

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 Governing 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. [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 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. Such publication shall be included in each announcement, bulletin or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

The district's policy and administrative regulation shall be posted in all schools and offices including staff lounges and student government meeting rooms.

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

Assistant Superintendent of Personnel Services

500 Grace Avenue, Beaumont, CA 92223

(951)845-1631

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Other Remedies

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 year of the alleged discriminatory act(s). (42 USC 20003-5)
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

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 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

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

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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

U.S DEPARTMENT OF EDUCATION, 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>