

**WALKER CREEK RANCH
EMPLOYEE MANUAL**

MARIN COUNTY OFFICE OF EDUCATION
1111 Las Gallinas Avenue
P. O. Box 4925
San Rafael, CA 94913

Mary Jane Burke
Marin County Superintendent of Schools

WELCOME

This manual contains information relative to Walker Creek Ranch personnel. It should be helpful to all employees in carrying out their assignments efficiently and expeditiously.

The purpose of the manual is to give you information regarding the general policies and procedures relating to your employment in the Marin County Office of Education. We have tried to anticipate your questions and informational needs in order to assist you in the successful fulfillment of your position.

Keep this information as a ready reference and familiarize yourself with the contents. It will help you make your work easier and more satisfying.

It is hoped this will develop uniformity of procedures and aid in improving careers for all educational employees.

NOTICE

This manual attempts to outline the various policies, rules and procedures governing classified personnel. It should be understood that this information is based on the practices in effect at the time of publication.

Not every policy, rule, or procedure relating to classified personnel practices is included in this booklet, nor have those included been copied verbatim. Wording has been changed in some instances to make rules more understandable, but every effort has been made to keep the meaning unchanged. In case of discrepancies or questions, the official rules and regulations always take precedence.

Copies of the various contract provisions and rules and regulations are available for review at the Ranch office.

If you have questions about your employment or about information in this manual, please feel free to discuss it with your supervisor or the Director of Personnel.

TABLE OF CONTENTS

Section I

THE BOARD OF EDUCATION AND THE SUPERINTENDENT	I-1
THE PERSONNEL COMMISSION	I-1
THE CLASSIFIED SERVICE	
Examinations	I-2
Appointments	I-2
Probationary Period	I-2
STATUS OF EMPLOYEES	
Regular Employees	I-3
Temporary Employees	I-3
Fingerprints	I-3
Chest X-Ray or Skin Test for TB	I-3
Oath of Office	I-3
Your Responsibilities	I-3
Walker Creek Ranch Employee Guidelines and Policies	I-4
Internet and Social Media Policy	I-4
Staff on-line Profile Information	I-5
Food Use Policy	I-4
Equipment and Supply Use Policy	I-5
Staff Overnight Policy	I-5
Tobacco Use Policy	I-5
Your Opportunities	I-5
Public Relations	I-5
Work Habits and Attitudes	I-6
Hours of Work	I-6
Reporting Absences	I-6
Confidential Information	I-6
Dress	I-6
Coffee Breaks	I-6
Change of Name or Address	I-7
Personal Phone Calls	I-7
Security	I-7
Loiterers	I-7
Outside Employment	I-7
YOUR SALARY	
Anniversary Date	I-7
Pay Day	I-7
Deductions	I-8
Overtime	I-8
BENEFITS	
Holidays	I-8
HEALTH AND DISABILITY INSURANCE	
Health and Disability Insurance	I-8
Change of Health Benefit Status	I-9
Vacation	I-9
Sick Leave	I-9
Personal Emergency	I-10
Failure to Return from Leave of Absence	I-10
Absence for Examination	I-10
Employee Complaints or Grievances	I-10
Employee Organizations	I-10

REPORTING INDUSTRIAL ACCIDENTS	I-10
RESIGNATION/RETIREMENT	
Resignation.....	I-11
Retirement.....	I-11

TABLE OF CONTENTS

Section II

PROFESSIONAL MATTERS

Relationships with School Districts	II-1
Endorsements	II-1
Employee Organizations’ Right to Access.....	II-1
Child Abuse and Dependent Adult Abuse Reporting Requirements.....	II-1
Complaints Concerning School Personnel	II-2
Uniform Complaint Policy	II-2
Equal Opportunity	II-2
Sexual and Gender-Based Harassment.....	II-3
Use of Copyrighted Materials	II-3
Use of Office Equipment and Supplies	II-3
Tobacco Free Schools/Sites	II-3
Dress/Grooming	II-3

PROCEDURE REGARDING AIDS	II-3
---------------------------------------	------

PAYROLL

125 Plan.....	II-4
---------------	------

INSURANCE

Liability Insurance	II-5
Automobile Liability Insurance	II-5
Personal Property at Work	II-5
Pets.....	II-5

REPORTING INDUSTRIAL ACCIDENT OR ILLNESS	II-6
---	------

EMERGENCY PREPAREDNESS	II-6
-------------------------------------	------

APPENDICES

Appendix A	Child Abuse and Dependent Adult Abuse Reporting	A-1
Appendix B	Legal Advisory	A-5
Appendix C	Complaints concerning School Personnel	A-8
Appendix D	Uniform Complaint Procedure (1501).....	A-12
Appendix E	Freedom from Sexual Harassment (4140).....	A-20
Appendix E-1	Adult Sexual and Gender-Based Harassment (4141)	A-25
Appendix E-2	Student Sexual and Gender-Based Harassment (5205)	A-31
Appendix F	Use of Copyrighted Material (4111.5).....	A-42
Appendix G	Use of Office Equipment and Supplies.....	A-51
Appendix H	Educational Internet Account – Acceptable Use Agreement.....	A-53
Appendix I	Tobacco-Free Schools/Sites – Marin County Smoking Cessation Programs and Resources.....	A-59

SECTION I

Walker Creek Ranch Employee Manual

THE BOARD OF EDUCATION AND THE SUPERINTENDENT

The Marin County Board of Education, operating under laws enacted by the state legislature, shapes the educational and operational policies of the Marin County Office of Education and is responsible to the people of Marin County. The seven members, citizens of our communities, are elected by their communities and serve for terms of four years. Terms of office are staggered and the Board of Education elections are held in November of the odd-numbered years.

Regular meetings of the Board of Education are open to the public and are held the 2nd Tuesday of each month at 7:00 p.m.

The Marin County Superintendent of Schools is an elected official of the county. The Superintendent advises the Board in the formulation of policies and is the chief administrative officer of the county school system. The Superintendent is responsible to the public for the general efficiency of the Marin County Office of Education, for the development and performance of the staff, and for the educational growth and developmental change of the pupils in their charge.

THE PERSONNEL COMMISSION

The Personnel Commission consists of three Commissioners and a Director of Personnel. It is a separate agency authorized by the Education Code. It is their responsibility to recruit, examine, and establish employment lists from which appointments are made as vacancies occur in the classified staff. The Commission classifies all positions, recommends salary schedules, and establishes rules and regulations concerning the administration of the Merit System.

The Commission, subject to cancellation or proper change, meets on the third Monday of each month at 5:00 p.m. at the Marin County Office of Education. Meetings are open to the public.

The rules and regulations of the classified personnel, which have been established by the Personnel Commission, are available for every employee of the Marin County Office of Education. Please refer to these for a more complete explanation of any of the benefits or regulations regarding your employment.

THE CLASSIFIED SERVICE

The Merit System assures that classified employees are selected, retained, dismissed, and promoted on the basis of merit and fitness, and that there is no discrimination because of race, color, age, gender, ethnicity, handicap, religion, or political affiliation, or marital status.

EXAMINATIONS

In order that the best-qualified people available to fill job vacancies are secured, competitive examinations are given. In this way all persons who have the basic requirements of education and experience have an equal opportunity to compete for available openings. Names of all qualified applicants, who successfully complete the examination for a given class of positions, are placed on an employment list from which appointments are made. Whenever practicable, vacancies are filled by promotion.

APPOINTMENTS

When a vacancy occurs, the Personnel Department certifies to the supervisor the top three ranking names from the employment list for that job classification. The supervisor then makes the selection of the person to fill the vacancy subject to the approval of the Superintendent.

PROBATIONARY PERIOD

The first six months of your regular employment in a classification will be a probationary period. During this time you have an opportunity to demonstrate your ability to perform the duties of your job efficiently. This probationary period must be served in promotional assignments as well as for entrance assignments.

If your work has been satisfactory, and if you made good progress during the probational period, you may then become a permanent employee.

As a permanent employee, you have the obligation of continuing to perform the duties of your position in a satisfactory manner and in return are guaranteed certain privileges and rights, among which are:

1. Protection against unfair suspension, demotion, or dismissal
2. Privilege of competing in promotional examinations for a better position
3. Consideration of progressive salary advancement through the five steps of the salary schedule
4. Vacations
5. Health/Welfare Benefits
6. Leaves of Absence
7. Retirement

STATUS OF EMPLOYEES

REGULAR EMPLOYEES

There are two types of regular employees--probationary and permanent.

Probationary employees are those who have not completed the probationary period for a certain classification.

Permanent employees are those who are lawfully retained in a position after the completion of a probationary period.

TEMPORARY EMPLOYEES

Limited-term employees are those employed for periods not to exceed six months, or employed during the authorized absence of a permanent employee.

Provisional employees are those employed on a temporary appointment in the absence of an appropriate employment list, not to exceed 90 working days, except in special circumstances. These persons must compete and rank on the eligibility list in order to be considered for regular appointment.

FINGERPRINTS

Every new employee must submit to the fingerprint check upon employment. No new employee shall begin working for the office until the results from a fingerprint screening process have been received.

CHEST X-RAY OR SKIN TEST FOR TB

As a new employee, you must submit proof that you have undergone a test for tuberculosis. After employment you are required to undergo an examination at least once every four years.

NOTE: Failure to meet either of the fingerprinting or tuberculosis requirements may result in your suspension or dismissal.

OATH OF OFFICE

Prior to your employment you will be required to sign an "Oath of Office" form for public employees as required by the California State Constitution.

YOUR RESPONSIBILITIES

The Marin County Office of Education expects you to be a productive worker carrying your full share of the load; to be punctual, dependable, courteous; to perform a full day's work for a full

day's pay; to act in such a way that you will do your part in maintaining the respect of the community for those working in the public schools.

I-3

As an employee of the Marin County Office of Education and Walker Creek Ranch you are responsible to understand and abide by all guidelines and policies as outlined in this handbook and as otherwise provided to you.

WALKER CREEK RANCH EMPLOYEE GUIDELINES AND POLICIES

1. All staff, students, visitors, and guests shall abide by all Municipal, State, and Federal laws and ordinances.
2. Walker Creek Ranch is a zero tolerance facility. Any use or possession of any illegal substance or illegal activity will be prosecuted to the full extent of the law. Staff participating in illegal activities are subject to disciplinary action, up to and including termination.
3. All staff, students, visitors, and guests shall abide by all MCOE and Walker Creek Ranch Policies/Guidelines, Rules and Regulations.
4. Resident staff is responsible for the activities of their guests and to insure they abide by the Ranch Rules and Regulations.
5. Alcoholic beverages may not be served or consumed on Ranch/School property when students are present.
6. Alcohol may not be consumed by "On Duty" staff in the buildings and on the grounds of Walker Creek Ranch.
7. Under no circumstances shall alcohol be consumed by persons under the age of 21.
8. Alcohol may be consumed in private residences by "Off Duty" staff and their guests.
9. Alcohol may be consumed by an adult (21 years or older) "Off Duty" staff person when participating in or invited to a conference activity.
10. Public nudity is prohibited on Ranch property.
11. Possession of firearms is prohibited on Ranch property.
12. Fireworks are prohibited on Ranch property.

