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**OAKLAND UNIFIED  
SCHOOL DISTRICT**

Community Schools, Thriving Students

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# Board Cover Memorandum

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**To** Board of Education

**From** Denise G. Saddler, Superintendent  
 Jenine Lindsey, General Counsel  
 Gabriel Valenzuela, Ombudsperson / Title IX Coordinator  
 Jeff Dillon, Sr., Acting Chief of Talent

**Board Meeting Date** June 24, 2026

**Subject** Proposed Amendment to Board Policy 4030 – Nondiscrimination in Employment

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**Ask of the Board** Approve proposed amendments to Board Policy 4030 – Nondiscrimination in Employment

**Background** Board Policy 4030 – Nondiscrimination in Employment governs the principals and standards that ensure that all employees in the District are ensured a workplace free from harassment and retaliation. It was last revised in 2015.

**Discussion** This proposed revision would update the Nondiscrimination Policy to more closely align with the California School Boards Association (CSBA) model policy. Aligning the policy with the CSBA version helps ensure compliance with state and federal laws prohibiting discrimination, harassment, and retaliation in all district programs and activities. CSBA’s Nondiscrimination Policy is legally vetted and routinely updated to reflect changes in legal and regulatory requirements. The Level 2 Appeal process has been removed and the investigation timeline has been changed from 30 school days to 60 calendar days.

While largely based on the CSBA model, the District has retained certain provisions in the policy that reflect local practices and priorities, ensuring the policy remains responsive to the unique needs of the OUSD community. As well as the Board Policy on Nondiscrimination, AR 4031 is also being updated with the new CSBA language and the AR number will change from 4031 to ATR 4030. AR 4031 is also being eliminated in order to match the CSBA policies.

**Fiscal Impact** None.

**Attachments**

- Proposed Amendments to Board Policy 4030 – Nondiscrimination in Employment (redline)
- Proposed Amendments to Board Policy 4030 – Nondiscrimination in Employment (clean)
- Proposed Amendment to Administrative Regulation 4031 (redline)
- Proposed Amendment to Administrative Regulation 4031 (clean)

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

### Personnel

#### BP 4030

##### Nondiscrimination in Employment

The Governing Board ~~desires is determined~~ to provide a ~~safe~~, positive work environment where ~~all district~~ employees and job applicants are assured of ~~full and equal employment access and opportunities, and are free from harassment,~~ protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. ~~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.~~ For purposes of this policy and accompanying administrative regulation, employees include interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

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 one, or a combination of two or more, protected characteristics which include, but may not be limited to, the employee's actual or perceived race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status; or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 230, 260; Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688, 29 USC 621, 42 USC 2000d-2000d-7, 2000e-2).

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 such inquiry is necessary to comply with federal immigration law. (2 CCR 11028).

In addition, unless otherwise provided for in law, the district may not discriminate against an employee in any term or condition of employment, or otherwise penalize a person, including termination, based on the person's use of cannabis off the job and away from the workplace, or on a drug screening which finds that the person has nonpsychoactive cannabis metabolites in the person's hair, blood, urine, or other bodily fluid. However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954).

~~(cf. 0410—Nondiscrimination in District Programs and Activities)~~

~~(cf. 4032—Reasonable Accommodation)~~

~~(cf. 4033—Lactation Accommodation)~~

~~(cf. 4119.11/4219.11/4319.11—Sexual Harassment)~~

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

~~(cf. 4154/4254/4354—Health and Welfare Benefits)~~

~~(cf. 5145.7—Sexual Harassment)~~

~~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.~~

~~The prohibition against discrimination based on the religious creed of an employee or job applicant includes any discrimination based on the person's religious dress or grooming practices or any conflict between the person's religious belief, observance, or practice and an employment requirement. The prohibition against discrimination based on the sex of an employee or job applicant shall include any discrimination based on the person's pregnancy, childbirth, breastfeeding, or any related medical conditions. (Government Code 12926, 12940)~~

~~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.~~

~~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 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 offensive and 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 one, or a combination of two or more protected characteristics, which include, but may not be limited to, an employee's pregnancy, childbirth, breastfeeding, or any related medical condition, or on an employee's gender, gender expression, gender identity, or sexual orientation;
  - b. Religious creed discrimination based on an employee's religious belief, observance, and practice, 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;
  - e. Requiring an employee to disclose information relating to the employee's reproductive health decision-making;
  - f. Including a statement in a job advertisement, posting, application, or other material that an applicant is required to have a driver's license, unless the district reasonably expects driving to be one of the job functions for the position and reasonably believes that satisfying the job function using an alternative form of transportation would not be comparable in travel time or cost to the district.

