

**NONDISCRIMINATION IN EMPLOYMENT**

It shall be the policy of the San Dieguito Union High School District to provide a positive work environment where employees and job applicants are free from harassment and are assured of equal access and opportunities in accordance with law. The Board prohibits any district employee from harassing or discriminating against any other district employee or job applicant on the basis of the person's actual or perceived race, religion, 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.

Prohibited discrimination consists of any adverse employment action, including termination or denial of promotion, job assignment, or training, based on any of the prohibited categories of discrimination listed above. 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 and 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 Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any district 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.

The following position is designated as Coordinator for Nondiscrimination in Employment:

Associate Superintendent of Human Resources  
San Dieguito Union HSD  
710 Encinitas Blvd.  
Encinitas, CA 92024  
760-753-6491

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy should, as appropriate, immediately contact his/her supervisor, the Coordinator, or the Superintendent who shall advise the employee or applicant about the district's procedures for filing, investigating, and resolving any such complaint.

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

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Coordinator or Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to their

supervisor immediately.

**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 the district's policies and regulations regarding discrimination.

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 shall be posted in all district schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)

**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 programs

### **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  
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  
6101-6107 Age discrimination in federally assisted programs  
Title I of the 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  
110.1-110.39 Nondiscrimination on the basis of age

### **COURT DECISIONS**

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863  
Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

### **MANAGEMENT RESOURCES**

### **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS**

Questions and Answers: Religious Discrimination in the Workplace, 2008

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

### **U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS**

Notice of Non-Discrimination, August 2010

### **WEBSITES**

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>