INTERNET AND SOCIAL MEDIA POLICY

Marin County Office of Education and Walker Creek Ranch employees are prohibited from:

- Posting any photographic images and/or videos of students or campers at Walker Creek Ranch online using personal or public websites, without obtaining prior written approval from parents, guardians and a supervisor.
- Initiating contact with students or campers under 18 years of age on social networking sites, without obtaining prior written approval from parents, guardians and a supervisor.
- Initiate personal interaction with students or campers outside of camp without obtaining prior written approval from parents, guardians and a supervisor. This includes calling, texting, emailing, and comments on social network sites.

Any violation of the above directives may result in disciplinary action up to and including termination, in addition to possible personal liability around legal action taken by parents or guardians.

STAFF ON-LINE PROFILE INFORMATION

All Marin County Office of Education / Walker Creek Ranch employees must recognize and understand that they are role models for students and campers at all times, and that they represent public education in Marin County. Employee public profile information, comments, photos, etc. should be posted accordingly, with the understanding that parents, students or campers may view them.

FOOD USE POLICY

Staff on shift may eat leftovers, if available, after students/guests have been served, during their meal break. Outdoor Education Naturalists and Interns are provided meals throughout the school week (Monday dinner through Friday lunch) as part of their program duty. Leftovers, if available go to Interns, on site for the weekend, on Friday. Interns will pick up leftovers by noon on Friday.

Leftovers not consumed by staff on shift, as outlined above, will be placed in the reach-in for consumption by staff for a reasonable period of time within health/safety standards. Leftovers not consumed by staff will be composted or otherwise utilized by the Ag. Ed. Program. **No food or supplies of any kind are to be taken off the Ranch for personal use.**

Staff may not take food from conference buffet lines. Leftovers from the most recent meal will be available to staff on the kitchen counter for 15 minutes after the meal is completed. Leftovers available to staff will be stored on the bottom shelf of the reach-in.

At times the Ranch may have work related guests that are authorized to go through the buffet line for meal service when prior arrangements have been made with the Food Services Manager. While Camp Soulajule is operating Monday through Friday Camp Staff may take food from the buffet lines.

I-4

EQUIPMENT AND SUPPLIES USE POLICY

- 1. Ranch tools and equipment cannot be taken off the Ranch for personal use at any time.**
2. Ranch supplies, i.e. custodial supplies, hardware etc., may not be used for personal purposes or taken off the Ranch at any time.
3. Items to be thrown out or disposed of as surplus are not available to staff and must be disposed of properly.

STAFF OVERNIGHT POLICY

- 1. Non-residential Staff who are scheduled to work a late shift and then an early morning shift can overnight in Ranch Facilities if available and such use is authorized by the Ranch Manager or designee.**
2. Staff may overnight in other circumstances as deemed appropriate by the Ranch Manager or

designee.

TOBACCO USE POLICY

- 1. Use of tobacco products by Staff is prohibited at all times on the Marin County Office of Education Property including Walker Creek Ranch.**
2. Staff wanting to use tobacco products during their shift and meal breaks must leave the property to use such products.
3. Use of tobacco products is permitted in designated residences provided to Staff at Walker Creek Ranch.

YOUR OPPORTUNITIES

You may expect fair treatment, good working conditions, equitable salary, and greater job security than is the case in many private businesses or industries. While you have no legal guarantee of job permanency, you may be assured that you may remain in the employ of the office as long as your job exists and your services are satisfactory, until retirement, or until you resign.

PUBLIC RELATIONS

Good public relations are vital to every employee's job. No matter what position you hold, you are a representative of, and a spokesperson for, the office. The people with whom you come in contact, both on and off the job, will form opinions about the office and school system through observation of your conduct and attitudes. These citizens, for whom you work and who pay your salary, have every right to expect your full courtesy, understanding, and cooperation. Only YOU can create and maintain the public's confidence and good will.

Always remember---no matter how small or insignificant a complaint, it is important to the person making the complaint and should be treated accordingly.

Your job is important--treat it kindly!

I-5

WORK HABITS AND ATTITUDES

Directly, or indirectly, all of your work is for the purpose of serving the children of Marin County. Cooperation and courtesy are necessary at all times. Be prompt both in reporting for work and in completing your assigned work.

HOURS OF WORK

Employees are assigned and paid on the basis of their hours of employment. There are some employed on a part-time basis.

Employees work shifts will be assigned on a weekly basis. Normally the assignments will be posted on Wednesday for the following week. Assignments may be adjusted due to unforeseen circumstances up to forty-eight (48) hours prior to the assignment.

A week is defined as five consecutive or non-consecutive days, Sunday through Saturday.

If you need to leave during the working day, obtain permission from your supervisor before leaving.

REPORTING ABSENCES

If you are unable to report for work, notify, or have someone notify your supervisor or other authorized person as soon as possible by calling the Ranch office at 491-6000. This should be done daily if absence continues.

CONFIDENTIAL INFORMATION

In the course of your work, you may have access to information about school business, pupils, tests, and records, which should be regarded as either restricted or confidential. Except for information, which has been designated for public distribution, it is best to refer most inquiries to your supervisor or department head, or to the particular department involved.

Remember...always be sure before you release information, which may be personal or confidential. If you are not sure, check the regulations with your supervisor or Ranch Program Manager.

DRESS

Attire should be appropriate and in good taste. In some instances employees will be expected to wear clothing, which meet health sanitation and safety needs.

COFFEE BREAKS

Employees have a 15 minute rest period twice during each work shift. Typically these breaks are taken mid-morning and again mid-afternoon. You are expected to take this time for relaxation. Should the rest periods not be taken, such time may not be used to lengthen lunch periods or shorten the work day, nor may the rest period be used to make up for lost time.

I-6

CHANGE OF NAME OR ADDRESS

Any change in status should be immediately reported to the Ranch office so that your files may be kept up-to-date.

PERSONAL PHONE CALLS

The telephones are for the sole purpose of conducting Ranch office business.

SECURITY

As an employee of the Ranch, you are working for a branch of the government of the state of

California. All supplies and equipment in the buildings are public property; therefore, misuse, theft, or willful destruction of such property is a serious offense.

If you are required to work other than regular working hours, a key and may be issued to you. Extreme care must be exercised against loss of the key and against illegal permission for unauthorized persons to enter the buildings. When you leave the employ of the Ranch, your key must be returned to the Ranch office.

LOITERERS

Be alert to the presence of strangers on the Ranch. Do not hesitate to inquire as to the name or business of any person found on the grounds or in the buildings whom you feel is not visiting in an official capacity.

OUTSIDE EMPLOYMENT

If you are employed on a full-time basis, you are required to devote full time to the duties and responsibilities of your position. Any outside interests of a business nature you may have must be handled entirely outside the assigned workday.

Employees are permitted to do other work outside the office or to hold part-time jobs with other employers providing that such supplementary employment does not become a contributing cause of poor health, reduced physical or mental energies, impairment of job efficiency, or cause embarrassment to the Ranch.

YOUR SALARY

ANNIVERSARY DATE

The date upon which an employee is granted an earned salary increment is the anniversary date. After successful completion of your probationary period, salary progression is granted annually.

PAY DAY

As a regular employee you will be paid on a monthly basis. Payroll checks (salary warrants) are normally issued on the last working day of each month. Your check or automatic deposit receipt is available at the Marin County Office of Education on payday. If it is not picked up by 3:30 p.m. on payday it will be mailed.

I-7

DEDUCTIONS

The following deductions are automatically made: Withholding taxes, OASDI (Social Security and Medicare), State Disability, Retirement and CSEA Membership.

The following deductions may be made at your request: Credit Union loans; payroll savings; health, salary, and life insurance; professional dues; tax sheltered annuities; United Way; and savings bonds.

OVERTIME

The Ranch discourages overtime work except in an emergency or when the public interest requires it. All overtime must have prior approval.

Your authorized overtime shall be paid at a rate equal to one and one-half for each hour worked or will be given compensatory time off at the same rate. Compensatory time off must be used within the same pay period as earned.

BENEFITS

HOLIDAYS

January 1	New Year's Day
January (3 rd Monday)	Martin Luther King, Jr. Day
February 12	Lincoln Day*
February (3 rd Monday)	Washington Day*
May (last Monday)	Memorial Day
July 4	Independence Day
September (1 st Monday)	Labor Day
September 9	Admission Day (to be taken on December 31)
November 11	Veteran's Day*
November (4 th Thursday)	Thanksgiving
November (4 th Friday)	Day after Thanksgiving
December 25	Christmas Day

* The actual holiday placement on the school calendar will be done yearly by the Superintendent/Governing Board.

HEALTH AND DISABILITY INSURANCE

Employees may be covered by health, dental, vision, and life insurance at no, OR NOMINAL, cost to them. Spouses and all unmarried, dependent children are also eligible for coverage at some cost to the employee. Membership is never automatic; an enrollment card is always required through the Personnel Department.

I-8

The plans available are:

1. Hospital medical through AETNA, Kaiser, PacifiCare, and Health Plan of the Redwoods.

2. Dental insurance through Delta Dental Plan.
3. Group life insurance and accidental death through Fortis Life Insurance.
4. Vision insurance through Vision Service Plan.
5. On a payroll deduction basis, additional optional benefit plans are available to classified personnel.

CHANGE OF HEALTH BENEFIT STATUS

Employees experiencing a family status change, i.e. birth, marriage, divorce, etc., which effects their benefit coverage, must notify the MCOE Personnel Department within thirty days (30) of the change to enroll or delete a dependent on their plan.

VACATION

Each full-time (8 hours per day, 12 months per year) employee shall accrue vacation leave with full pay according to the following schedule:

1. 12 working days per year until completion of three (3) years of service.
2. 14 working days per year until completion of five (5) years of service.
3. 17 working days per year until completion of ten (10) years of service.
4. 22 working days per year upon completion of ten (10) years of service.

Each part-time employee will receive vacation credit pro rata to full-time employees. Except in special cases, as determined by the Superintendent, no employee may take such leave until he has completed six months of continuous service. No employee shall accrue vacation leave for any period of leave without pay, absence without leave, or suspension.

Vacation leave may accumulate to a maximum of 30 working days of unused annual leave.

SICK LEAVE

At the beginning of each fiscal year, the sick leave "bank" shall be increased by the number of days of paid sick leave, which the employee would normally earn in the ensuing fiscal year. The unused sick leave shall be cumulative. New employees with probationary status may use no more than six days of sick leave during the first six months of employment. Doctor and dental appointments must be reported and charged against the employee's sick leave totals.

PERSONAL EMERGENCY

An employee may elect to use, not to exceed seven days in any one fiscal year, sick leave, which has been earned for personal necessities such as:

Accident involving the employee or his property or persons or property of the employee's immediate family; witness duty; illness of children and/or spouse; and other specified items.

FAILURE TO RETURN FROM LEAVE OF ABSENCE

Failure to report for work within three days at the expiration or cancellation of an authorized leave of absence shall be considered abandonment of the position and the employee may be terminated.

ABSENCE FOR EXAMINATION

Every employee shall be permitted to be absent from his duties during working hours in order to take any examination for promotion in the Marin County Office of Education without deduction of pay, provided that he/she gives notice to his/her immediate supervisor.