The Board also prohibits retaliation against any district employee ~~or job applicant~~ 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 ~~procedures instituted pursuant to~~ 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 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).

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 ~~Ombudsman~~ Ombudsperson within one workday. All other employees shall report such incidents to their supervisor or ~~Ombudsman~~ Ombudsperson within one workday.

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.

~~(cf. 4117.4 – Dismissal)~~

~~(cf. 4118 – Suspension/Disciplinary Action)~~

~~(cf. 4218 – Dismissal/Suspension/Disciplinary Action)~~

~~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 District Ombudsperson, or the Chief Talent Officer 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 4031 – Complaints Concerning Discrimination in Employment.~~

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.

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation. However, complaints alleging sexual harassment under Title IX shall be investigated and resolved in accordance with the procedures specified in Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

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 Civil Rights Department, Equal Employment Opportunity Commission or Office of Civil Rights, 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)

~~(cf. 4031 – Complaints Concerning Discrimination in Employment)~~

~~(cf. 4117.4 – Dismissal)~~

~~(cf. 4118 – Suspension/Disciplinary Action)~~

~~(cf. 4218 – Dismissal/Suspension/Disciplinary Action)~~

~~Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Ombudsperson or the Chief Talent Officer as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.~~

### **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.~~

~~(cf. 4131 – Staff Development)~~

~~(cf. 4231 – Staff Development)~~

~~(cf. 4331 – Staff Development)~~

~~The Superintendent or designee shall regularly publicize, within the district and in the community, the district'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. (34 CFR 100.6, 106.9)~~

~~The district's policy shall be posted in all district schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)~~

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 ~~Unlawful discrimination~~ Prohibition of discrimination

12900-12996 Fair Employment and Housing Act

12940-12954 Unlawful employment practices

12960-12976 Unlawful employment practices; complaints

LABOR CODE

1030-1034 Lactation Accommodation

1197.5 Wages, hours, and working conditions

79-107 Division of Labor Standards Enforcement

PENAL CODE

422.56 Definitions\*\*;\*\* hate crimes

CODE OF REGULATIONS, TITLE 2

~~7287.6 Terms, conditions and privileges of employment~~ 11006-11086  
Discrimination in employment

11023 Harassment and discrimination prevention and correction

11024 Required training and education on harassment based on sex, gender identity and expression, and sexual orientation

11027-11028 National origin and ancestry discrimination

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary ~~education programs~~  
educational programs receiving state or federal financial assistance

CALIFORNIA CONSTITUTION

Article 1, Section 1 Inalienable rights

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972\*\*; discrimination based  
on sex\*\*

UNITED STATES CODE, TITLE 28

CFR 35.101-35.190 Americans with Disabilities Act

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 ~~Section 504 of the~~ Rehabilitation Act of 1973\*\*; Section 504\*\*

CFR 1636 Implementation of the Pregnant Workers Fairness Act

218d Fair Labor Standards Act; Providing Urgent Maternal Protections for  
Nursing Mothers (PUMP) Act

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

2000gg-2000gg-6 Pregnant Workers Fairness Act

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 34

100.6 ~~Compliance information~~ Title VI; Compliance information

104.7 ~~Designation of responsible employee for~~ Section 504; Designation of  
responsible employee and adoption of grievances procedures ~~Section 504~~

104.8 ~~Notice~~ Notice of Nondiscrimination on the Basis of Handicap

~~106.8 Designation of responsible employee and adoption of grievance procedures~~

