



Huntington Beach Union High School District Board Policies and Administrative Regulations

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All Personnel

Civil and Legal Rights

The personal life of an employee is not an appropriate concern for attention of the Governing Board except as it may directly prevent the employee from properly performing his/her assigned functions during the workday.

Employees shall be entitled to full rights of citizenship, and religious or political activities of any employee or the lack thereof shall not be grounds for any discipline or discrimination with respect to the professional employment of such employee, providing said activities do not violate any local, state or federal laws.

Nondiscrimination

The conditions of employment in the district, including wages, hours, terms and benefits, shall be applied without regard to 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. Thereby, the Governing Board seeks to extend the advantages of public education with full equality of educational opportunity to all students and personnel.

Grievances

No employee, employee association representative, member of any employee organization or any other participant in a grievance procedure shall suffer reprisals in any way or suffer any professional disadvantage by reason of participation in the processing of any grievance. The Superintendent will provide procedures for alleged violations of Title IX, Equal Educational Opportunity Act.

Discipline

No employee will be disciplined, reprimanded, reduced in rank or compensation or deprived of any professional advantage without just cause.

Civil and Legal Rights (continued)

Association Membership

No employee shall suffer any professional disadvantage by reason of the employee's membership in an employee association or participation in its lawful activities.

Sexual Discrimination/Harassment

There shall be no discrimination against any employee or applicant on the basis of sex. Sexual harassment of or by any employee shall not be tolerated.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to the conduct is made either an explicit or implicit condition of employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee.
3. The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

An employee or applicant who feels that he/she has been discriminated against because of his/her sex or sexual orientation should report such incidents to his/her supervisor, the supervisor of the offending person, or the appropriate personnel office without fear or reprisal. Confidentiality shall be maintained.

In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the harassment, and the context in which the alleged incidents occurred will be investigated. The appropriate personnel department has the responsibility of investigating and resolving complaints of sexual harassment.

Civil and Legal Rights (continued)

Sexual Discrimination/Harassment (continued)

The Governing Board considers sexual harassment to be a major offense which may result in disciplinary action or dismissal of the offending employee.

(cf. 1312.1 – Complaints Concerning School Employees)

(cf. 1312.3 - Uniform Complaint Procedures

(cf. 4144/4244 – Grievances/Complaints)

(cf. 4030 – Nondiscrimination in Employment)

(cf 4144/4244/4344 – Grievances/Complaints)

Legal Reference:

EDUCATION CODE

200-262.4, 7050-7058

44040, 44110-44114, 48907, 48950, 49091.24

CIVIL CODE

51 Unruh Civil Rights Act

GOVERNMENT CODE

815.3, 820-823, 825.6, 3540.1, 3543.5, 12650-12656, 12940-12951

LABOR CODE

1102.5-1106

UNITED STATES CODE, TITLE 18

16 Crime of violence defined

UNITED STATES CODE, TITLE 20

6731-6738 Teacher liability protection

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act

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

2000h-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans with Disabilities Act

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