EMPLOYEE COMPLAINTS OR GRIEVANCES

Issues of difference or dissatisfactions may sometimes arise in a relationship between employees or between employees and supervisors. If you feel you have a legitimate complaint, discuss the matter first with your supervisor, and if need be, the Ranch Program Manager or Director of Personnel. In some cases it may be necessary to follow procedures contained in your contract and/or Personnel Commission rules and regulations.

EMPLOYEE ORGANIZATIONS

All employees have complete freedom in selecting the organizations, professional or otherwise, which they may wish to join, except those organizations specifically prohibited by law.

REPORTING INDUSTRIAL ACCIDENTS

When an employee reports any work related injury or illness, an Employers Report of Occupational Injury or Illness form must be completed by the employee's supervisor who is management and sent to the Director of Personnel, for forwarding to the administrator for the Workers Compensation Self Insurance program of the Marin Schools Insurance Authority. It is illegal for an injured employee to complete and sign the form.

The report is for the protection of the employee, and to insure that benefits, which are due an employee, are received.

RESIGNATION

If you should decide to resign from your employment with the Ranch, you will be expected to give reasonable notice and to submit your letter of resignation at least two weeks prior to the date you wish to leave. Your letter of resignation should include a brief statement of your reason for leaving, and your final termination date.

This letter should be submitted to the Superintendent.

RETIREMENT

Monthly contributions to the Public Employees' Retirement System (PERS) are made by payroll deduction at the established rate of your total salary, exclusive of overtime.

If you leave the employment of the Marin County Office of Education before retiring, either to take a job with an employer who is not covered by the System or to remain at home, your contributions may be refunded with earned interest. If you have a total of five years of credited service with one or more employers covered by the Public Employees' Retirement System, you have the right to leave your contributions on deposit in return for a retirement allowance when you reach retirement age.

If you have worked for less than five years, your contributions, with earned interest, must be refunded to you in a lump sum.

Interest is paid to the last day of the preceding fiscal year. Contributions withdrawn as of July 1 will, therefore, receive all accumulated interest. Those withdrawn as of June 29 would, in effect, lose a year's interest.

SECTION II

PROFESSIONAL MATTERS

Relationship with School Districts The Marin County Office of Education provides services to the public school districts of Marin. Marin County Office of Education staff members have no direct authority over a local school district board of trustees, its administrators or teachers. We may advise, suggest or recommend proper action based on the provisions of the Education Code, Administrative Code, legal opinions, and State Superintendent's directives. Certain code requirements may be enforced through proper channels.

Staff members of the Marin County Office of Education must refrain from involvement in controversial issues within, or among, school districts. Staff members should not, unless specifically requested by the County Superintendent of Schools, appear at school board meetings called to air grievances within the district. If requested by district personnel to appear at a district board meeting, staff should first consult with their immediate supervisor.

Endorsements Employees are free to give their personal endorsement for educational materials. Permission to use job titles and the name of the Marin County Office of Education with endorsements must be requested from the Superintendent. Individual endorsements should in no way imply endorsement by the Superintendent/ Governing Board, Marin County Office of Education, or staff.

Employee Organizations' Right to Access In accordance with Government Code Section 3543, our employee organizations, Marin County Educators Association (MCEA) and California School Employees Association (CSEA) have the right of access at reasonable times and subject to reasonable regulation, to the use of audio/visual mail service, bulletin boards and facilities for the purposes of meetings, and other means of communication.

If there are any questions regarding employee organizations' right to access, please contact the Director of Personnel.

Child Abuse and Dependent Adult Abuse Reporting Requirements California law requires that school employees who fall within certain statutorily defined categories be familiar with the laws relating to child abuse and dependent adult abuse reporting requirements. New employees must sign a statement signifying that they have knowledge of the reporting requirements and will comply with them (Penal Code, Section 11166.5 and Welfare and Institutions Code, Section 15630). As a mandated reporting certificated employee, you should read the materials below and the appropriate code sections (see Appendix A) which explain your responsibilities and the procedures regarding reporting any suspected instances of child and dependent adult abuse.

Penal Code Section 11166.5 and Welfare and Institution Code Section 15630 make the following requirements of any child and dependent adult care custodian medical practitioner, non-medical practitioner or employee of a child protective agency: If, within their professional

capacity or within the scope of their employment they have knowledge of or observe a child whom they know or reasonably suspect has been a victim of abuse, they must report such known or suspected instance to the respective child protective agency or adult protective agency immediately or as soon as practically possible. This report should be by telephone with a written report thereof prepared and sent within 36 hours of receiving the information concerning the incident.

To make a report call Child Protective Services at 499-7153 and they will advise you as to the next steps. You may also call this number even if you are unsure that a report is necessary, they will advise you. When making a referral to Child Protective Services, you may also want to consult with your supervisor.

GUIDELINES FOR PARENTS TO REPORT SUSPECTED CHILD ABUSE BY SCHOOL DISTRICT EMPLOYEES OR OTHER PERSONS AGAINST A PUPIL AT A SCHOOL SITE are available at the Marin County Office of Education (see Appendix B).

Complaints Concerning School Personnel It is the policy of the Superintendent/Governing Board to support employees in such a manner that they are not subject to unnecessary criticism and complaints.

The Superintendent has developed procedures, which permit parents or guardians of pupils to lodge complaints against staff members. Such procedures insure complete investigation and disposition of all complaints while protecting the rights of staff members and the Marin County Office of Education. These procedures are available at the Marin County Office of Education (see Appendix C).

Uniform Complaint Policy The Superintendent/Governing Board recognizes that the Marin County Office of Education (MCOE) has primary responsibility for insuring that it complies with state and federal laws and regulations governing educational programs operated by the Marin County Office of Education. The Superintendent shall follow uniform complaint procedures pursuant to state regulations when addressing complaints alleging unlawful discrimination on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability or failure to comply with the law in any of the programs operated by the Marin County Office of Education. These procedures are available at the Marin County Office of Education (see Appendix D).

Equal Opportunity The Marin County Office of Education does not discriminate and is committed to and will afford equal employment opportunity to all applicants and employees without regard to race, religion, color, national origin, ancestry, physical handicap, medical condition (cancer related), sexual preference, marital status, age (over 40) and gender in compliance with California Administrative Code Title 2, Division 4, Chapter 5, Section 8104.

Sexual and Gender-Based Harassment It is the intent of the Superintendent/Governing Board that the Marin County Office of Education learning and working environments shall be free from sexual and gender-based harassment. It shall be a violation of policy for any member of the school community to harass any other member through conduct or communications of a sexual nature. Members of the school community include: staff, students, Board members and volunteers.

The Superintendent has prepared policies, administrative regulations and procedures to implement the policies regarding freedom from sexual and gender-based harassment for adults and students (see Appendix E, Appendix E-1 and Appendix E-2).

Use of Copyrighted Materials

It is the policy of the Superintendent/Governing Board that all materials, unless obviously in the public domain due to age, specific notice, or government publication, shall be treated as copyrighted. Employees will uphold the copyright law.

The Superintendent has developed regulations and procedures for the use of copyrighted materials (see Appendix F).

Use of Office Equipment and Supplies

The purpose of all office equipment and supplies belonging to the Marin County Office of Education is to facilitate the work being done on behalf of the children, parents, districts, and community. To facilitate employees' acceptable use of office equipment and supplies, the Superintendent has developed a list of terms and conditions for acceptable use. Specific guidelines for acceptable use of Education Internet Account has also been developed (see Appendix G and Appendix H).

Tobacco-free Schools/Sites

The Marin County Office of Education recognizes the health hazards associated with the use of tobacco products, and desires to provide a healthy environment for those individuals the office serves. The Superintendent/Governing Board has developed Administrative Regulations and Procedures to support tobacco-free schools/sites (see Appendix I).

Dress/Grooming

The Marin County Office of Education expects employees to dress and groom in a professional manner.

PROCEDURE REGARDING AIDS

Procedure Regarding AIDS The information about Acquired Immune Deficiency Syndrome (AIDS) is constantly changing and the factors surrounding each situation are varied. To enable us to make wise decisions in the best interests of all concerned, the following procedure is to be used when a staff member becomes aware of a student or an employee who is afflicted with AIDS and the employee or adult student, or parent of a minor child, has consented in writing to further disclosure of the information.

1. Immediately contact your supervisor who will notify the Assistant Superintendent of your division.
2. Maintain complete confidentiality of all information connected with the situation. For the protection of the individual, do not discuss the situation with anyone except your supervisor.
3. Do not make any decisions or take any action regarding students or staff until directed to do so by your supervisor.

All decisions will be made by the Superintendent. Decisions will be made on a case-by-case basis, considering such factors as the individual's health status, medical, legal, and other considerations. The case will be reviewed with the student's or employee's physician, public health professionals and the student's parents or the employee, the appropriate supervisor, Cabinet and the Marin County Office of Education's legal representative.

MAINTAINING CONFIDENTIALITY IS ABSOLUTELY ESSENTIAL. It has been proven to be extremely difficult to handle situations involving AIDS when confidentiality is lost.

PAYROLL

125 Plan. The Marin County Office of Education has adopted a Section 125 Flexible Benefit Plan for its eligible employees through American Fidelity Assurance Company. The plan enables employees to utilize "pre tax" dollars to pay for certain benefits that may have previously been paid for with "after tax" dollars. The following insurance products may be purchased under the Section 125 Flexible Benefit Plan:

medical	dependent medical	cancer coverage
dental coverage	disability income	vision
group life	accidental death/dismemberment	

The benefit election made during the enrollment period will remain in effect for the plan year (October-September). Family status changes, which allow employees to make mid-year changes, are as follows: Marriage, divorce, birth, death or adoption.

All full and part time employees working one or more hours are eligible. There are no fees for participation. If you are interested in participating, please contact the Personnel Department.

INSURANCE

Liability Insurance. The Marin County Office of Education carries a total of \$15,000,000 Liability Insurance which covers all employees for all activities within the scope of their employment.

Automobile Liability Insurance In the event an employee is liable for injuries or damages suffered in a car accident while on Marin County Office of Education business, the employee's personal automobile insurance carrier will cover the loss up to the full limit of the employee's policy, and then the Office of Education coverage will pay additional damages up to the limit of the Office of Education's policy.

THE EMPLOYEE'S POLICY IS PRIMARY, and each employee should maintain liability coverage of no less than \$300,000 for bodily injury.

Employees of the Marin County Office of Education have liability insurance under the Office of Education's policy for automobile accidents which occur within the scope of employment. The coverage provided under the Office of Education's policy applies only after the employee's personal liability coverage has been exhausted.

DAMAGE TO AN EMPLOYEE'S VEHICLE is not covered by the Marin County Office of Education insurance. If the employee maintains collision and comprehensive coverage, damage to an employee's vehicle will be paid by the employee's policy; if the employee does not maintain such coverage, damage to the employee's vehicle will be repaired at the employee's expense.

The exception to this is in cases in which the Office of Education negligently damages the employee's vehicle (e.g. school bus driver negligently collides with an employee's vehicle).

DO NOT RELY ON THE MARIN COUNTY OFFICE OF EDUCATION FOR AUTOMOBILE INSURANCE!

