

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Series 4000 – PERSONNEL

Policy 4030

**Nondiscrimination In Employment**

The Solano County Office of Education (SCOE) is an equal opportunity employer and prohibits unlawful discrimination against and/or harassment of its employees and job applicants at any SCOE site and/or activity on the basis of actual or perceived race, color, national origin, ancestry, religious creed, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, gender identity, gender expression, sex, or sexual orientation. SCOE also prohibits retaliation against any employee or job applicant who complains, testifies, assists, or in any way participates in SCOE’s complaint procedures instituted pursuant to this policy.

Any SCOE employee who engages or participates in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

SCOE designates the following position as Compliance Officer for Nondiscrimination in employment to which inquiries concerning the application of federal and state laws and regulations should be referred:

Manolo Garcia, Associate Superintendent – Human Resources and  
Educator Effectiveness  
5100 Business Center Drive, Fairfield, CA 94534-1658  
(707) 399-4400

Any employee or job applicant who believes that s/he has been or is being unlawfully discriminated against or harassed in violation of SCOE policy should, as appropriate, immediately contact his/her supervisor, the Nondiscrimination Compliance Officer, or the Superintendent who shall advise the employee or applicant about SCOE’s procedures for filing, investigating, and resolving any such complaint. Complaints regarding employment discrimination or harassment shall be filed and immediately investigated in accordance with SCOE Policy 4031 – Complaints Concerning Discrimination in Employment.

Any supervisory or management employee who observes or has knowledge of an incident of unlawful discrimination or harassment shall report the incident to the Nondiscrimination Compliance Officer, or the Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

**Definitions**

*Prohibited discrimination* consists of the taking of any adverse employment action against a person, including termination or denial of promotion, job assignment, or training, or in discriminating against the person in compensation, terms, conditions, or other privileges of employment based on any of the prohibited categories of discrimination listed above.

*Religious creed* includes any discrimination based on the person's religious dress, grooming practices, or any conflict between an employment requirement and the person's religious belief, observance, or practice.

*Sex discrimination* shall include any discrimination based on the person's pregnancy, childbirth, breastfeeding, or any related medical conditions. (Government Code sections 12926, 12940)

**Policy 4030 (Continued)**

*Harassment* consists of any unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe or pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Training and Notifications

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of SCOE's policies and regulations regarding discrimination.

The Superintendent or designee shall regularly publicize, both internally and in the community, SCOE's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin, or application form that is used in employee recruitment.

SCOE's policy shall be posted at all its program sites and offices including staff lounges and student meeting rooms.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

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

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

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

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

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

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

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

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

**Policy 4030 (Continued)**

CODE OF FEDERAL REGULATIONS, TITLE 34

- 100.6 Compliance information
- 104.7 Designation of responsible employee for Section 504
- 104.8 Notice
- 106.8 Designation of responsible employee and adoption of grievance procedures
- 106.9 Dissemination of policy

COURT DECISIONS

- Carter v. California Department of Veterans Affairs (2003) 2003 Cal.LEXIS 5694
- Shephard v. Loyola Marymount (2002) 102 CalApp.4th 837

Policy Cross-Reference:

- 0200 Goals
- 0410 Nondiscrimination in Programs and Activities
- 4031 Complaints Concerning Discrimination in Employment
- 4032 Reasonable Accommodation
- 4111 Recruitment and Selection
  - 4111.1 Employment Procedures
  - 4111.12 Instructions for Members of Interview Committees
  - 4111.13 Equal Employment Opportunity
  - 4117.4 Dismissal
- 4118 Dismissal/Suspension/Disciplinary Action
- 4119.11 Sexual Harassment
- 4119.41 Employees with Infectious Disease
- 4154 Health and Welfare Benefits
- 5145.7 Sexual Harassment