~~106.9 Dissemination of policy~~

~~106.1-106.82 Discrimination on the basis of sex; effectuating Title IX~~

~~110.1-110.39 Nondiscrimination on the basis of age~~

~~CODE OF FEDERAL REGULATIONS, TITLE 28~~

~~35.101-35.190 Americans with Disabilities Act~~

~~U.S. CONSTITUTION~~

~~First Amendment Free exercise, free speech, and establishment clauses~~

~~COURT DECISIONS~~

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

~~Shephard 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>~~

~~California Civil Rights Department: <http://www.calcivilrights.ca.gov>~~

~~U.S. Department of Education, Office for Civil Rights:  
<http://www.ed.gov/about/offices/list/ocr> <http://www.ed.gov/ocr>~~

~~U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>~~

~~10/26/11A; 2/25/15A, 6/24/26A~~

# **OAKLAND UNIFIED SCHOOL DISTRICT**

## Board Policy

### Personnel

#### BP 4030

##### Nondiscrimination in Employment

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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 one, or a combination of two or more, protected characteristics which include, but may not be limited to, the employee's actual or perceived race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status; or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 230, 260; Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688, 29 USC 621, 42 USC 2000d-2000d-7, 2000e-2).

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free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954).

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 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 offensive and 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 one, or a combination of two or more protected characteristics, which include, but may not be limited to, an employee's pregnancy, childbirth, breastfeeding, or any related medical condition, or on an employee's gender, gender expression, gender identity, or sexual orientation;
  - b. Religious creed discrimination based on an employee's religious belief, observance, and practice, 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;
  - e. Requiring an employee to disclose information relating to the employee's reproductive health decision-making;

f. Including a statement in a job advertisement, posting, application, or other material that an applicant is required to have a driver's license, unless the district reasonably expects driving to be one of the job functions for the position and reasonably believes that satisfying the job function using an alternative form of transportation would not be comparable in travel time or cost to the district.

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 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).

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 Ombudsperson within one workday. All other employees shall report such incidents to their supervisor or ~~Ombudsman~~ Ombudsperson within one workday.

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 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.

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation. However, complaints alleging sexual harassment under Title IX shall be investigated and resolved in accordance with

the procedures specified in Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

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 Civil Rights Department, Equal Employment Opportunity Commission or Office of Civil Rights, 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).

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 ~~Unlawful discrimination~~ Prohibition of discrimination

12900-12996 Fair Employment and Housing Act

12940-12954 Unlawful employment practices

12960-12976 Unlawful employment practices; complaints

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1030-1034 Lactation Accommodation

1197.5 Wages, hours, and working conditions

79-107 Division of Labor Standards Enforcement

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422.56 Definitions\*\*;\*\* hate crimes

CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment

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11024 Required training and education on harassment based on sex, gender identity and expression, and sexual orientation

11027-11028 National origin and ancestry discrimination

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary ~~education programs~~ educational programs receiving state or federal financial assistance

CALIFORNIA CONSTITUTION

Article 1, Section 1 Inalienable rights

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972<sup>\*\*</sup>; discrimination based on sex<sup>\*\*</sup>

UNITED STATES CODE, TITLE 28

CFR 35.101-35.190 Americans with Disabilities Act

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Rehabilitation Act of 1973<sup>\*\*</sup>; Section 504<sup>\*\*</sup>

CFR 1636 Implementation of the Pregnant Workers Fairness Act

218d Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964<sup>~~</sup>, as amended<sup>~~</sup>

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

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

2000gg-2000gg-6 Pregnant Workers Fairness Act

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 34

100.6 Title VI; Compliance information

104.7 Section 504; Designation of responsible employee and adoption of grievances procedures ~~Section 504~~

104.8 Notice of Nondiscrimination on the Basis of Handicap

106.1-106.82 Discrimination on the basis of sex; effectuating Title IX

110.1-110.39 Nondiscrimination on the basis of age

U.S. CONSTITUTION

First Amendment Free exercise, free speech, and establishment clauses

Management Resources:

WEB SITES

California Civil Rights Department: <http://www.calcivilrights.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