Personal Property at Work If an employee has suffered a loss of personal property and believes he/she has a claim, he/she should file that claim with the Marin County Office of Education insurance carrier through the Business Office.

An employee's personal insurance is the primary source of recovery in event of damage to an employee's property while at work.

Only if the Marin County Office of Education is negligent and/or legally liable for loss of or damage to an employee's property will the Marin County Office's liability insurance coverage reimburse the employee for such loss.

Pets Employees may not bring pets to their work location. If there are any questions, please contact your Assistant Superintendent.

REPORTING INDUSTRIAL ACCIDENTS

Reporting of Industrial Accidents or Illness When an employee reports any work related injury or illness, an Employers Report of Occupational Injury or Illness form must be completed by the employee's supervisor who is management and sent to the Director of Personnel, for forwarding to the administrator for the Workers Compensation Self Insurance program of the Marin County Insurance Authority. It is illegal for an injured employee to complete and sign the form. The report is for the protection of the employee, and to insure that benefits, which are due an employee, are received.

EMERGENCY PREPAREDNESS

California State Government Code, Title 1, Division 4, Chapter 8, Section 3100 "*Declaration: Public Employees as Disaster Service Workers*" reads:

"It is hereby declared that the protection of the health and safety ... is of paramount state importance ... all public employees are hereby declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by the law."

This means that as a public school employee, you are a Disaster Service Worker. In addition to your everyday duties, you have the extremely important duty of assisting during disasters.

School employees on duty at the time of a major disaster may be incorporated into the disaster response immediately. School employees not on duty at the time of a major disaster may be called into work to accept a disaster response assignment. Therefore, all school employees should take advance precautions to assure the safety of their homes and families, and to be comfortable during a prolonged duty assignment.

APPENDICES

7.8.13 UPDATE
With BP 5205/4141

CHILD ABUSE AND DEPENDENT ADULT ABUSE REPORTING REQUIREMENTS

California law requires that school employees who fall within certain statutorily defined categories be familiar with the laws relating to child abuse and dependent adult abuse reporting requirements. As a condition of employment you must sign a statement signifying that you have knowledge of the reporting requirements and will comply with them (Penal Code, Section 11166.5) and Welfare and Institutions Code, Section 15630).

Please read the material below and on the attached pages which explains your responsibilities regarding reporting any suspected instances of child and dependent adult abuse and the procedures for doing so. After you have done so, sign as indicated on the form.

Receipt and Acknowledgment of Child Abuse Reporting Requirements

Section 11166 of the Penal Code and Section 15630 of the Welfare and Institution Code require any child and dependent adult care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of abuse to report such known or suspected instance to a child protective agency or adult protective agency respectively immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

On the attached pages are copies of Penal Code Section 11166 and Welfare and Institution Code, Section 15630, which explain the procedure for reporting.

* * * * *

I have read the attached Penal Code Section 11166 and Welfare and Institution Code Section 15630 and I agree to comply therewith.

(Employee's Name – Please Print)

Date

Employee's Signature

WELFARE & INSTITUTIONS CODE SECTION 15630

(a) Any dependent adult care custodian, health practitioner, or employee of a county adult protective services agency or a local law enforcement agency, who in his or her professional capacity or within the scope of his or her employment, either has actual knowledge that a dependent adult has been the victim of physical abuse, or observed physical injury to a dependent adult under circumstances that are consistent with physical abuse, where the dependent adult's statements, or in the case of persons who have developmental disabilities, their statements or other corroborative evidence, indicate that abuse has occurred, shall report the known or suspected instance of physical abuse to the county adult protective services agency, or a local law enforcement agency immediately or as soon as possible by telephone, and shall prepare and send a written report thereof within 36 hours.

(b) Any care custodian, health practitioner, or employee of an adult protective services agency or local law enforcement agency who has knowledge of or reasonably suspects that other types of dependent abuse have been inflicted upon a dependent adult or that his or her emotional well-being is endangered in any other way, may report such known or suspected instance of abuse to an adult protective services agency or local enforcement agency.

(c) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of abuse of a dependent adult, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(d) The reporting duties under this section are individual, and, no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established, provided they are not inconsistent with the provisions of this chapter.

(e) An adult protective services agency shall immediately or as soon as practically possible report by telephone to the law enforcement agency having jurisdiction over the case and to any public agency given responsibility for investigation in that jurisdiction of cases of dependent adult abuse, every known or suspected instance of dependent adult abuse. A county probation or welfare department shall also send a written report thereof within 36 hours of receiving the information concerning the incident to each agency to which it is required to make a telephone report under this subdivision.

A law enforcement agency shall immediately or as soon as practically possible report by telephone to the county welfare department and the agency given responsibility for the investigation of cases of dependent adult abuse every known or suspected instance of abuse of a dependent adult. A law enforcement agency shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

PENAL CODE SECTION 11166. REPORT; DUTY; TIME

(a) Except as provided in subdivision (b), any child care custodian, medical practitioner, or employee of a child protective agency who has knowledge or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain such a suspicion based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse.

(b) Any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of or who reasonably suspects that mental suffering has been inflicted on a child or his or her emotional well-being is endangered in any other way, may report such known or suspected instance of child abuse to a child protective agency.

(c) Any commercial film or photographic print processor who has knowledge of or observes within the scope of his or her professional capacity or employment, any film, video tape, negative or slide depicting a child under the age of 14 years engaged in an act of sexual conduct, shall report such instance of suspected child abuse to the law enforcement agency having jurisdiction over the case immediately or as soon as practically possible by telephone and shall prepare and send a written report of it with a copy of the film, photograph, video tape, negative or slide attached within 36 hours of receiving the information concerning the incident. As used in this subdivision, "sexual conduct" means any of the following:

- (1) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.
- (2) Penetration of the vagina or rectum by any objects.
- (3) Masturbation, for the purpose of sexual stimulation of the viewer.
- (4) Sadoomasochistic abuse for the purpose of sexual stimulation of the viewer.
- (5) Exhibition of the genitals, pubic or rectal areas of any person for the purpose of sexual stimulation of the viewer.

(d) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of abuse may report the known or suspected instances of child abuse to a child protective agency.

(e) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by such selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so, shall thereafter make the report.

(f) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to

any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with the provisions of this article.

(g) A County probation or welfare department shall immediately or as soon as practically possible report by telephone to the law enforcement agency having jurisdiction over the case to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse as defined in Section 11165, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A county probation or welfare department shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

A law enforcement agency shall immediately or as soon as practically possible report by telephone to the county welfare department the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse reported to it, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A law enforcement agency shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

WILLIAM D. DAWSON
ACTING STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

LO: 3-93
THIS LEGAL ADVISORY
REPLACES LO: 2-93
DATED MAY 3, 1993.
PLEASE DESTROY LO: 2-93.

LEGAL ADVISORY

DATE: May 14, 1993

CALIFORNIA STATE DEPARTMENT OF EDUCATION

CONTACT: Carolyn Pirillo
Gregory J. Roussere

721 Capitol Mall, Sacramento, CA 95814

PHONE: (916) 657-2453

TO : County and District Superintendents of Schools

FROM : Office of the General Counsel
Legal and Audits Branch

SUBJECT : GUIDELINES FOR PARENTS TO REPORT SUSPECTED CHILD ABUSE
BY SCHOOL DISTRICT EMPLOYEES OR OTHER PERSONS AGAINST
A PUPIL AT A SCHOOL SITE

INTRODUCTION

AB 2232 (Statutes of 1991, Chapter 1102) requires that the California Department of Education (CDE) prepare guidelines for dissemination by school districts or county offices of education to parents or guardians to advise them of procedures for reporting abuse of a child by a school district employees or other persons that occurs at a school site.

The information on the procedures to report child abuse shall be available upon the request of a parent or guardian and must be printed in the primary language of the parent or guardian. School districts may also distribute this information to parents.

AB 2232 also requires that local child protective agencies investigate and report substantiated incidents to the governing board of school districts or county offices of education.

This advisory will provide the definition of child abuse and identify the responsible agencies for parents to report suspected child abuse.

WHAT IS CHILD ABUSE AND WHAT IS NOT CHILD ABUSE

The following information, taken from Penal Code sections 273a, 273d, and 11165.6, will assist parents or guardians in reaching the decision whether to file a complaint of suspected child abuse.

Child abuse is a physical injury which is inflicted by other than accidental means on a child by another person.

It also means the sexual abuse of a child.

It also means willful cruelty or unjustifiable punishment of a child, or willfully inflicting unjustifiable physical pain or mental suffering, or failure to safeguard a child from these injuries when the child is under a person's care or custody.

It also means unlawful corporal punishment or injury resulting in a traumatic condition.

Child abuse also means neglect of a child or abuse in out-of-home care. (Out-of-home care is defined in Penal Code Section 11165.5 as a situation where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency.)

Child abuse does not mean a mutual affray or fight between minors.

It also does not include an injury caused by the actions of a peace officer using reasonable and necessary force:

- 1) To quell a disturbance threatening physical injury to persons or damage to property;
- 2) To prevent physical injury to person or damage to property;
- 3) For purposes of self-defense;
- 4) To obtain possession of weapons or other dangerous objects within the control of a child; or
- 5) To apprehend an escapee.

In addition, child abuse does not include injury caused by any force that is reasonable and necessary for person employed by or engaged in a public school:

- 1) To stop a disturbance threatening people or damage to property;
- 2) For purposes of self-defense; or
- 3) To obtain possession of weapons or other dangerous objects within control of a pupil (see Education Code sections 44807 and 49001).

HOW TO FILE A COMPLAINT OF CHILD ABUSE BY SCHOOL DISTRICT EMPLOYEES OR OTHERS AT SCHOOL SITES

The parent or guardian of a pupil has the right to file a complaint against a school district employee or other person that they suspect has engaged in abuse of a child at a school site.¹

To ensure that an appropriate investigation takes place, the parent or guardian must file a verbal or written complaint with the local child protective agency, school district or county office of education.

As defined in the Child Abuse and Neglect Reporting Act of 1987, a child protective agency is:

- 1) A police or sheriff's department;
- 2) A County probation department; or
- 3) A county welfare department/child protective services.

These agencies are listed in local telephone directories under government listings. Police will be found under city government listings; sheriffs, probation, welfare departments and child protective services will be found under county government listings.

The local child protective agency shall investigate the complaint (Penal Code Section 11165.14). If the complaint is substantiated, the local child protective agency is required to forward a copy of the investigation report to the governing board of the local school district or county office of education (Penal Code Section 11165.14).

Child protective agencies are also required to report every known or suspected instance of child abuse to the law enforcement agency having jurisdiction over the case and to the district attorney (Penal Code Section 11166(g)).

NOTICE

THE GUIDANCE IN THIS ADVISORY IS NOT BINDING ON LOCAL EDUCATIONAL AGENCIES OR OTHER ENTITIES. EXCEPT FOR THE STATUTES AND REGULATIONS THAT ARE REFERENCED HEREIN, THIS ADVISORY IS EXEMPLARY, AND COMPLIANCE WITH IT IS NOT MANDATORY. (See Education Code § 33308.5)

¹ In addition, if the child is also disabled and enrolled in special education, a separate complaint may be filed with the CDE under Title 5 of the California Code of Regulations, section 4650(a)(vii)(C). This state regulation requires the CDE to investigate allegations that the child may be in immediate physical danger or that the health, safety, or welfare of the child is threatened.

