

NONDISCRIMINATION IN EMPLOYMENT

The Monterey County Superintendent of Schools (County Superintendent) provides a positive work environment where employees and job applicants are assured of equal access and opportunities and are free from harassment in accordance with law. The County Superintendent prohibits Monterey County Office of Education (MCOE) employees from discriminating against or harassing any other MCOE employee or job applicant on the basis of the person's 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.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4032 - Reasonable Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)
(cf. 4154/4254/4354 - Health and Welfare Benefits)
(cf. 5145.7 - Sexual Harassment)

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

Employment requirements shall not discriminate based on the religious creed of an employee or job applicant, including any discrimination based on the person's observance or practice of religious beliefs, nor religious dress or grooming practices. 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. [Government Code 12926, 12940]

Unlawful discrimination or harassment of an individual includes, but is not limited to:

1. Slurs, epithets, threats or verbal abuse
2. Derogatory or degrading comments, descriptions, drawings, pictures or gestures
3. Unwelcome jokes, stories, teasing or taunting
4. Any other verbal, written, visual or physical conduct against the individual which:
 - a. Adversely affects 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 work environment.

MCOE also prohibits retaliation against any MCOE employee or job applicant who complains, testifies, assists, or in any way participates in MCOE's complaint procedures instituted pursuant to this policy.

Any MCOE 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.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

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

Chief Human Resources Officer

901 Blanco Circle

P.O. Box 80851

Salinas Ca. 93912-0851

(831) 784-4195

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of MCOE policy or regulation should immediately contact his/her supervisor, the Coordinator of Nondiscrimination in Employment, or the County Superintendent, who shall advise the employee or applicant about MCOE's 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.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

An employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to his/her supervisor, the Coordinator of Nondiscrimination in Employment, or County Superintendent immediately.

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*

COURT DECISIONS

Shephard v. Loyola Marymount, (2002) 102 CalApp.4th 837