10/26/11A; 2/25/15A, 6/24/26A

## OAKLAND UNIFIED SCHOOL DISTRICT

### ADMINISTRATIVE REGULATION

AR40314030

#### Complaints Concerning Discrimination in Employment

All complaints alleging discrimination in employment, as defined in the accompanying Board policy, shall be investigated and resolved in accordance with procedures specified in this administrative regulation. However, complaints alleging sexual harassment under Title IX shall be investigated and resolved in accordance with the procedures specified in Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

The district designates the position identified below as its coordinator for nondiscrimination in employment to organize and manage the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Gabriel Valenzuela  
Office of the Ombudsperson  
1011 Union Street, Oakland, CA 94607  
(510) 879-4281  
Gabriel.Valenzuela@ousd.org

#### Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Civil Rights Department (CCRD) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049).
2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (Education Code 234.1; 5 CCR 4960; 34 CFR 100.6, 106.8)
  - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment.
  - b. Posting them in all district schools and offices, including staff lounges and other prominent locations.
  - c. Posting them on the district's website and providing easy access to them Through district-supported social media, when available.

3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)
  - a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return.
  - b. Sending a copy via email with an acknowledgment return form.
  - c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies.
  - d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session.
  - e. Any other way that ensures employees receive and understand the policy,
5. Make training regarding the district's nondiscrimination policy available, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made.
  - a. The district may also provide bystander intervention training to employees that includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)
6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law and Board Policy 4111 - Recruitment and Selection.
7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023).

## Complaint Procedure

~~Any complaint by an employee or job applicant alleging discrimination or harassment~~ Complaints alleging unlawful discrimination in employment must be filed within six (6) months of the alleged occurrence. Any complaint alleging unlawful discrimination or harassment covered by this administrative regulation and accompanying Board policy 4030 and shall be addressed in accordance with the following procedures:

### 1. Notice and Receipt of Complaint

Any employee or job applicant (the "complainant") who believes ~~he/she has~~ they have been subjected to prohibited discrimination or harassment shall promptly inform ~~his/her~~ their supervisor, ~~or the district's Ombudsperson~~ another supervisor, the Chief of Talent, the Superintendent or, if available, a complaint hotline or the district's Ombudsperson.

~~An employee may bypass his/her supervisor if the supervisor is subject of the complaint.~~ The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a complaint.

~~The complainant may file a written complaint in accordance with this procedure, or if he/she is they are an employee, may first attempt to resolve the situation informally with his/her their supervisor.~~ Complaint forms are available from the Ombudsperson or at the following link: <http://publicportal.ousd.k12.ca.us/19941081118225597/site/default.asp> <https://www.ousd.org/ombudsperson> (Departments/Ombudsperson).

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the District's Ombudsperson **and/or** Chief of Talent, whether or not the complainant files a **written** complaint.

The **written** complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, **other any available** evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

~~(cf. 0410—Nondiscrimination in District Programs and Activities)~~

~~(cf. 4030—Nondiscrimination in Employment)~~

~~(cf. 4032—Reasonable Accommodation)~~

~~(cf. 4119.11—Sexual Harassment)~~

~~(cf. 3580—District Records)~~

~~(cf. 4112—Personnel Files)~~

~~(cf. 4119.23—Unauthorized Release of Confidential/Privileged Information)~~

## **2. Investigation Process**

The Ombudsperson will intake the complaint and refer it to the district's **Chief of Talent and/or their designee (Talent Partner) EEO Manager** for investigation/handling. ~~The EEO Manager~~ The Chief of Talent and/or their designee (Talent Partner) shall initiate an impartial investigation of an allegation of discrimination or harassment within **ten (10) five school business** days of receiving notice of ~~the behavior~~ **the alleged discriminatory or harassing behavior**, regardless of whether a **written** complaint has been filed or whether the **written** complaint is complete.

~~The EEO Manager shall contact with the complainant to describe the district's complaint procedure and discuss the allegations and actions being sought by the complainant in response to the allegation. After review of the complaint and/or further communication with complainant, the EEO Manager may determine that the complaint is best resolved at the site or departmental level in which case she/he will so notify the Complainant and supervisory employee to be responsible for handling the complaint. The EEO Manager shall inform the complainant that the allegations the complainant that the allegations will be kept confidential to the extent possible, but thta some informatino may be revealed as necessary to conduct an effective investigation and iniitatie an necessary subsequent~~

actions. If the EEO Manager determines that a detailed fact finding investigation is necessary, he/she shall begin the investigation promptly. As part of this investigation, the EEO Manager should interview the complainant, the person accused, and other persons who could be expected to have relevant information. When necessary to carry out his/her investigation or to protect employee or student safety, the EEO Manager may discuss the complaint with appropriate district officials.

