

FULLERTON SCHOOL DISTRICT

ALL PERSONNEL

Policy No.: 4075

Civil and Legal Rights – Page 1

Board Adopted: November 29, 2005

The Board of Trustees believes that the personal life of an employee is not an appropriate concern of the Fullerton School District, except as it may directly prevent the employee from performing his/her duties or responsibilities.

An employee's religious or political activities, or the lack thereof, shall not be grounds for any discrimination or disciplinary action by the District, provided these activities do not violate Board policy, administrative regulations or local, state or federal laws.

Teachers shall have the right to refuse to submit to any evaluation or survey conducted by the District concerning personal values, attitudes and beliefs; sexual orientation; political affiliations or opinions, critical appraisals of other individuals with whom the teacher has a family relationship; or religious affiliations or beliefs.

Whistleblower Protection

All employees shall have the right to disclose improper governmental activities to a Board member, a school administrator, a member of the Orange County Board of Education, Orange County Superintendent of Schools, or the Superintendent of Public Instruction. An improper governmental activity is an activity by the District or a District employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency or inefficiency.

No employee shall use or attempt to use his/her official authority or influence to intimidate, threaten, coerce or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity.

An employee who has disclosed improper governmental activity and believes that he/she has subsequently been subjected to acts or attempted acts of reprisal shall file a written complaint in accordance with the District's complaint procedures. After filing a complaint with the District, he/she may also file a copy of the complaint with local law enforcement.

Rights in Legal Proceedings

Any employee has 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 his/her 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 his/her own attorney or an attorney employed by the District or bargaining unit.

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6. Be represented at any interview either by his/her 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
	44110-44114	Reporting by School Employees of Improper Governmental Activity
	44801	Leave of Absence for Employees Elected to the Legislature
	49091.24	Teacher Rights to Refuse Evaluation/Survey of Personal Life
	Civil Code	
	51	Unruh Civil Rights Act
	Government Code	
	3540.1	Public Employment Definitions
	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-200h-6	Title IX, 1972 Education Act Amendments
	12101-12213	Americans with Disabilities Act