

ALL PERSONNEL

SUBJECT: Nondiscrimination In Employment

The County Board of Education and County Superintendent of Schools prohibit unlawful discrimination against and/or harassment of employees or job applicants on the basis of actual or perceived race, color, national origin, ancestry, religious creed, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender, sex or sexual orientation, at any County Office of Education site and/or activity. The County Board and County Superintendent also prohibits retaliation against any employee or job applicant who complains, testifies or in any way participates in the County Office of Education's complaint procedures instituted pursuant to this policy.

Equal opportunity shall be provided to all employees and applicants in every aspect of personnel policy and practice. The County Board of Education and County Superintendent of Schools shall not discriminate against physically or mentally disabled persons who, with reasonable accommodation, can perform the essential functions of the job in question.

- (cf. 1312.1 - Complaints Concerning County Office Personnel)
- (cf. 4031 - Complaints Concerning Discrimination in Employment)
- (cf. 4032 - Reasonable Accommodation)
- (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
- (cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

Any employee who engages in unlawful discrimination or who aids, abets, incites, compels or coerces another to discriminate, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

Any employee who observes or has knowledge of an incident of unlawful discrimination or harassment shall report the incident to the site administrator, Office administrator or County Superintendent as soon as practical after the incident. Failure of a County Office of Education employee to report discrimination or harassment may result in disciplinary action.

- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 4318 - Suspension/Disciplinary Action)

The County Superintendent or designee shall regularly publicize this nondiscrimination policy and the availability of complaint procedures throughout the County Office of Education and the community. He/she shall provide employees and job applicants with

copies of this policy, County Office of Education regulations and complaint procedures as necessary. Such publication shall be included in each announcement, bulletin or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

cf. 4031 - Complaints Concerning Discrimination in Employment)

The County Superintendent of Schools designates the following position(s) as Coordinator(s) for Nondiscrimination in Employment:

Director, Employee Services
P. O. Box 868
Riverside, CA 92501
(909)-826-6673

Other Remedies

An employee may, in addition to filing a discrimination complaint with the County Office of Education, file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, the employee must file his/her complaint within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960. (Government Code 12960)
2. To file a valid complaint directly with EEOC, the employee must file his/her complaint within 180 days of the alleged discriminatory act(s). To file a valid complaint with EEOC after filing a complaint with DFEH, the employee must file the complaint within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier. (42 USC 2000e-5)

Employees wishing to file complaints with the DFEH and EEOC should contact the nondiscrimination coordinator for more information.

Legal Reference:

CIVIL CODE

51.7 Freedom from violence or intimidation

EDUCATION CODE

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.76 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681 - 1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d - 2000d-7 Title VI, Civil Rights Act of 1964

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

2000h-2 - 2000h-6 Title IX, 1972 Education Act Amendments

12101 - 12213 Americans With Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 American with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

COURT DECISIONS

Carter v. California Department of Veterans Affairs (2003) 2003 Cal.LEXIS 5694

Shephard v. Loyola Marymount (2002) 102 CalApp.4th 837

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June, 1999

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March, 1999

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

Notice of Non-Discrimination, January, 1999

WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>