

<b>Personnel</b>	<b>BP 4119.1</b>
<b>Board Policy No. 4119.1</b>	<b>4219.1</b>
<b>Policy adopted May 22, 2000</b>	<b>4319.1</b>
<b>Revised policy reviewed: December 8, 2022</b>	

## **CIVIL AND LEGAL RIGHTS**

The Governing Board believes that the personal life of an employee is not an appropriate concern of the district, except as it may directly relate to the performance of the employee's duties.

District employees may engage in private, personal activities, including the exercise of their religious, political, cultural, social, or other beliefs or activities, during personal time including when employees are not on duty or engaged in the supervision or instruction of students.

The District shall make no inquiry concerning the personal values, attitudes, and beliefs of district employees or their sexual orientation or political or religious affiliations, beliefs, or opinions except when authorized by law. In addition, no district employee shall be required to provide critical appraisals of other individuals with whom the employee has a familial relationship. However, the district reserves the right to access any publicly available information about any employee.

No employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in conduct authorized under Education Code 48907 or 48950.

When necessary to protect the health, welfare, or safety of students and staff, school officials may search district property under an employee's control.

Whistleblower Protection

An employee shall have the right to disclose to a Board member, a school administrator, a member of the County Board of Education, the County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, the employee has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity. (Education Code 44112, 44113; Labor Code 1102.5)

The Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)

No employee shall use or attempt to use official authority status or influence to intimidate, threaten, coerce, command, or attempt to intimidate, threaten, coerce, or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113) An employee who has disclosed improper governmental activity and believes that acts or attempted acts of reprisal have subsequently occurred shall file a written complaint in accordance with the district's complaint procedures. After filing a complaint with the district, the employee may also file a copy of the complaint with local law enforcement and/or seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against the employee, in accordance with Education Code 44114.

#### Protection Against Liability

No employee shall be liable for harm caused by the employee's act or omission when acting within the scope of employment or district responsibilities, the employee's act or omission is in conformity with federal, state, and local laws, district policy, or administrative regulation, and the employee's act or omission is in furtherance of an effort

to control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school. (20 USC 7946)

The protection against liability shall not apply when: (20 USC 7946)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.
2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.
3. The employee was not properly licensed, if required, by state law for such activities.
4. The employee was found by a court to have violated a federal or state civil rights law.
5. The employee was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.
7. The misconduct involved a sexual offense for which the employee has been convicted in a court.
8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

### **Rights in Legal Proceedings**

All employees have the right, if contacted by an attorney or the representative of a law firm not employed by the district about any claim, complaint, lawsuit or other legal proceeding against the district, to:

1. Speak to the attorney or the representative without fear of punishment in retaliation for such communication.
2. Contact their supervisor before answering questions or responding in any way.
3. Refuse to speak to the attorney or representative.
4. Notify the district that the attorney or representative has requested an interview.

5. Consult with the employee's own attorney or an attorney employed by the district or bargaining unit.
6. Be represented at any interview either by the employee's own attorney or an attorney employed by the district.

*Legal Reference:*

*EDUCATION CODE*

*200-262.4 Prohibition of discrimination on the basis of sex*

*7050-7057 Political activities of school officers and employees*

*44040 Unlawful to discriminate solely because of employee's appearance before certain boards or committees 44801 Leave of absence for employees elected to the Legislature*

*49091.24 Teacher rights to refuse evaluation/survey of personal life*

*GOVERNMENT CODE*

*3543.5 Interference with employee's rights prohibited*

*12940-12950 Discrimination prohibited; unlawful practices*

*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*