

# Current Language

Mt. Diablo USD

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 actual or perceived race, color, national origin, ancestry, religion, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender or 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.~~

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

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

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

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

~~Any district employee who engages or participates in unlawful discrimination, or who aids, abets, incites, compels or coerces another to discriminate, is in violation of this policy and is 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 district employee who observes or has knowledge of an incident of unlawful discrimination or harassment shall report the incident to the principal, district administrator or Superintendent as soon as practical after the incident. Failure of a district employee to report discrimination or harassment may result in disciplinary action.~~

~~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. (34 CFR 100.6)~~

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

~~The Board designates the following position as Coordinator for Nondiscrimination in Employment:~~

~~Assistant Superintendent, Personnel Services  
1936 Carlotta Drive~~

Concord, CA 94519  
(925) 682-8000 ext. 4136

## **Other Remedies**

An employee may, in addition to filing a discrimination complaint with the district, file a complaint with the Office for Civil Rights (OCR), California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). For further information, contact those agencies directly at:

Office for Civil Rights  
U.S. Department of Education  
Old Federal Building  
50 United Nations Plaza, Room 239  
San Francisco, CA  
(415)556-4275  
[www.ed.gov/offices/OCR](http://www.ed.gov/offices/OCR)

California Department of Fair Employment and Housing  
Oakland District Office  
1515 Clay Street, Suite 701  
Oakland, CA 94612-2512  
(510)622-2941  
[www.dfeh.ca.gov](http://www.dfeh.ca.gov)

Equal Employment Opportunity Commission  
Oakland Local Office  
1301 Clay Street  
Suite 1170-N  
Oakland, CA 94612-05217  
(510)637-3230  
[www.eeoc.gov](http://www.eeoc.gov)

## **Legal Reference:**

### **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 receiving state financial assistance~~

~~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 28~~

~~35.101-35.190 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~~

~~COURT DECISIONS~~

~~Carter v. California Department of Veterans Affairs (2003) 2003 Cal.LEXIS 5694~~

~~Shepard v. Loyola Marymount (2002) 102 CalApp.4<sup>th</sup> 837~~

~~Management Resources:~~

~~EQUAL EMPLOYMENT OPPORTUNITY COMMISSION~~

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

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

~~U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS~~

~~Notice of Non-Discrimination, January, 1999~~

~~WEB SITES~~

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

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

~~DFEH: <http://www.dfeh.ca.gov/>~~

Policy \_\_\_\_\_ **MT. DIABLO UNIFIED SCHOOL DISTRICT**  
adopted: \_\_\_\_\_ April 25, 2006 Concord, California