- 4000 PERSONNEL
- 4100 ALL PERSONNEL
- 4130 COMPLAINTS
- 4131 COMPLAINTS CONCERNING SCHOOL PERSONNEL**

It is the policy of the Superintendent/Governing Board to support employees in such a manner that they are not subject to unnecessary criticism and complaints.

The Superintendent shall develop procedures, which permit parents or guardians of pupils to lodge complaints against staff members. Such procedures shall insure complete investigation and disposition of all complaints while protecting the rights of staff members and the Marin County Office of Education.

References: Education Code 35160 – 35160.1

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education 8/10/99

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

COMPLAINTS CONCERNING SCHOOL PERSONNEL
(Board Policy 4131)

These administrative regulations and procedures shall not apply to a complaint, which arises, from the application and/or interpretation of Superintendent/Governing Board Policies 4112 and 4140 or any collective Bargaining Agreement.

DEFINITIONS

Complaint – A parent or guardian of pupils in Marin County Office of Education programs lodging a complaint against an employee.

Immediate Supervisor – The certificated or classified manager supervising the employee.

Working Day – A day on which the Marin county Office of Education is open for business.

MISCELLANEOUS PROVISIONS

The primary purpose of these procedures is to secure, at the earliest possible level, an equitable solution to a complaint.

Except as required by due process, all discussions, notes and other written documents pertaining to a complaint shall be kept confidential by all parties involved in this procedure.

Complainant and accuse may appear with a representative, if desired, at all levels.

In the event that the complaint fails to exhaust all remedies under complaint procedures provided herewith, or to abide by all time limits with respect to each level, the complaint shall be presumed to be abandoned, and the matter shall be considered settled in accordance with the last answer thereto. In the event any level fails to give its answer within time limits prescribed, the complainant shall have the right to proceed immediately to the next level. Any time limit may be extended by written mutual agreement of parties.

Any settlement of complaint shall be applicable to the complaint only, and shall not be binding authority for disposition of any other complaint.

PROCEDURE

Informal

1. Complainant should first discuss the issue with the person against whom the complaint is lodged.

2. In the event the matter is not resolved informally within a reasonable time, the complainant may appeal to Level 1.

Level I – Immediate Supervisor

1. The complaint shall be submitted in writing to the employee's immediate supervisor and a copy given to the employee involved. Failure of the complainant to put the complaint into written form will forfeit further consideration of the matter.
2. Within ten (10) working days after receipt of the complaint, the immediate supervisor shall investigate the complaint including giving the complainant and the employee a reasonable opportunity to be heard.
3. Within fifteen (15) working days after receiving the complaint, the immediate supervisor shall submit a decision in writing, together with supporting reasons, to the complainant and the employee.

Level II – Division Deputy/Assistant Superintendent

1. Within ten (10) working days after receiving the decision of the immediate supervisor, the complainant or employee may appeal the decision of Level I to the Division Deputy/Assistant Superintendent. The appeal shall be in writing and shall be accompanied by a copy of the decision at Level I.
2. Within ten (10) working days after receipt of the appeal, the Division Deputy/Assistant Superintendent shall investigate the complaint, including giving all persons who participated in Level I a reasonable opportunity to be heard.
3. Within fifteen (15) working days after receiving the appeal, the Division Deputy/Assistant Superintendent shall submit a decision in writing, together with supporting reasons, to the complainant, employee and immediate supervisor.

Level III – Superintendent/Governing Board

1. Within ten (10) working days after receiving the decision of the Deputy/Assistant Superintendent, the complainant or employee may appeal the decision of Level II to the Superintendent/Governing Board. The appeal shall be in writing, shall be accompanied by a copy of the decision at Level II and shall be delivered to the Superintendent.
2. At its next regularly scheduled meeting, in closed session, the Superintendent/Governing Board shall determine whether or not a hearing will be granted. If a hearing is granted, the date, nature and extent of the hearing shall be determined by the Superintendent/Governing Board. Unless requested otherwise by the employee, the hearing shall be held in closed session. If a hearing is not granted, the matter shall be considered settled in accordance with the last answer thereto.

3. Within twenty (20) days after the hearing, if granted, the Superintendent/Governing Board shall render its decision in writing, together with supporting reasons, to the complainant, employee and Division Deputy/Assistant Superintendent. The decision of the Superintendent/Governing Board shall be final.

1501

1000 COMMUNITY RELATIONS

1500 COMPLAINTS

1501 UNIFORM COMPLAINT PROCEDURES

The Superintendent/Governing Board recognizes that the Marin County Board of Education (MCOE) has primary responsibility for insuring that it complies with state and federal laws and regulations governing educational programs operated by the Marin County Office of Education. The Superintendent or his designee shall investigate and seek to resolve complaints at the local level, in accordance with applicable laws and administrative regulations.

The Superintendent or designee shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation and bullying against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, nationality and ethnicity, ancestry, national origin, religion, color, mental or physical disability, medical condition, genetic condition, marital status, age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any Marin County Office of Education program or activity that receives or benefits from state financial assistance. A statement that unlawful discrimination, harassment, intimidation and bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation and bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation and bullying. (5 CCR § 4630.)

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, and special education programs.

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the Marin County Office of Education's Williams uniform complaint procedure.

The Superintendent/Governing Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Superintendent/Governing Board acknowledges and respects every individual's right to privacy. Discrimination, harassment, intimidation and bullying complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process or to comply with contractual, statutory, or constitutional due process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to

carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.

The Superintendent/Governing Board prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination, harassment, intimidation and bullying. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Superintendent/Governing Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs.

Complainants have the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation and bullying laws. (5 CCR § 4622.)

References:

- cf. 0410 – Nondiscrimination in District Programs and Activities
- cf. 1312.1 – Complaints Concerning District Employees
- cf. 1312.2 – Complaints Concerning Instructional Materials
- cf. 3553 – Free and Reduced Price Meals
- cf. 4031 – Complaints Concerning Discrimination in Employment
- cf. 5141.4 – Child Abuse Prevention and Reporting
- cf. 5148 – Child Care and Development
- cf. 6159 – Individualized Education Program
- cf. 6171 – Title I Programs
- cf. 6174 – Education for English Language Learners
- cf. 6175 – Migrant Education Program
- cf. 6178 – Vocational Education
- cf. 6200 – Adult Education

Education Code:

- 200-262.4 – Prohibition of discrimination
- 8200-8498 – Child care and development programs
- 8500-8538 – Adult Basic Education
- 18100-18203 – School Libraries

32289 – School Safety Plan, Uniform Complaint Procedure
 35186 – Williams Uniform Complaint Procedure
 41500-41513 – Categorical Education Block Grants
 48985 – Notices in Language Other Than English
 49060-49079 – Student Records
 49490-49590 – Child Nutrition Programs
 52160-52178 – Bilingual Education Programs
 52300-52499.6 – Career-Technical Education
 52500-52616.24 – Adult Schools
 52800-52870 – School-Based Coordinated Programs
 54000-54028 – Economic Impact Aid Programs
 54100-54145 – Miller-Unruh Basic Reading Act
 54400-54425 – Compensatory Education Programs
 54440-54445 – Migrant Education
 54460-54529 – Compensatory Education Programs
 56000-56885 – Special Education Programs
 59000-59300 – Special Schools and Centers
 64000-64001 – Consolidated Application Process

Code of Regulations, Title 5:

3080 – Application of Section
 4600-4687 – Uniform complaint procedures
 4900-4965 – Nondiscrimination in Elementary and Secondary Education Programs

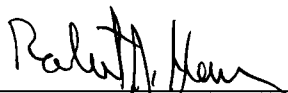
Penal Code:

422.6 – Interference with constitutional Right or Privilege

United States Code, Title 20:

6301-6577 – Title I Basic Programs
 6601-6777 – Title II Preparing and Recruiting High Quality Teachers and Principals
 6801-6871 – Title III Language Instruction for Limited English Proficient and Immigrant Students
 7101-7814 – Safe and Drug-Free Schools and Communities Act
 7201-7283g – Title V Promoting Informed Parental Choice and Innovative Programs
 7301-7372 – Title V Rural and Low-Income School Programs

Approved as to form:



Robert J. Henry, of Counsel

Approved by the
 Marin County Board of Education: 3/13/07; 7/10/12; 6/11/13

**MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE RULES AND REGULATIONS**

UNIFORM COMPLAINT PROCEDURES
(Board Policy 1501)

The Marin County Governing Board designates the following compliance officer to receive and investigate complaints and to ensure district compliance with law:

Deputy Superintendent

Marin County Office of Education
1111 Las Gallinas Avenue
San Rafael, CA 94903

(415) 499-5803

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

Notifications

The Superintendent or designee shall annually provide written notification of the Marin County Office of Education's uniform complaint procedures to students, employees, parents/guardians, school and district advisory committees, appropriate private school officials or representatives, and other interested parties.

The Superintendent or designee shall make available copies of the Marin County Office of Education's uniform complaint procedures free of charge.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies

4. Include statements that:
 - a. The Marin County Office of Education is primarily responsible for compliance with state and federal laws and regulations
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
 - c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
 - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision
 - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision

Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the district.

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.

Step 2: Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

Step 3: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

Step 4: Response

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below, within 60 days of the district's receipt of the complaint.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant.

Step 5: Final Written Decision

The district's decision shall be in writing and sent to the complainant.

The district's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

- a. The findings of fact based on the evidence gathered
- b. The conclusion(s) of law
- c. Disposition of the complaint
- d. Rationale for such disposition
- e. Corrective actions, if any are warranted
- f. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal
- g. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the district's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision.

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE:

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including cases in which the district has not taken action with 60 days of the date the complaint was filed with the district.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4522.

Approved by the Marin County Board of Education: 3/13/07; 7/10/12

4140

4000 PERSONNEL

4100 ALL PERSONNEL

4140 FREEDOM FROM SEXUAL HARASSMENT

It is the intent of the Superintendent/Governing Board that the Marin County Office of Education learning and working environments shall be free from sexual harassment. It shall be a violation of this policy for any member of the school community to harass any other member through conduct or communications of a sexual nature. Members of the school community include: staff, students, Board members, contracted employees, volunteers, and visitors.

Sexual harassment consists of unwelcome and repeated sexual advances, requests for sexual favors and other inappropriate conduct of a sexual nature when made by or between any member of the school community when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment, or when
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual, or when
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, offensive or otherwise detrimental environment.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Sexual harassment, as defined above, may include, but is not limited to, unwelcome and repeated:

1. Sex-oriented verbal "kidding", abuse or harassment;
2. Pressure for sexual activity;
3. Remarks or jokes to a person, with sexual or demeaning implications;

4000 PERSONNEL

4100 ALL PERSONNEL

4140 FREEDOM FROM SEXUAL HARASSMENT (concluded)

4. Touching, such as patting, pinching or brushing against another's body;
5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, employment status or similar personal concerns.
6. Display of written or printed material or electronically submitted material of a sexually explicit or pornographic nature.