3. ~~Written Report on Findings and Corrective Actions:~~ no more than 30 school days after determining a fact finding investigation is needed, the EEO Manager shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. IF an extension is needed, the EEO Manager shall notify the complainant and explain the reasons for that extension.

4. ~~Appeal:~~ the complainant or the person accused may appeal any findings to the Director of Labor Relations within 10 working days of receiving the written report of the EEO Manager's findings. The Director of Labor Relations shall render his/her decision within 20 working days.

The Chief of Talent and/or their designee (Talent Partner) EEO Manager shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The Chief of Talent and/or their designee (Talent Partner) ~~coordinator~~ shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The Chief of Talent and/or their designee (Talent Partner) EEO Manager shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may ~~be revealed~~ be disclosed as necessary to conduct an effective investigation ~~and initiate any necessary subsequent action.~~

If the Chief of Talent and/or their designee (Talent Partner) EEO Manager ~~the~~ determines that a detailed fact-finding investigation is necessary, ~~he/she the~~ investigation shall begin ~~the investigation promptly~~ immediately. As part of this investigation, the Chief of Talent and/or their designee (Talent Partner) interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The Chief of Talent and/or their designee (Talent Partner) shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out ~~his/her the~~ investigation or to protect employee ~~or student~~ safety, the Chief of Talent and/or their designee EEO Manager ~~the coordinator~~ may discuss the complaint with ~~appropriate District officials~~ the Superintendent or designee, district legal counsel, or the district's risk manager.

The Chief of Talent and/or their designee (Talent Partner) EEO Manager shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed ~~to facilitate the investigation or resolution of the concern~~ in order to prevent further incidents. The Chief of Talent and/or their designee (Talent Partner) EEO Manager shall ensure that such interim measures do not constitute retaliation.

### 3. Written Report on Findings and ~~Corrective Action~~ Remedial/Corrective Action

No more than ~~30 school~~ sixty (60) calendar days after ~~determining a fact-finding investigation is needed~~ receiving the complaint, the Chief of Talent and/or their designee (Talent Partner) ~~the EEO Manager~~ shall conclude the investigation and prepare a written report of ~~his/her~~ the findings.

This timeline may be extended ~~for good cause~~ by the Chief of Talent and/or their designee (Talent Partner) ~~EEO Manager~~ for good cause.

The report shall ~~summarize~~ include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. ~~If a determination has been made that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented.~~ The report shall be presented to ~~the complainant, the person accused, and~~ the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

### 4. ~~Appeal~~ Rights and Other Remedies

~~The complainant or the person any of the person(s) accused may appeal any findings to the Director of Labor Relations the Board within 10 working business days of receiving the written report of the EEO Manager the coordinator findings.~~

In addition to filing a discrimination or harassment complaint with the district, a person may ~~also~~ file a complaint with either ~~the California Department of Fair Employment and Housing (DFEH) the California Civil Rights Department (CCRD) or the Equal Employment Opportunity Commission (EEOC).~~ The time limits for filing such complaints are as follows:

1. ~~DFEH—within one year~~ For filing a complaint with CCRD alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)
2. ~~EEOC—within~~ For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. ~~To file a valid complaint with EEOC~~ For filing a complaint with EEOC after first filing a complaint with ~~DFEH CRD~~, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by ~~DFEH CRD~~, whichever is earlier (42 USC 2000e-5)

An employee may also file a complaint with the Wage and Hour Division of the U.S. Department of Labor for an alleged violation of the PUMP Act and/or EEOC for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2).

Additionally, an employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034).

