

NONDISCRIMINATION IN EMPLOYMENT

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

(cf. 1321.1 – Complaint Procedures)

(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 district employee who engages or participates 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.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action))

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. (34 CFR 100.6)

The district's policy and administrative regulation shall be posted in all schools and offices including staff lounges. (5 CCR 4960)

Any district employee or applicant for employment who feels he/she is being unlawfully discriminated against or harassed may file a complaint in accordance with AR 1321.1 Complaint Procedures.

The Board designates the Assistant Superintendent for Human Resources as the Nondiscrimination Coordinator for employees. Telephone: (916) 686-7795.

NONDISCRIMINATION IN EMPLOYMENT (continued)

An employee may, in addition to filing a discrimination complaint with the district, 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 (1) year of the alleged discriminatory act(s). (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 thirty (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:

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

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

UNITED STATES CODE, TITLE 42

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

UNITED STATES CODE, TITLE 42

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

UNITED STATES CODE, TITLE 42

12101-12213 Americans With Disabilities Act

NONDISCRIMINATION IN EMPLOYMENT (continued)

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

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

Notice of Non-Discrimination, January, 1999

WEB SITES

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

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

DFEH: <http://www.dfeh.ca.gov>

Policy

Adopted: May 16, 1994

Revised: April 6, 1998

Revised: July 1, 2002

ELK GROVE UNIFIED SCHOOL DISTRICT
Elk Grove, California

NONDISCRIMINATION IN EMPLOYMENT

Discriminatory Harassment

Unlawful harassment based on a person's race, sex, or other attribute listed in the district's nondiscrimination policy includes, but is not limited to, the following discrimination or harassment of an individual includes:

1. Slurs, epithets, threats, or verbal abuse.
2. Derogatory or degrading comments, descriptions, drawings, pictures or gestures.
3. Unwelcome jokes, stories, or teasing, or taunting.
4. Any other verbal, written, visual or physical conduct against the individual which:
 - a. Adversely affects the individual's his/her employment opportunities, or
 - b. Has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile or offensive working environment.

Harassment may arise not only as a result of the offender's intention, but also as a result of the offended person's perception of the offensive conduct and the way in which it affects him/her.

Any employee or job applicant for employment who feels that he/she has been or is being unlawfully discriminated against or harassed should immediately contact his/her supervisor, the nondiscrimination coordinator or the Superintendent or designee in order to obtain procedures for reporting a complaint. Such complaints can be filed in accordance with AR 4031 1312.1- Complaints Concerning Discrimination in Employment Complaint Procedure.

(cf. 1312.1 – Complaint Procedure)
(cf. 4119.11/4219.11/4319.11 – Sexual Harassment)

Any supervisor who receives a discrimination/harassment complaint shall notify the nondiscrimination coordinator or the Superintendent or designee, who shall ensure that the complaint is appropriately investigated in accordance with district policy and regulations. Discrimination complaint procedures prohibit retaliatory behavior against any complainant or any participant in the complaint process.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

NONDISCRIMINATION IN EMPLOYMENT (continued)

The Superintendent or designee shall ensure that annual training is provided to all employees regarding the issues of discrimination.

Regulation
Approved: May 16, 1994
Revised: July 1, 2002

ELK GROVE UNIFIED SCHOOL DISTRICT
Elk Grove, California