The Superintendent shall prepare administrative regulations and procedures to implement this policy which shall include complete investigation and disposition of all complaints while protecting the rights of those involved.

Filing Complaints with State and Federal Agencies

Aggrieved parties may wish to file complaints with other appropriate state and federal agencies, including:

U.S. Office for Civil Rights
50 United Nations Plaza, Room 239, San Francisco, CA 94102 (415) 556-7000

The State Fair Employment and Housing Commission
30 Van Ness Avenue, San Francisco, CA 94102, (415) 557-2005.

Special Assistance

It is expected that questions may arise concerning this policy. For assistance in these matters, individuals may contact the Superintendent/ or designee.

References: Education Code 200, 210-212.5

Approved as to form:

Steve Raab
Deputy County Counsel

Approved by
Mann County Board of Education - 8/8/89; 6/24/97; 6/28/05

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

FREEDOM FROM SEXUAL HARASSMENT

(Board Policy 4140)

These administrative regulations and procedures shall not apply to a complaint which arises from the application and/or interpretation of Superintendent/Governing Board Policies 4112 and 4131 or any Collective Bargaining Agreement.

DEFINITIONS

Member of the School Community - An employee, Board member, volunteer, student or a student's parent/guardian acting on his/her behalf, contracted employee, and visitor.

Complainant - A member of the school community alleging that a violation of Policy 4140 has taken place.

Responsible Administrator/Manager - The certificated or classified manager supervising the program or department in which complainant is employed or volunteers, or the administrator of the program in which the student is enrolled.

Working Day - A day on which the Marin County Office of Education is open for business.

MISCELLANEOUS PROVISIONS

The primary purpose of these procedures is to inform members of the school community and to secure, at the earliest level possible, an equitable solution to a complaint.

To the extent permitted by applicable law and policies of the Marin County Board of Education, all discussions, notes and other written documents pertaining to a complaint shall be kept confidential by all parties involved in this procedure.

In the event that the complaint is against the individual responsible for the complaint procedure at any level, the complainant may address the complaint directly to the next level.

Complainant and accused may appear with a representative, if desired, at all levels.

There shall be no reprisals of any kind against any complainant or his/her authorized representative(s) because of his/her participation in the complaint process.

In the event the complainant fails to exhaust all remedies under complaint procedures provided herewith, or to abide by the time limits with respect to each level, the complaint shall be presumed to be abandoned as to the complainant. The Marin County Office of Education reserves the right to proceed with its own review and determination. In the event any level fails to give its answer within time limits prescribed, the complainant shall have the right to proceed immediately to the next level. Any time limit may be extended by written mutual agreement of parties.

6/24/97

STUDENT, STAFF AND VOLUNTEER PROCEDURE

Any settlement of a complaint shall be applicable to the complaint only, and shall not be binding authority for disposition of any other complaint and shall not preclude the Marin County Office of Education from pursuing its own determination and remedies.

InformalStudent

The student or his/her parent or guardian should first discuss the issue with the teacher. If the complaint is against the teacher, complainant should discuss the issue with the program administrator.

Staff, Volunteer, Contracted Employee, Visitor

The staff member, volunteer, contracted employee, or visitor should first discuss the issue with the person to whom they are responsible. If the complaint is against that person, complainant should discuss the issue with the person next higher in line of authority over the program or department in which the complainant serves. If the complaint is against the Superintendent or a Board member, complainant should discuss the issue with the Division Deputy/Assistant Superintendent.

In the event the matter is not resolved informally within a reasonable time, the complainant may appeal to Level I.

Level I - Immediate Supervisor

1. The complaint shall be submitted in writing to the immediate supervisor and a copy given to the accused. Failure of the complainant to put the complaint into written form will forfeit further consideration of the matter.
2. Within ten (10) working days after receipt of the complaint, the immediate supervisor shall investigate the complaint, including giving the complainant and the accused a reasonable opportunity to be heard.
3. Within fifteen (15) working days after receiving the complaint, the immediate supervisor shall submit a decision in writing, together with supporting reasons, to the complainant and the accused.

Level II - Division Deputy/Assistant Superintendent

1. Within ten (10) working days after receiving the decision of the immediate supervisor, the complainant or accused may appeal the decision of Level I to the Division Deputy/Assistant Superintendent. The appeal shall be in writing and shall be accompanied by a copy of the decision at Level I.

6/24/97

2. Within ten (10) working days after receipt of the appeal, the Division Deputy/Assistant Superintendent shall investigate the complaint, including giving all persons who participated in Level I a reasonable opportunity to be heard.

3. Within fifteen (15) working days after receiving the appeal, the Division Deputy/Assistant Superintendent shall submit a decision in writing, together with supporting reasons, to the complainant, accused and immediate supervisor.

Level III - Superintendent/Governing Board

1. Within ten (10) working days after receiving the decision of the Deputy/Assistant Superintendent, the complainant or accused may appeal the decision of Level II to the Superintendent/Governing Board. The appeal shall be in writing, shall be accompanied by a copy of the decision of Level II and shall be delivered to the Superintendent.

2. At its next regularly scheduled meeting, in closed session, the Superintendent/Governing Board shall determine whether or not a hearing will be granted. If a hearing is granted, the date, nature and extent of the hearing shall be determined by the Superintendent/Governing Board. Unless requested otherwise by both complainant and accused, the hearing shall be held in closed session. If a hearing is not granted, the matter shall be considered settled in accordance with the last answer thereto.

3. Within twenty (20) days after the hearing, if granted, the Superintendent/Governing Board shall render its decision in writing, together with supporting reasons, to the complainant, accused and Division Deputy/Assistant Superintendent. The decision of the Superintendent/Governing Board shall be final.

DISCIPLINE

1. A substantiated charge against a Marin County Office of Education employee or volunteer will subject such employee or volunteer to disciplinary action, up to and including dismissal.

2. A substantiated charge against a student in Marin County Office of Education programs will subject the student to disciplinary action, up to and including suspension or expulsion, consistent with student disciplinary policies.

BOARD MEMBER PROCEDURE

Level I

If the charge is against an employee, volunteer or student, the Board member should first discuss the issue with the Superintendent. If the complaint is against the Superintendent or another Board member, complainant should discuss the matter with the Board President. If the complaint is against the Board President, complainant should discuss the matter with the Board Vice President.

In the event the matter is not resolved at Level I, the complainant may appeal to Level III.
6/24/97

4000 PERSONNEL

4100 ALL PERSONNEL

4141 ADULT SEXUAL AND GENDER-BASED HARASSMENT

Purpose of Policy

It is the position of the Superintendent/Governing Board of the Marin County Office of Education that sexual or gender-based harassment is unlawful and will not be tolerated. It is a violation of this policy for any employee, agent, student, or party with which the district has a cooperative agreement, to engage in sexual or gender-based harassment.

It is the policy of the Superintendent/Governing Board of the Marin County Office of Education to provide an employment environment free of sexual or gender-based harassment. To accomplish this, the policy is designed to secure, at the earliest level possible, an appropriate resolution to incidents and allegations of harassment.

This policy is intended to supplement, and not replace, any applicable state or federal laws and regulations. Complaints under these laws and regulations shall be processed through the procedures established by the appropriate state and/or federal agencies.

Definitions of Sexual and Gender-Based Harassment

For the purposes of this policy, sexual harassment is defined by Education Code Section 212.5, "Sexual harassment means unwelcome sexual conduct including, advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature, made by someone from or in the work or educational setting.

Gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, although they are not necessarily sexual in nature. Prohibited conduct includes harassment of a student for exhibiting what is perceived as a stereotypical characteristic for her or his sex, or for nonconformity with stereotypical notions of masculinity and femininity.

Sexual and/or gender-based harassment denies or limits a student's ability to participate in or benefit from the Marin County Office of Education's school programs under any of the following conditions:

(a) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.

(b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.

(c) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

(d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution."

Specifically, sexual or gender-based harassment may occur as a pattern of degrading sexual and gender-based speech or actions ranging from verbal or physical annoyances or distractions to deliberate intimidations and frank threats or sexual demands.

Examples of conduct which may constitute sexual harassment include, but are not limited to:

- (1) Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gesture, display of sexually suggestive objects or pictures, or cartoons, whether conducted in person or through an electronic means.
- (2) Among peers, continuing to express sexual interest after being informed that the interest is unwelcome.
- (3) Within the employment environment, implying or actually withholding satisfactory evaluations or suggesting that promotion or favorable evaluations will be denied as a condition of receiving sexual favors.
- (4) Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Examples of conduct which may constitute gender-based harassment include, but are not limited to:

- (1) Slurs, threats, derogatory comments, unwelcome jokes, or degrading descriptions related to or because of a student's gender or gender identity.
- (2) Harassment of a student because of his/her perceived effeminate/masculine mannerisms.

- (3) Harassment of a student because of his/her non-traditional choice of extracurricular activities, apparel, and personal grooming choices.
- (4) Disparaging remarks about a student because the student socializes with students of the opposite sex, or is predominately friends with students of the opposite sex.

Remedial and Corrective Actions

Where unlawful sexual or gender-based harassment is found to have occurred, the Marin County Office of Education will take appropriate remedial and/or corrective action(s), including consideration of the following: providing counseling to a targeted individual or individual(s) found to have engaged in harassment; limiting the interaction between the targeted student(s) and the individual(s) found to have engaged in the harassment; whether remedial measures are necessary to respond to the impact of the harassing conduct on witnesses or bystanders; and whether other schoolwide actions, such as education and training, are appropriate to respond to the harassing conduct and prevent a recurrence.

Administrative Regulations

The Superintendent/Governing Board shall adopt, and from time to time may revise, further procedures as may be necessary to implement this policy and provide for a means of enforcing this policy.

Training and Curriculum

To implement this policy, the Marin County Office of Education will provide appropriate training programs for staff (and students.) Employees in a supervisory capacity will be trained, as required by law, at least every two (2) years beginning January 1, 2006. Teachers are not considered to be supervisory.

Notification

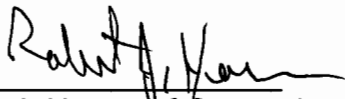
There will be adequate notification of the policy to include public posting. The policy will be published in site handbooks and/or the Marin County Office of Education Personnel Handbook.

Special Assistance

It is expected that questions may arise concerning this policy. For assistance in these matters, individuals may contact the Superintendent or designee.

Legal Reference:
Title VII of the Civil Rights Act
42 USC Section 2000-e-2(a)(1)
California Fair Employment and Housing act
Government Code section 12940
Education Code section 212.5
Government Code section 12950.1

Approved as to form:



Robert J. Henry, of Counsel

Approved by Marin County Office of Education: 6/11/13

ADMINISTRATIVE REGULATION 4141**ADULT SEXUAL AND GENDER-BASED HARASSMENT****Reporting Procedure**

Any employee who believes he or she has been sexually harassed by an employee, agent, student or guest/vendor of the Marin County Office of Education should report the facts of the incident(s) to the site administrator or supervisor. If the site administrator or supervisor is the alleged harasser, the employee should report to the Superintendent/or designee. A written report of the alleged incident will be filed and forwarded to the Superintendent. A copy of Board policy will be provided to the employee who makes the complaint.