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Prohibition of discrimination

~~12920-12921 Nondiscrimination~~

12900-12996 Fair Employment and Housing Act

~~12940-12948 Discrimination prohibited; unlawful practices, generally~~

12940-12954 Unlawful employment practices

12960-12976 Unlawful employment practices; complaints

LABOR CODE

1030-1034 Lactation Accommodation

1197.5 Wages, hours, and working conditions

79-107 Division of Labor Standards Enforcement

PENAL CODE

422.56 Definitions; hate crimes

CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment

11023 Harassment and discrimination prevention and correction

11024 Required training and education on harassment based on sex, gender identity and expression, and sexual orientation

11027-11028 National origin and ancestry discrimination

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

CALIFORNIA CONSTITUTION

[Article 1, Section 1 Inalienable rights](#)

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972\*\*; discrimination based on sex\*\*

UNITED STATES CODE, TITLE 28

~~35.101-35.190 Americans with Disabilities Act~~

CFR 35.101-35.190 Americans with Disabilities Act

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 ~~Section 504 of the~~ Rehabilitation Act of 1973\*\*; Section 504\*\*

CFR 1636 Implementation of the Pregnant Workers Fairness Act

[218d Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers \(PUMP\) Act](#)

UNITED STATES CODE, TITLE 42

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

~~2001e-2001e-17~~ [2000e-2000e-17](#) Title VII, Civil Rights Act of 1964, as amended

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

[2000gg-2000gg-6 Pregnant Workers Fairness Act](#)

~~2004h-2-2004h-6~~ [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 34

[100.6 Title VI; Compliance information](#)

[104.7 Section 504; Designation of responsible employee and adoption of grievances procedures](#)

[104.8 Notice of Nondiscrimination on the Basis of Handicap](#)

~~106.8 Designation of responsible employee for Title IX~~

[106.1-106.82 Discrimination on the basis of sex; effectuating Title IX](#)

110.1-110.39 Nondiscrimination on the basis of age

## U.S. CONSTITUTION

First Amendment Free exercise, free speech, and establishment clauses

Management Resources:

## ~~EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS~~

~~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>~~

~~California Civil Rights Department: <http://www.cacivilrights.ca.gov>~~

~~U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>~~

~~U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>~~

## ~~Regulation OAKLAND UNIFIED SCHOOL DISTRICT~~

~~approved: 8/25/04~~

~~revised: 10/26/11A~~

8/25/04, 20/26/11, 6/24/26A

## **OAKLAND UNIFIED SCHOOL DISTRICT**

### **ADMINISTRATIVE REGULATION**

#### **AR 4030**

#### **Complaints Concerning Discrimination in Employment**

All complaints alleging discrimination in employment, as defined in the accompanying Board policy, shall be investigated and resolved in accordance with procedures specified in this administrative regulation. However, complaints alleging sexual harassment under Title IX shall be investigated and resolved in accordance with the procedures specified in Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

The district designates the position identified below as its coordinator for nondiscrimination in employment to organize and manage the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Gabriel Valenzuela  
Office of the Ombudsperson  
1011 Union Street, Oakland, CA 94607  
(510) 879-4281  
Gabriel.Valenzuela@ousd.org

#### **Measures to Prevent Discrimination**

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Civil Rights Department (CCRD) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049).
2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (Education Code 234.1; 5 CCR 4960; 34 CFR 100.6, 106.8).
  - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment.
  - b. Posting them in all district schools and offices, including staff lounges and other prominent locations.
  - c. Posting them on the district's website and providing easy access to them Through district-supported social media, when available.

3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023).
  - a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return.
  - b. Sending a copy via email with an acknowledgment return form.
  - c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies.
  - d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session.
  - e. Any other way that ensures employees receive and understand the policy,
5. Make training regarding the district's nondiscrimination policy available, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made.
  - a. The district may also provide bystander intervention training to employees that includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)
6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law and Board Policy 4111 - Recruitment and Selection.
7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023).

### Complaint Procedure

Complaints alleging unlawful discrimination in employment must be filed within six (6) months of the alleged occurrence. Any complaint alleging unlawful discrimination or harassment covered by this administrative regulation and accompanying Board policy 4030 and shall be addressed in accordance with the following procedures:

#### 1. Notice and Receipt of Complaint

Any employee or job applicant (the "complainant") who believes they have been subjected to prohibited discrimination or harassment shall promptly inform their supervisor, another supervisor, the Chief of Talent, the Superintendent or, if available, a complaint hotline or the district's Ombudsperson.

