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Fresno USD DIVISION OF HUMAN RESOURCES  
HR 4107  
DISCRIMINATION & HARASSMENT POLICIES

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The District desires to provide a positive work environment where employees and job applicants are assured of equal access and opportunities and are free from harassment and discrimination in accordance with law. Discrimination and harassment against district employees and job applicants on the basis of a protected class are prohibited. Protected classes include race, color, national origin, ancestry, ethnic group identification, religious creed, age, marital or parental status, pregnancy, physical or mental disability, medical condition, genetic information, gender, gender identity, gender expression, genetic information, sex or sexual orientation, veteran status, the perception of one or more of such characteristics, or association with a person or group with one or more of these actual or perceived characteristics, at any district site and/or activity.

Prohibited religious discrimination 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 which can be reasonably accommodated without undue hardship. Prohibited discrimination on the basis of sex/gender of an employee or applicant includes the individual's pregnancy, childbirth, breastfeeding, or any related medical conditions.

Harassment consists of unsolicited and unwelcome verbal, physical, or visual conduct based on any of the prohibited categories of discrimination listed above and creates an intimidating, hostile, or offensive work environment.

Examples of prohibited harassment include:

1. Slurs, epithets, threats or verbal abuse
2. Derogatory or degrading comments, descriptions, drawings, pictures or gestures
3. Unwelcome jokes, stories, teasing or taunting
4. Any other verbal, written, visual or physical conduct against the individual which:
  - a. Adversely affects his/her employment opportunities, or
  - b. Has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile or offensive work environment.

Any employee or job applicant who feels that he/she has been or is being unlawfully discriminated against or harassed should immediately contact his/her supervisor, the nondiscrimination coordinator or the Superintendent in order to obtain procedures for reporting a complaint. Such complaints shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor when the supervisor is the alleged offender.

Complaints of discrimination or harassment will be investigated by the District in accordance with Board Policy AR 4031. Complaint proceedings shall be kept confidential insofar as appropriate.

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 discrimination or harassment complaint procedures.

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Any District employee who engages in prohibited discrimination, harassment, or retaliation, or who aides, 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 provide training to employees about how to recognize and prevent harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. Harassment training for supervisors includes prevention of Abusive Conduct.

*References:*

*BP/AR 4030 Nondiscrimination in Employment*

*AR 4031 Complaints Concerning Discrimination in Employment*

*BP4112.9, 4212.9, 4312.9 Employee Notifications*

*BP4131, 4231, 4331 Staff Development*

*BP/AR 4319.11 Sexual Harassment*

*Educ. Code 200-262.4*

*Govt. Code 12900-12996*

*5 CCR 4900-4965*