

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, sex or sexual orientation at any district site and/or activity. The 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.

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.

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 CRF 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. (5 CCR 4960)

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

Assistant Superintendent, Human Resource Services  
1515 Hughes Way  
Long Beach, California 90810  
(562) 997-8000

#### 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 discrimination act(s), unless an exception exists pursuant to Government Code 12960. (Government Code 12960)

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  
 12900-12006 Fair Employment and Housing Act  
 PENAL CODE  
 422.56 Definitions, hate crimes  
 CODE OF REGULATIONS, TITLE 2  
 7287.6 Terms, conditions and privileges or employment  
 CODE OF REGULATIONS, TITLE 5  
 4900-4965 Nondiscrimination in elementary and secondary education programs receiving 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  
 2000d-2000e-17 Title VII, Civil Rights Act of 1964 as amended  
 2000h-2-2000h-6 Title IX, 1972 Education Act Amendments  
 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  
 COURT DECISIONS  
 Carter v. California Department of Veterans Affairs (2003) 2003 Cal.LEXIS 5694  
 Shephard v. Loyola Marymount (2002) 102 CalApp.4<sup>th</sup> 837  
 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 PUBLICATIONS  
 Notice of Non-Discrimination, January, 1999  
 WEBSITES  
 EEOC: <http://www.eeoc.gov>  
 OCR: <http://www.ed.gov/offices/OCR>  
 DFEH: <http://www.dfeh.ca.gov>

Adopted: June 12, 1989 Revised:  
 Revised: January 17, 2006

LONG BEACH UNIFIED SCHOOL DISTRICT