

## **ALL PERSONNEL**

### **Nondiscrimination in Employment**

The Superintendent prohibits discrimination and/or harassment of San Joaquin County Office of Education (SJCOE) employees and job applicants on the basis of actual or perceived race, religion, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, sex or sexual orientation at any SJCOE site and/or activity.

Prohibited discrimination or harassment consists of unwelcome conduct, whether verbal, physical, or visual, based on any of the prohibited categories of discrimination listed above that it is so severe and pervasive that it adversely affects an individual's employment opportunities or has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile, or offensive work environment.

The Superintendent also prohibits retaliation against any employee or job applicant who complains, testifies, assists or in any way participates in SJCOE's complaint procedures and/or engages in protected activity instituted pursuant to this policy.

Any SJCOE employee who engages or participates in prohibited discrimination or harassment, or who aids, abets, incites, compels or coerces another to engage or attempt to engage in such behavior, shall be in violation of this policy and shall be subject to disciplinary action, up to and including dismissal.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to his/her supervisor, Deputy/Assistant Superintendent, or the Director of Human Resources as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

The Superintendent designates the following position as Coordinator for Nondiscrimination in Employment:

Director of Operations and Support Services  
San Joaquin County Office of Education  
P.O. Box 213030  
Stockton, CA 95213-9030  
(209) 468-4853

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of SJCOE policy or regulation should immediately contact his/her supervisor, the Deputy/Assistant Superintendent or Director of Human Resources who

shall advise the employee or applicant about SJCOE's procedures for filing, investigating, and resolving any such complaints.

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4031 Complaints Concerning Discrimination in Employment.

### **Training and Notifications**

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of SJCOE's policies and regulations regarding discrimination.

The Superintendent or designee shall regularly publicize, within SJCOE and in the community, SJCOE's nondiscrimination policy and the availability of complaint procedures.

SJCOE's policy shall be posted in all schools and offices including staff lounges.

*cf:* 0410 Nondiscrimination in Programs and Services  
4031 Complaints Concerning Discrimination in Employment  
4032 Reasonable Accommodation  
4117.4 Dismissal/ Involuntary Termination  
4118 Disciplinary Action  
4119.11/4219.11/4319.11 Sexual Harassment  
4119.41/4219.41/4319.41 Employees with Infectious Disease  
4131/4231/4331 Staff Development  
4154 Health and Welfare  
4218 Dismissal/Suspension/Disciplinary Action  
5145.7 Sexual Harassment

Legal Reference:

#### **EDUCATION CODE**

200 - 262.4 Prohibition of discrimination

#### **CIVIL CODE**

51.7 Freedom from violence or intimidation

#### **GOVERNMENT CODE**

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

#### **PENAL CODE**

422.56 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

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

2000ff – 2000ff-11 Genetic Information Nondiscrimination Act of 2008

2000h-2 – 2000h-6 Title IX of the Civil Rights Act of 1964

12101 – 12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance Information

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

(03/10)