The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a complaint.

Complaint forms are available from the Ombudsperson or at the following link:  
<https://www.ousd.org/ombudsperson> (Departments/Ombudsperson).

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the District's Ombudsperson and/or Chief of Talent, whether or not the complainant files a complaint.

The complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

## 2. Investigation Process

The Ombudsperson will intake the complaint and refer it to the district's Chief of Talent and/or their designee (Talent Partner) for investigation/handling. The Chief of Talent and/or their designee (Talent Partner) shall initiate an impartial investigation of an allegation of discrimination or harassment within ten (10) business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a complaint has been filed or whether the complaint is complete.

The Chief of Talent and/or their designee (Talent Partner) shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The Chief of Talent and/or their designee (Talent Partner) shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The Chief of Talent and/or their designee (Talent Partner) shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

If the Chief of Talent and/or their designee (Talent Partner) determines that a detailed fact-finding investigation is necessary, ~~he/she~~ the investigation shall begin immediately. As part of this investigation, the Chief of Talent and/or their designee (Talent Partner) interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The Chief of Talent and/or their designee (Talent Partner) shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out the investigation or to protect employee safety, the Chief of Talent and/or their designee may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The Chief of Talent and/or their designee (Talent Partner) shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed in order to prevent further incidents. The Chief of Talent and/or their designee (Talent Partner) ~~EEO Manager~~ shall ensure that such interim measures do not constitute retaliation.

### 3. Written Report on Findings and Remedial/Corrective Action

No more than sixty (60) calendar days receiving the complaint, the Chief of Talent and/or their designee (Talent Partner) shall conclude the investigation and prepare a written report of the findings.

This timeline may be extended by the Chief of Talent and/or their designee (Talent Partner) for good cause.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

### 4. Rights and Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either the California Civil Rights Department (CCRD) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. For filing a complaint with CCRD alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960).
2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5).
3. For filing a complaint with EEOC after first filing a complaint with CRD, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by CRD, whichever is earlier (42 USC 2000e-5).

An employee may also file a complaint with the Wage and Hour Division of the U.S. Department of Labor for an alleged violation of the PUMP Act and/or EEOC for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2).

Additionally, an employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034).

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Prohibition of discrimination

12900-12996 Fair Employment and Housing Act

12940-12954 Unlawful employment practices

12960-12976 Unlawful employment practices; complaints

LABOR CODE

1030-1034 Lactation Accommodation

1197.5 Wages, hours, and working conditions

79-107 Division of Labor Standards Enforcement

PENAL CODE

422.56 Definitions; hate crimes

CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment

11023 Harassment and discrimination prevention and correction

11024 Required training and education on harassment based on sex, gender identity and expression, and sexual orientation

11027-11028 National origin and ancestry discrimination

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

CALIFORNIA CONSTITUTION

Article 1, Section 1 Inalienable rights

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972<sup>\*\*</sup>; discrimination based on sex<sup>\*\*</sup>

UNITED STATES CODE, TITLE 28

CFR 35.101-35.190 Americans with Disabilities Act

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Rehabilitation Act of 1973\*\*; Section 504\*\*

CFR 1636 Implementation of the Pregnant Workers Fairness Act

218d Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act

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

2000gg-2000gg-6 Pregnant Workers Fairness Act

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 34

100.6 Title VI; Compliance information

104.7 Section 504; Designation of responsible employee and adoption of grievances procedures

104.8 Notice of Nondiscrimination on the Basis of Handicap

106.1-106.82 Discrimination on the basis of sex; effectuating Title IX

110.1-110.39 Nondiscrimination on the basis of age

U.S. CONSTITUTION

First Amendment Free exercise, free speech, and establishment clauses

Management Resources:

WEB SITES

California Civil Rights Department: <http://www.calcivilrights.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

8/25/04, 20/26/11, 6/24/26A

