

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, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, gender identity, gender expression, sex, or sexual orientation at any SJCOE site and/or activity.

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 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 or job applicant shall include any discrimination based on the person's pregnancy, childbirth, breastfeeding, or any related medical conditions.

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 complaint procedures and/or engages in protected activity instituted pursuant to this policy.

Any SJCOE employee who engages or participates in prohibited discrimination, harassment, or retaliation 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 Human Resources
San Joaquin County Office of Education
2901 Arch-Airport Road, Stockton, CA 95206 (physical)
P.O. Box 213030, Stockton, CA 95213-9030 (mailing)
(209) 468-4820

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 the SJCOE 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 policies and regulations regarding discrimination.

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

SJCOE 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

(11/12)

Policy Adopted: Nov. 17, 1993

Policy Amended: October 29, 2013

San Joaquin County Office of Education