

Las Cruces Public Schools Board of Education

AGENDA ITEM EXECUTIVE SUMMARY

1. **Board Meeting Date:** November 28, 2023
2. **Item Title:** First Reading of LCPS Policy GBAA
3. **Name of Presenter(s):** Cynthia Donnelly
Executive Director of Human Resources
4. **This item is for:** Action Consent Agenda Discussion Report/Information
5. **Proposed Motion (Action Items Only):** None
6. **Executive Summary/Justification:**

The purpose of Policy GBAA is to affirm the Board of Education's commitment to nondiscrimination on the basis of sex, and gender equity, in all programs, activities, services and practice, and to ensure that the Las Cruces Public Schools shall comply with Title VII of the Civil Act of 1964, Title IX of the Education Amendments of 1972.

It is proposed that the Pregnant Worker Fairness Act (PWFA) and the New Mexico Human Rights Act be added to the overarching PURPOSE of this policy.

Revision of this policy would reflect amendments to the New Mexico Human Rights Act to add gender as a protected characteristic and modify definitions of gender identity, sex and sexual orientation that went into effective June 16, 2023.

The Pregnant Workers Fairness Act (PWFA) is a new law that requires covered employers to provide "reasonable accommodations" to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship." The PWFA applies only to accommodations. Existing laws under EEOC existing laws continue to enforce and make it illegal to fire or otherwise discriminate against workers on the basis of pregnancy, childbirth, or related medical conditions.

Board of Education

POLICY GBAA

Las Cruces Public Schools

Related Entries: AC, ACA, ACA-R, GBAA-R; [cross-reference all Title VII policies], JBA, JBA-R, JBB, JBB-R, JICK, JICK-R, JICKA, JICKA-R

Responsible Office: Human Resources

GENDER EQUITY (STAFF)

I. PURPOSE

The purpose of Policy GBAA is to affirm the Board of Education’s commitment to nondiscrimination on the basis of sex, and gender equity, in all programs, activities, services and practice, and to ensure that the Las Cruces Public Schools shall comply with Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Pregnant Workers Fairness Act, and the New Mexico Human Rights Act. (20 U.S.C. § 1681 et seq.), ~~which prohibits discrimination on the basis of g~~

The prohibition against discrimination because of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions, sex discrimination on the basis of an employee’s sexual orientation or gender identity, and sex discrimination based on gender stereotypes.

II. BACKGROUND

- A. The Board of Education is committed to ~~the philosophy of creating and providing an educational equal employment~~ The Board is equally committed to a positive and productive working environment that is free of sex or gender-based discrimination.

- B. In addition to a ~~Title IX/Gender Equity Policy~~, the Board also expresses its commitment to employee nondiscrimination through the following Policies: Nondiscrimination Policy (AC); Sexual Harassment (ACA); Nondiscrimination in Employment (GB); and Sexual Harassment of Employees (GBAA) ~~Section 504 of the Rehabilitation of Act of 1973 (JBB); Sexual Harassment of Students (JICK); and Student Harassment Based on Protected Characteristics (JICKA).~~

- C. ~~To ensure ongoing compliance with Title IX, the School District shall continuously self-evaluate its processes and practices.~~

III. POSITION

- A. In accordance with applicable law, ~~t~~The School District ~~must~~ will provide equivalence of employment opportunity, including with respect to compensation, terms, conditions, and privileges of employment, regardless of an employee's sex, gender, sexual orientation, gender identify, pregnancy, childbirth or related medical conditions. ~~as required by Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which prohibits discrimination on the basis of gender by educational institutions that directly or indirectly receive federal funds~~
- B. A copy of this Policy shall be available in each school principal's office, in the Human Resources Development office, on the LCPS website, and shall be referenced in the employee handbook.
- C. Sexual Harassment Policy
The School District prohibits sexual harassment of its employees. ~~whether committed by a co-worker, supervisor, subordinate, contractor, volunteer or student~~Such behavior may constitute a basis for disciplinary action up to and including termination ~~or~~; discharge, ~~long-term suspension or expulsion.~~ ~~Whereas sexual harassment substantially compromises the workplace,~~ ~~t~~The Las Cruces Public Schools will not tolerate such behavior, whether between members of the same or opposite sex. ~~[Also s~~See Policiesy ACA – Sexual Harassment and GBAA Employee Sexual Harassment
- D. Retaliation
 1. Retaliation is prohibited against:
 - a. any employee or person for having made a report of alleged ~~sexual harassment~~sex discrimination or inequity; and
 - b. any employee or person who has testified, ~~assisted~~assisted, or participated in the investigation of a report of harassment discrimination or inequity~~sexual harassment or who has acted in opposition to sexual harassment.~~
 2. Retaliation is ~~itself~~a violation of state and federal ~~regulations~~laws prohibiting discrimination and may constitute a basis for disciplinary action up to and including termination ~~or~~; discharge; ~~longterm suspension or expulsion.~~
- E. Grievance Procedures
 1. Grievance Procedures
 - a. The Superintendent or designee shall promulgate grievance procedures that allow any employee of the school district who believes he/she has been, on the basis of sex, excluded from participation in, denied the benefits of, or subjected to discrimination in employment including recruitment, consideration, or selection, whether full-time or part-time,

- under any education program or activity operated by the School District, to file a written complaint with the appropriate compliance official.
- b. The Superintendent shall designate a Title IX Compliance Officer for ~~the school d~~District efforts to comply with Title IX, for employees. All contact information for the Title IX officer shall be posted in District regulation, on the LCPS website, in the employee handbook, and will be available in the Human Resources Development office.
2. The Title IX Compliance Officer, and all other designated compliance officers, shall:
- a. be given sufficient authority to ~~continuously~~ evaluate the School District's compliance with ~~Title IX~~applicable law, conduct necessary investigations and issue reports to the Superintendent ~~regarding the School District's compliance with Title IX,~~ and report on all written complaints of alleged violations of Title IX;
 - b. be responsible for coordinating the School District's responses to all complaints involving possible sex discrimination, including monitoring outcomes, identifying, and addressing any patterns, and assessing effects on the District and campus climate; and
 - c. be trained and possess comprehensive knowledge in all areas over which the ~~Title IX Coordinator~~ Compliance Officer has responsibility in order to effectively carry out those responsibilities, including the District's policies and procedures on sex discrimination and all complaints raising Title IX issues throughout the District, and overlapping Federal and State laws, regulations, and policies.
3. ~~— Grievance Procedures~~
- d. ~~— The Superintendent or designee shall promulgate grievance procedures that allow any employee of the school district who believes he/she has been, on the basis of sex, excluded from participation in, denied the benefits of, or subjected to discrimination in employment including recruitment, consideration, or selection, whether full-time or part-time, under any education program or activity operated by the School District, to file a written complaint with the Title IX Coordinator. The grievance procedures shall provide:~~
 - i. ~~a thorough and objective investigation and review of all written complains submitted to the School District's~~
Title IX Coordinator;
 - ii. ~~notice and an opportunity for a hearing on all written complaints; and~~

~~iii. a final appeal of all unresolved matters to the Board of Education.~~

IV. REVIEW

This Policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

~~12, 2016~~

Board of Education, President

July

Date Approved

History: Formerly Policy #480, Equal Educational Opportunities, and Policy #268, Federal Grievance; New Policy May 2016, Cuddy Review; 07.12.16, Walsh Gallegos Review.

Legal Reference: 20 U.S.C. § 1681