

## **BOARD POLICY**

Placentia-Yorba Linda Unified School District

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Personnel

4111.1 – BP

### **EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

The policy of the Placentia-Yorba Linda Unified School District is one of non-discrimination for all employees and applicants in every facet of the district's operation. This policy guarantees equal employment and opportunity for advancement to all. The Board prohibits district employees from discriminating against or harassing any other district employee or job applicant on the basis of the person's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, gender identity, gender expression, sex, or sexual orientation.

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.

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, and/or creates an intimidating, hostile, or offensive work environment.

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.

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy should, as appropriate, immediately contact his/her supervisor, the Coordinator, or the Superintendent who shall advise the employee or applicant about the district's procedures for filing, investigating, and resolving any such complaint.

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4111.1 - Complaints Concerning Discrimination in Employment.

The following position is designated as Coordinator for Nondiscrimination in Employment:

Assistant Superintendent, Personnel Services  
1301 East Orangethorpe Avenue, Placentia CA 92870  
714-985-8410

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

### **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 the district's policies and regulations regarding discrimination.

It is the responsibility of each member of management to comply with the Equal Employment Opportunity policy of the district.

This policy will be affected throughout the district, publicized throughout the community, and made explicit in all district manuals and publications.

A non-discrimination clause will be included in all of the district's contracts with suppliers, vendors, concessionaires, and services.

### 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 Title IX of the Education Amendments of 1972

#### 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, as amended  
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 of the Civil Rights Act of 1964  
6101-6107 Age Discrimination in Federally Assisted Programs  
12101-12213 Americans with Disabilities Act

### Code of Federal Regulations, Title 28

35.101-35.190 Americans with Disabilities Act

### 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  
110.1-110.39 Nondiscrimination on the Basis of Age

### Court Decisions

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863  
Shepard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

### Management Resources:

U.S. Department of Education, Office for Civil Rights Publications  
Notice of Non-Discrimination, August 2010

### U.S. Equal Employment Opportunity Commission Publications

Questions and Answers: Religious Discrimination in the Workplace, 2008  
Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the  
Americans with Disabilities Act, October 2002  
Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors,  
June 1999

### Web Sites

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>  
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>  
U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

Policy adopted: 8/4/75

Policy revised: 9/10/13

Effective September 10, 2013, Board Policies 4118.11, 4211.1, and 4218.11 were consolidated into Board Policy 4111.1.