Employees who feel aggrieved because of unwelcome conduct that may constitute sexual or gender-based harassment are not required to inform the person that the conduct is unwanted, offensive, and must stop, but are encouraged to do so. An aggrieved individual is not required to complain to his or her supervisor if that supervisor is the individual who is harassing them.

Filing Complaints with State and Federal Agencies

Aggrieved parties may wish to file complaints with other appropriate state and federal agencies, including:

Equal Employment Opportunity Commission
901 Market Street, San Francisco, CA 94103 (415) 356-5061

The State Fair Employment and Housing Commission
30 Van Ness Avenue, San Francisco, CA 94102, (415) 557-2005.

U.S. Department of Education, Office of Civil Rights
50 Beale Street, Suite 7200, San Francisco, CA 94105-1813, (415) 486-5555

Confidentiality

An allegation of sexual or gender-based harassment and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. The site administrator will inform the employee making the report that the allegation and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. In addition, witnesses and those interviewed shall be informed of the confidential nature of the issue and the investigation, as well as the reason for confidentiality. The alleged harasser will also be informed as to the confidential nature of the procedure. Anyone violating confidentiality by disclosing the nature of the allegation or the investigation to others shall be subject to disciplinary action.

Retaliation is Prohibited

So long as the allegation is not brought forward in bad faith, the initiation of an allegation of sexual or gender-based harassment will not cause any reflection on the individual reporting the incident or witnesses nor will it affect such persons' future business dealings with the Marin County Office of Education, his or her employment, compensation or work assignments, or other matters pertaining to his or her status in any Marin County Office of Education programs or activities. It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action as defined in this policy.

The Marin County Office of Education will take reasonable measures to prevent retaliation against any target student(s) and/or any other student(s) who provide information as witnesses, including identifying school personnel to make follow-up inquiries with the targeted student(s), witness(es) and/or their parents.

Time Limits

Allegations of sexual or gender-based harassment shall be reported as soon as reasonably possible after the conduct in question has taken place.

Disciplinary Action

Employees who violate this policy shall be subject to disciplinary action up to and including dismissal. Such disciplinary action will be in accordance with applicable policies, laws, and/or collective bargaining agreements.

When disciplinary action is necessary the Superintendent/or designee will be consulted to determine what course of action is appropriate.

Investigation

The Superintendent/or designee is authorized to develop regulations by which reports of sexual or gender-based harassment shall be addressed. Such process shall include an informal resolution process, an investigation, and issuance of a summary report.

Appeal Procedure

Either the complaining party or the accused may appeal the summary report to the Superintendent/Governing Board of the Marin County Office of Education. Appeals should be made within 10 business days from the date of the issuance of the summary report. Procedures shall be set forth in the Administrative Regulations.

5000 STUDENTS

5200 STUDENT WELFARE

5205 STUDENT SEXUAL AND GENDER-BASED HARASSMENT

Purpose of Policy

It is the policy of the Superintendent/Governing Board of the Marin County Office of Education to provide an educational environment free of sexual or gender-based harassment. To accomplish this purpose, the policy is designed to secure, at the earliest level possible, an appropriate resolution to an allegation of sexual or gender-based harassment.

This policy is intended to supplement, and not replace, any applicable state or federal laws and regulations. Complaints under these laws and regulations shall be processed through the procedures established by the appropriate state and/or federal agencies.

It is the position of this Superintendent/Governing Board that sexual or gender-based harassment is unlawful and will not be tolerated. It is a violation of this policy for any employee, agent, student, or party with which the Marin County Office of Education has a cooperative agreement, to engage in sexual or gender-based harassment.

Definitions of Sexual and Gender-Based Harassment

As it pertains to students, Education Code Section 212.5 defines "sexual harassment" as "unwelcome sexual conduct including advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting.

Gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, although they are not necessarily sexual in nature. Prohibited conduct includes harassment of a student for exhibiting what is perceived as a stereotypical characteristic for her or his sex, or for nonconformity with stereotypical notions of masculinity and femininity.

Sexual and/or gender-based harassment denies or limits a student's ability to participate in or benefit from the District's school's program under any of the following conditions:

(a) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress.

- (b) Submission to, or rejection of, the conduct by the individual is used as the basis of academic decisions affecting the individual.
- (c) The conduct has the purpose or effect of having a negative impact upon the individual's academic performance, or of creating an intimidating, hostile, or offensive educational environment.
- (d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.”

Specifically, sexual or gender-based harassment may occur as a pattern of degrading sexual speech or actions ranging from verbal or physical annoyances or distractions to deliberate intimidations and frank threats or sexual demands.

Examples of conduct which may constitute sexual harassment include, but are not limited to:

- (1) Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gestures, display of sexually suggestive objects or pictures, or cartoons, whether conducted in person or through an electronic means.
- (2) Among peers, continuing to show sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction, among peers, is not considered sexual or gender-based harassment.)
- (3) Within the educational environment, implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied as a condition of receiving sexual favors.
- (4) Within the educational environment, engaging in sexual behavior to control influence, or affect the educational opportunities, grades, and/or learning environment of a student.
- (5) Offering favors or education or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Any expression of sexual interest between adults and students, regardless of reciprocity is considered inappropriate and shall be subject to discipline under applicable state law.

Examples of conduct which may constitute gender-based harassment include, but are not limited to:

- (1) Slurs, threats, derogatory comments, unwelcome jokes, or degrading descriptions related to or because of a student's gender or gender identity.
- (2) Harassment of a male student because of his perceived effeminate mannerisms.
- (3) Harassment of a student because of his/her non-traditional choice of extracurricular activities, apparel, and personal grooming choices.
- (4) Disparaging remarks about a student because the student socializes with students of the opposite sex, or is predominately friends with students of the opposite sex;

Definition of Hostile Environment

A hostile environment based on sex or gender has been created where the conduct is sufficiently serious to interfere with or limit a student's ability to participate in or benefit from the school's program. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical.

Remedial and Corrective Actions

Where unlawful sexual or gender-based harassment is found to have occurred, the Marin County Office of Education will take appropriate remedial and/or corrective action(s), including consideration of the following: providing counseling to a targeted student or for student(s) found to have engaged in harassment; limiting the interaction between the targeted student(s) and the harassing student(s); whether remedial measures are necessary to respond to the impact of the harassing conduct on witnesses or bystanders; and whether other schoolwide actions, such as education and training, are appropriate to respond to the harassing conduct and prevent a recurrence.

Training and Curriculum

To implement this policy, the Marin County Office of Education will provide appropriate training programs for staff and students.

Notification

There will be adequate notification of the policy to include permanent posters in public areas, offices, and hallways. The policy will be published in Marin County Office of Education handbooks and other appropriate materials for employees.

Administrative Regulation

The Superintendent/Governing Board shall adopt, and from time to time may revise, further procedures as may be necessary to implement this policy and provide for a means of enforcing this policy. Such further procedures may include the following: posting and other means of distributing the policy; a process under which complaints will be handled, formally or informally, an explanation of possible civil proceedings and potential legal consequences of sexual or gender-based harassment. The Superintendent will initiate training and education programs to enable all persons, and in particular, supervisors, to better understand the problem of sexual or gender-based harassment. In addition, the Superintendent shall designate appropriate employees to enforce or administer this policy within the Marin County Office of Education and shall provide for appropriate training for Principal/Program Managers and other supervisory personnel on an annual basis.

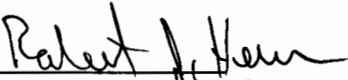
Special Assistance

It is expected that questions may arise concerning the interpretation of the prohibition against sexual or gender-based harassment, the methods and procedures to be following in the investigation of complaints, and the appropriateness of specific solutions in disposition of complaints. For assistance in these matters, individuals may contact the Superintendent or designee.

Current Legal references barring sexual or gender-based harassment in education:

Title VII of the Civil Rights Act – 42 USC Section 2000-e-2(a)(1)
California Fair Employment & Housing Act – Government Code Section 12940
Title IX of the Education Amendments of 1972 29 USC Section 1681 et. seq.
California Education Code, Section 200 et seq.

Approved as to form:


Robert J. Henry of Counsel

Approved by Marin County Board of Education: 6/11/13

ADMINISTRATIVE REGULATION 5205 STUDENT SEXUAL AND GENDER-BASED HARASSMENT

Reporting Procedure

Any student who believes he or she has been sexually harassed by an employee, agent, or student of the Marin County Office of Education, should promptly report the facts of the incident(s) and the name of the individual(s) involved to an adult staff member with whom they feel comfortable, and that person shall report the incident to the school site administrator or Superintendent/or designee within 24 hours. A written report of the alleged incident will be developed by the site administrator or Superintendent/or designee. A copy of the report, along with a copy of this policy, shall be mailed to the parent of the student who initiated the complaint.

All staff, upon personal knowledge of an incident of sexual or gender-based harassment or who have received report(s) or information of allegation(s) of sexual or gender-based harassment, whether such incidents are verbal or physical or amount to harassment in other forms are obligated to report it to the school principal or Superintendent.

Students who feel aggrieved because of unwelcome conduct that may constitute sexual or gender-based harassment are not required to inform the person engaging in such conduct that the conduct is unwanted, offensive and must stop, but are encouraged to do so. An aggrieved individual is not required to complain to his or her instructor if that instructor is the individual who is harassing the student. Any individuals making a report may bring an advocate to assist them.

Confidentiality

An allegation of sexual or gender-based harassment and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigative process. Witnesses and those interviewed shall be informed of the confidential nature of the issues and the investigation, and shall be informed that it will be a violation of this administrative regulation to disclose the allegation or the nature of the investigation to others and shall be subject to disciplinary action as defined in this policy.

Retaliation is Prohibited

So long as the allegation is not brought forward in bad faith, the initiation of an allegation of sexual or gender-based harassment, will not cause any reflection on the individual reporting the incident or witnesses nor will it affect such persons' future business dealings with the Marin County Office of Education, his or her employment, compensation or work assignments, or, in the case of students,

grades, class section or other matters pertaining to his or her status as a student of any Marin County Office of Education programs. It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action.

Reasonable measures will be taken to prevent retaliation against any target student(s) and/or any other student(s) who provide information as witnesses, including identifying school personnel to make follow-up inquiries with the targeted student(s), witness(es) and/or their parents.

It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action as defined in this policy.

Time Limits

Students are encouraged to report allegations of sexual or gender-based harassment to an adult staff member with whom they feel comfortable as soon as reasonably possible after the conduct in question has taken place.

Investigation Guidelines

All investigations of allegations of sexual or gender-based harassment shall be handled promptly, in a serious, sensitive and confidential manner. The Superintendent shall determine in advance which administrative staff positions will be trained to complete these investigations and a trained, qualified administrator at the school site of the reported incident will complete the investigation, unless deemed inappropriate in a specific situation.

All sexual and gender-based harassment investigations at the Marin County Office of Education will be conducted by individual(s) with knowledge of the applicable legal standards and theories of such claims of harassment under Title IX, and the relevant District policies and complaint procedures. The investigator will also be knowledgeable in how to recognize and remedy such harassment. If the targeted student wishes, the targeted student may identify the harassing student(s) and/or witnesses and provide other information in a manner which initially protects the targeted student's confidentiality, to the extent possible; and consistent with statutory and constitutional due process;

If the investigator receives an anonymous complaint or media report about alleged sexual or gender-based harassment, he/she shall consider the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment in determining whether it is reasonable to pursue an investigation.

