

Santa Barbara School Districts

Board Policy

BP 4030

Personnel

NONDISCRIMINATION IN EMPLOYMENT

The Governing Board prohibits unlawful discrimination against and/or harassment of district employees and job applicants on the basis of race, color, national origin, ancestry, religious creed, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender, and actual or perceived sexual orientation, 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.

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.

The Superintendent or designee shall regularly publicize this nondiscrimination policy and the availability of complaint procedures throughout the district and the community. He/she shall provide district employees and job applicants with copies of this policy, district regulations and complaint procedures as necessary.

The Board designates the following positions as Coordinators for Nondiscrimination in Employment:

Personnel Coordinator: Certificated and Classified
720 Santa Barbara Street
Santa Barbara, CA 93101
(805) 963-4331 ext. 237 (Certificated) 239 (Classified)

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 with 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)

Legal Reference:

GOVERNMENT CODE

11135 Unlawful discrimination
12900-12996 Fair Employment and Housing Act

LABOR CODE

1102.1 Employment discrimination: sexual orientation

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

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

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

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

Policy: SANTA BARBARA ELEMENTARY/HIGH SCHOOL DISTRICTS
Adopted: February 27, 1975 Santa Barbara, California
Revised: December 9, 1976, September 1, 1977; May 22, 1980, February 16, 1984,
May 8, 1991, March 8, 2000