



BPC Policy No. 361

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY AND NONDISCRIMINATION POLICY

PURPOSE: To affirm the San Diego Unified Port District's ("District") commitment to equal employment opportunity and nondiscrimination in all ~~personnel~~ employment actions including: recruitment, employment, transfer, demotion, promotion, suspension or discharge of any individual based on age (40 and above), ancestry, color, disability (mental or physical), gender (including identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with the person's sex at birth), marital status, medical condition, military status, national origin, pregnancy, race, religion, sexual orientation, genetic information, or veteran status.

AUTHORITY: Title VII of the Civil Rights Act of 1964, as amended; the Civil Rights Act of 1991; the Genetic Information Nondiscrimination Act of 2008, the California Fair Employment and Housing Act; and any other applicable Federal, State, and local law or regulation relating to equal employment opportunity and nondiscrimination, including any such law, regulation, and policy hereinafter enacted.

POLICY STATEMENT:

The District firmly believes in, and is committed to, the principles and practices of equal employment opportunity and nondiscrimination. It is the policy of the District to recruit, hire, train, and promote persons in all job classifications without regard to age (40 and above), ancestry, color, disability (mental or physical), gender (including identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with the person's sex at birth), marital status, medical condition, military status, national origin, pregnancy, race, religion, sexual orientation, genetic information, or veteran status.



BPC Policy No. 361

While the District seeks to attain a work force that is diverse, equitable, and inclusive of all the communities of San Diego, the District shall ensure that all personnel employment actions are administered in a manner so as to further the principle of equal employment opportunity and nondiscrimination.

Additionally, all employees of the District are required to conduct themselves in a professional manner at all times. Discrimination based upon the above protected classes is also prohibited by Federal and State lawⁱ. Therefore, discrimination by any employee based upon the grounds set forth above is strictly prohibited.

Further, the District shall provide a procedure for filing of complaints of alleged discrimination by aggrieved parties, including members of the public. The District's Diversity, equity, and inclusion program shall prescribe the procedures for implementation of this policy. The President and Chief Executive Officer has ultimate responsibility for assuring the development and implementation of the program. Overall responsibility for implementation of the program will be with the Manager, Equal Opportunity Diversity, Equity, and Inclusion department, and ~~who~~ is also responsible for developing the procedures which will be used to implement and monitor the program and process-assist with discrimination complaints. Accountability in achieving the objectives of the program will be shared by all District management.

Any aggrieved party who feels to have been subjected to discrimination by the District or representatives of the District, for any of those reasons cited above, can file a discrimination complaint with the Human Resources department.

The District recognizes that confidentiality is important to all parties involved in a discrimination investigation. Confidentiality will be maintained to the extent possible; however, it cannot be guaranteed. Only those individuals with a legitimate right to know or who are necessary for resolution of a complaint will be involved in the investigatory process.

Further, any witness or party involved in an investigation will be directed to keep confidential his or her their involvement in the investigation and/or any information learned as a result of his or her their involvement in the investigation and admonished that any breach of such direction or of the confidentiality of the investigation could constitute an



BPC Policy No. 361

independent basis for discipline and/or other corrective action.

The District will not tolerate retaliation against any employee or other person for initiating, pursuing, or assisting with a complaint of alleged discrimination to the District or to any government agency. For example, it is improper, and inappropriate, to withhold or imply to withhold, any support for appointment or recruitment, promotion, transfer, non-retention, or termination, or to suggest that a poor performance evaluation will be prepared based upon a retaliatory basis.

The District also prohibits retaliation against any employee for participating in any manner in the investigation of a complaint or report leading to investigation of discrimination. Any individual who engages in retaliation against a complainant or reporting party in violation of this policy may be subject to discipline up to and including termination.

Copies of this ~~p~~Policy when significant changes are made, will be provided to all employees who must sign a form acknowledging receipt of this information. A copy will be retained ~~for in~~ thier personnel records employment file in Human Resources.

This policy shall be reviewed annually and updated when required by law, or as needed.

Exhibit A: Policy Acknowledgment Form

~~Exhibit B: Acknowledgment Form~~

RESOLUTION NUMBER AND DATE 2021-XXX, dated September 14, 2021 ~~2013-207, dated December 10, 2013~~

(Supersedes BPC Policy 361, Resolution 2013-207, dated December 10, 2013; Resolution 2008-141, dated August 5, 2008; Resolution 2004-18, dated February 3, 2004; Resolution 2002-266, dated October 8, 2002, Resolution 2001-164, dated July 24, 2001; Resolution 2000-41, dated February 8, 2000)

ⁱ A violation of this policy may not constitute a violation of Federal or state law, although discrimination is prohibited by both.