

ALL PERSONNEL**Nondiscrimination in Employment**

The Office of Education shall not unlawfully discriminate against employees, interns, volunteers or job applicants on the basis of actual or perceived sex or sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, color, religion, national origin, ancestry, age, accent, marital status, pregnancy, medical condition, physical or mental disability, genetic information, military or veteran status.

Equal opportunity shall be provided to all employees, interns, volunteers and applicants in every aspect of personnel policy and practice. The Office of Education shall not discriminate against handicapped and disabled persons who, with reasonable accommodation, can perform the essential functions of the job in question.

The Superintendent or designee shall post this policy throughout the Office of Education and publicize a statement of nondiscrimination on all vacancy announcements and on official letterhead. The policy shall also be posted in all Office of Education schools and school offices including staff lounges. In addition, the Superintendent or designee shall post, in a conspicuous place on district premises, the California Department of Fair Employment and Housing publication on workplace discrimination and harassment issued pursuant to 2 CCR 11013.

Any Office of Education 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.

Prohibited discrimination consists of the taking of any adverse employment action against a person, including termination or denial of promotion, job assignment, or training, or in discriminating against the person in compensation, terms, conditions, or other privileges of employment based on any of the prohibited categories of discrimination listed above.

The prohibition against discrimination based on the religious creed of an employee, interns, volunteers or job applicant includes any discrimination based on the person's religious dress or grooming practices or any conflict between the person's religious belief, observance, or practice and an employment requirement. The prohibition against discrimination based on the sex of an employee, interns, volunteers or job applicant shall include any discrimination based on the person's pregnancy, childbirth, breastfeeding, or any related medical conditions, or an employee's gender, gender expression, or gender identity, including transgender status.

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

The Superintendent also prohibits retaliation against any Office of Education employee, interns, volunteers or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be 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 supervisor, Personnel Director, or Superintendent/designee as soon as practical after the incident. Failure of an employee to report discrimination or harassment may result in disciplinary action.

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

Coordinator of Personnel Services
Humboldt County Office of Education
901 Myrtle Avenue
Eureka, CA 95501
(707) 445-7039

1. To file a valid complaint with Department of Fair Employment and Housing (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.
2. To file a valid complaint directly with Equal Employment Opportunity Commission, 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.

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

The Superintendent or designee shall provide training to supervisors and managers about how to recognize harassment and discrimination, how to respond appropriately, and components of the Office of Education's policies and regulations regarding discrimination.

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

422.76 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

11009 Discrimination in Employment

11013 Record Keeping

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

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

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

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

200ff-200ff-11 Genetic Information Nondiscrimination Act of 2008

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

6101-6107 Age discrimination in federally assisted programs

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

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

110.1-110.39 Nondiscrimination on the basis of age

Policy

Adopted: October 16, 1991

Revised: December 16, 2016

Humboldt County Office of Education

Eureka, CA 95501