 794
34 CFR 100.6
34 CFR 104.7
34 CFR 104.8
34 CFR 106.8

34 CFR 106.9
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 2000h-2-2000h-6
42 USC 6101-6107

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 education programs
[Freedom from violence or intimidation](#)
[Educational equity; prohibition of discrimination on the basis of sex](#)
Unlawful discrimination
Rules and regulations
Fair Employment and Housing Act
Unlawful employment practices
Unlawful employment practices; complaints
Definitions, hate crimes

Description

Title IX of the Education Amendments of 1972
Americans with Disabilities Act
Age Discrimination in Employment Act
Rehabilitation Act of 1973, Section 504
Compliance information
Designation of responsible employee for Section 504
Notice
Designation of responsible employee and adoption of grievance procedures
Dissemination of policy
Nondiscrimination on the basis of age
Americans with Disabilities Act
Title VI, Civil Rights Act of 1964, as amended
Title VII, Civil Rights Act of 1964, as amended
Genetic Information Nondiscrimination Act of 2008
Title IX of the Civil Rights Act of 1964
Age discrimination in federally assisted programs

Personnel

NONDISCRIMINATION IN EMPLOYMENT

BP 4030

Management Resources

CA Dept of Fair Employment and Housing Publication

CA Dept of Fair Employment and Housing Publication

CA Dept of Fair Employment and Housing Publication

CA Dept of Fair Employment and Housing Publication

Court Decision

Court Decision

U.S. DOE Office for Civil Rights Publication

U.S. Equal Employment Opportunity Comm Publication

U.S. Equal Employment Opportunity Comm Publication

Website

Website

Website

Description

Transgender Rights in the Workplace

California Law Prohibits Workplace Discrimination and Harassment

Workplace Harassment Guide for California Employers

Your Rights and Obligations as a Pregnant Employee

Shephard v. Loyola Marymount, (2002) 102 Cal.Appl 4th 837

Thomson v. North American Stainless LP, (2011) 131 S.Ct. 863

Notice of Non-Discrimination, August 2010

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

EEOC Compliance Manual

[California Department of Fair Employment and Housing](#)
[U.S. Department of Education, Office for Civil Rights](#)
[U.S. Equal Employment Opportunity Commission](#)

Cross References

Policy

0410

0470

1113

1113

1113-E(1)

1114

1114

1240

1240

1312.1

1312.1

1312.3

1312.3

1312.3-E(1)

1312.3-E(2)

3312

3530

Description

[Nondiscrimination In District Programs And Activities](#)

[COVID-19 Mitigation Plan](#)

[District And School Web Sites](#)

[District And School Web Sites](#)

[District And School Web Sites](#)

[District-Sponsored Social Media](#)

[District-Sponsored Social Media](#)

[Volunteer Assistance](#)

[Volunteer Assistance](#)

[Complaints Concerning District Employees](#)

[Complaints Concerning District Employees](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Contracts](#)

[Risk Management/Insurance](#)

Personnel

NONDISCRIMINATION IN EMPLOYMENT

BP 4030

3530	<u>Risk Management/ Insurance</u>
3580	<u>District Records</u>
3580	<u>District Records</u>
3600	<u>Consultants</u>
4000	<u>Concepts And Roles</u>
4032	<u>Reasonable Accommodation</u>
4033	<u>Lactation Accommodation</u>
4111	<u>Recruitment And Selection</u>
4111.2	<u>Legal Status Requirement</u>
4111.2	<u>Legal Status Requirement</u>
4112.4	<u>Health Examinations</u>
4112.41	<u>Employee Drug Testing</u>
4112.41	<u>Employee Drug Testing</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>
4119.22	<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>
4211.2	<u>Legal Status Requirement</u>
4212.4	<u>Health Examinations</u>
4212.41	<u>Employee Drug Testing</u>
4212.41	<u>Employee Drug Testing</u>
4212.6	<u>Personnel Files</u>
4212.8	<u>Employment Of Relatives</u>

Personnel

NONDISCRIMINATION IN EMPLOYMENT

BP 4030

4212.9	<u>Employee Notifications</u>
4212.9-E(1)	<u>Employee Notifications</u>
4213.5	<u>Working Remotely</u>
4218	<u>Dismissal/ Suspension/ Disciplinary Action</u>
4218	<u>Dismissal/ Suspension/ Disciplinary Action</u>
4218.1	<u>Dismissal/ Suspension/ Disciplinary Action (Merit System)</u>
4219.1	<u>Civil And Legal Rights</u>
4219.11	<u>Sexual Harassment</u>
4219.11	<u>Sexual Harassment</u>
4219.22	<u>Dress And Grooming</u>
4219.23	<u>Unauthorized Release Of Confidential/ Privileged Information</u>
4219.41	<u>Employees With Infectious Disease</u>
4231	<u>Staff Development</u>
4244	<u>Complaints</u>
4244	<u>Complaints</u>
4251	<u>Employee Compensation</u>
4254	<u>Health And Welfare Benefits</u>
4254	<u>Health And Welfare Benefits</u>
4261.5	<u>Military Leave</u>
4261.8	<u>Family Care And Medical Leave</u>
4311	<u>Recruitment And Selection</u>
4311.2	<u>Legal Status Requirement</u>
4311.2	<u>Legal Status Requirement</u>
4312.4	<u>Health Examinations</u>
4312.41	<u>Employee Drug Testing</u>
4312.41	<u>Employee Drug Testing</u>
4312.6	<u>Personnel Files</u>
4312.8	<u>Employment Of Relatives</u>
4312.9	<u>Employee Notifications</u>
4312.9-E(1)	<u>Employee Notifications</u>
4313.5	<u>Working Remotely</u>
4319.1	<u>Civil And Legal Rights</u>
4319.11	<u>Sexual Harassment</u>
4319.11	<u>Sexual Harassment</u>
4319.22	<u>Dress And Grooming</u>
4319.23	<u>Unauthorized Release Of Confidential/ Privileged Information</u>
4319.41	<u>Employees With Infectious Disease</u>
4331	<u>Staff Development</u>
4344	<u>Complaints</u>
4344	<u>Complaints</u>
4351	<u>Employee Compensation</u>

Personnel

NONDISCRIMINATION IN EMPLOYMENT

BP 4030

4354	<u>Health And Welfare Benefits</u>
4354	<u>Health And Welfare Benefits</u>
4361.5	<u>Military Leave</u>
4361.8	<u>Family Care And Medical Leave</u>
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>

Policy

PASADENA UNIFIED SCHOOL DISTRICT

Adopted: August 28, 2012

Pasadena, California

Revised: 4/14; 4/15; 4/16; 5/16; 2/23/17; 11/21/19; 10/27/22