Investigation Process

The investigator shall promptly investigate all complaints of sexual or gender-based harassment. In so doing, he/she shall talk individually with:

- (a) The student who is complaining;
- (b) The person accused of harassment;
- (c) Anyone who witnessed the conduct complained of; and
- (d) Anyone mentioned as having material information related to the complaint

The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.

The investigator shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the investigator also may discuss the complaint with the following persons:

- (a) The Superintendent or designee or school administration;
- (b) The parent/guardian of the student who complained;
- (c) If the alleged harasser is a student, his/her parent/guardian;
- (d) A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth; and
- (e) Child protective agencies responsible for investigating child abuse reports

When the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree. In reaching a decision about the complaint, the investigator may take into account:

- (a) Statements made by the persons identified above;
- (b) The details and consistency of each person's account ;
- (c) Evidence of how the complaining student reacted to the incident;

- (d) Evidence of any past instances of harassment by the alleged harasser;
and
- (e) Evidence of any past harassment complaints that were found to be untrue.

To judge the severity of the harassment, the investigator may take into consideration:

- (a) How the misconduct affected one or more students' education;
- (b) The type, frequency and duration of the misconduct;
- (c) The number of persons involved;
- (d) The age and gender of the person accused of harassment;
- (e) The subject(s) of harassment;
- (f) The place and situation where the incident occurred; and
- (g) Other incidents at the school, including incidents of harassment that were not related to gender.

Investigation Protocol

The Marin County Office of Education's designated staff member(s) shall memorialize in writing all reports of alleged harassment.

The Marin County Office of Education shall implement appropriate interim measures to prevent further harassment of the targeted student, as well as measures to avoid retaliation against the reporting student, pending the resolution of the complaint.

The Marin County Office of Education shall maintain on-going contact with the targeted student throughout the investigation.

The Marin County Office of Education shall make reasonable efforts to identify the harassing student(s) and/or witnesses if the targeted student is unaware of their identities or names (e.g. interviewing other students and/or staff who were present during the incident).

The Marin County Office of Education shall refer the matter to law enforcement authorities where appropriate.

The Marin County Office of Education shall interview all relevant student and staff witnesses, and review all relevant documents and physical evidence.

Subject to applicable evidentiary privileges and/or privacy rights, the Marin County Office of Education shall maintain documentation of all investigative steps, including statements provided by targeted student, his/her parents, and any other witnesses or reporting parties, the evidence reviewed, any remedial actions taken, and a copy of the letter of finding issued at the conclusion of the investigation; and

The Marin County Office of Education shall contact the targeted student within a reasonable period of time following the conclusion of the investigation to assess whether there are new allegations of on-going harassment or retaliation, and to determine whether additional supportive measures are needed.

The designated investigator shall, as soon as reasonably possible after the incident has been reported, inform the student, employee, or other person accused of sexual or gender-based harassment of the allegation, and they will be given an opportunity to respond. The person accused shall not be given a copy of the complaint but shall be informed of the allegations. The name of complaint party shall remain confidential to the extent possible.

All parties, specifically including complainants, and witnesses, will be promptly and fully informed of their rights pursuant to this policy, including the fact that complainant and witnesses will not be retaliated against and the confidential nature of the allegation and investigation.

Investigation Results

A written report of the investigation findings shall be filed by the investigator with the Superintendent's office within twenty (20) school days of the date the student filed the incident report. Subject to applicable evidentiary privileges and/or privacy rights, the final written report will describe the steps taken in the investigation and the facts gathered, whether or not the alleged sexual and/or gender-based harassment occurred, and explaining the basis for the Marin County Office of Education's conclusion.

Subject to applicable evidentiary privileges and/or privacy rights, the Marin County Office of Education shall provide written notification to the parents/guardians of the targeted student generally explaining the Marin County Office of Education's investigative process, its factual findings, its determination as to whether harassment occurred, the reasons for the decision, and the appeal procedures within thirty (30) school days. The Marin County Office of Education may also provide a summary of its findings to the accused student's parents

The Superintendent may extend the timeline depending on the nature of the investigation. If an extension is needed, the Marin County Office of Education will notify the targeted student and the student's parent/guardian (if the parent/guardian made the complaint), and explain the reasons for the extension.

The name or title and contact information for the Marin County Office of Education employee(s) responsible for receiving and/or investigating reports of alleged harassment, including the investigatory report is:

Name Marin County Office of Education
Title Attn: Deputy Superintendent
Contact Information 1111 Las Gallinas Avenue/P.O. Box 4925
San Rafael, CA 94913-4925
(415) 499-5866

Steps to Remedy Harassment and Prevent Recurrence

The Marin County Office of Education will, as appropriate, offer counseling to students found to have engaged in harassment in order to ensure that they understand what constitutes harassment, the consequences for engaging in harassment and the effects harassment can have on others, and limiting the interaction between the harassing student(s) and the targeted student;

The Marin County Office of Education will offer counseling services and may consider providing academic support services to any student found to have been subjected to unlawful harassment, as appropriate.

The Marin County Office of Education will also consider whether remedial measures are necessary to respond to the impact of the harassing conduct on witnesses or bystanders and whether other schoolwide actions, such as education and training, are appropriate to respond to the harassing conduct and prevent a recurrence.

The Marin County Office of Education will take measures to prevent retaliation against targeted students and/or any other students who provided information as witnesses. The measures may include, for example, school personnel making follow-up inquiries with the targeted student and/or witness students and/or their parents to see if there have been incidents of retaliation, and to advise them that they should report any such incidents if they occur.

Disciplinary Action

When an allegation of sexual or gender-based harassment is supported by the investigation and disciplinary action is necessary, the Superintendent will determine what course of action is appropriate, depending upon whether the

harasser is a student, staff member, agent or guest/vendor of the Marin County Office of Education.

Students who violate this policy may be subject to discipline up to and including expulsion. Such disciplinary action shall be in accordance with board policy and state law.

Students who are found to have engaged in harassment shall be offered training/counseling by the Marin County Office of Education. Training/counseling will focus on assisting students understand what constitutes harassment, the consequences for engaging in harassment, and the effects harassment can have on others.

The Marin County Office of Education shall limit the interaction between the harassing student(s) and the targeted student to the extent possible.

Employees who violate this policy may be subject to discipline up to and including dismissal. Such disciplinary action shall be in accordance with applicable policies, laws, and/or collective bargaining agreements.

Agents, guests or vendors of the Marin County Office of Education who violate this policy may be subject to penalties and sanctions as may be available to the Marin County Office of Education, including termination of business relationships and contracts.

Appeal Procedures

Either the complaining party or the accused may appeal the findings of an investigation to the Superintendent/Governing Board of the Marin County Office of Education. Appeals shall be made in writing within ten (10) business days from the date a written finding is issued.

Filing Complaints with State and Federal Agencies

Aggrieved parties may wish to file complaints with other appropriate state and federal agencies, including:

U.S. Department of Education
Office for Civil Rights
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
Telephone: (415) 486-5555
www.ed.gov/ocr

4000 PERSONNEL

4100 ALL PERSONNEL

4111 PROCEDURES

4111.5 USE OF COPYRIGHTED MATERIALS

Since a copyright notice has not been required on copyrighted material since 1978, it shall be the policy of the Marin County Board of Education that all material, unless obviously in the public domain due to age, specific notice, or government publication, shall be treated as copyrighted. Employees will do nothing to violate the specific rights granted to the creator of the work under the copyright law. Specifically, no copyrighted work will be duplicated, modified, published, or displayed unless the copyright holder's permission has been obtained or the duplication is within the Fair Use exemption provision of the law.

The Superintendent will develop regulations and procedures to implement this policy.

Reference:

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 4/14/98

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

USE OF COPYRIGHTED MATERIALS

(Board Policy 4111.5)

I. Guidelines for Making Reproductions

- A. Each County Office of Education employee making a reproduction shall first determine whether the copying is permitted by law based on the guidelines below. If the copying is not permitted according to these guidelines, the County Superintendent or designee may request permission to reproduce the material from its copyright holders.
- B. Requests for permission to use copyrighted materials shall include the following information.
 - 1. Title, author(s), editor(s) or publisher, producer(s) or distributor.
 - 2. Edition, copyright and/or production year.
 - 3. Exact amount of material to be used (i.e., lines, pages, running time, etc.).
 - 4. Nature of the use (i.e., how many times, when and with whom the material will be used).
 - 5. Number of copies to be made.
 - 6. How the material will be reproduced.
 - 7. If an initial contact was made by phone, the request shall also include the name of the initial contact person.

II. Permitted and Prohibited Uses

A. Printed Material

- 1. Permitted Use
 - a. Single copies at the request of an individual teacher:
 - 1) A chapter of a book.
 - 2) An article from a magazine or newspaper.
 - 3) A short story, short essay or short poem, whether or not from a collective work.

USE OF COPYRIGHTED MATERIALS

- 4) A chart, graph, diagram, drawing, cartoon or a picture from a book, magazine or newspaper.
- b. Multiple copies at the request of an individual teacher for classroom use, not to exceed one copy per student in a course:
- 1) A complete poem if less than 250 words and if printed on not more than two pages.
 - 2) An excerpt from a longer poem, not to exceed 250 words.
 - 3) A complete article, story, or essay of less than 2,500 words.
 - 4) An excerpt from a larger prose work not to exceed ten percent of the whole or 1,000 words, whichever is less, but in any event a minimum of 500 words.
 - 5) One chart, graph, diagram, cartoon or picture per book or magazine issue.

All preceding copies must bear the copyright notice. They may be made only at the discretion of the individual teacher on occasions when a delay to request permission would preclude their most effective instructional use.

2. Prohibited Uses

- a. Copying more than one work or two excerpts from a single author during one class term.
- b. Copying more than three works from a collective work or periodical volume during one class term.
- c. Copying materials for more than one course in the school where the copies are made.
- d. More than nine sets of multiple copies for distribution to students in one class term.
- e. Copying used to create, replace or substitute for anthologies or collective works.

USE OF COPYRIGHTED MATERIALS

- f. Copying of “consumable” works such as workbooks, standardized tests, answer sheets, etc.
- g. Copying that substitutes for the purchase of books, publishers’ reprints or periodicals.
- h. Repeated copying of the same item by the same teacher from term to term.

The above prohibitions do not apply to current newsmagazines and newspapers.

B. Sheet and Recorded Music

1. Permitted Uses

- a. Emergency copies for an imminent performance are permitted, provided they are replacing purchased copies and replacement is planned.
- b. Multiple copies (one per student) of excerpts not constituting an entire performable unit or more than ten percent of the total work may be made for academic purposes other than performances.
- c. Purchased sheet music may be edited or simplified provided the character of the work is not distorted or lyrics added or altered.
- d. A single copy of a recorded performance by students may be retained by the County Office or individual teacher for evaluation or rehearsal purposes.
- e. A single copy of recordings of copyrighted music owned by the County Office or individual teacher may be made and retained for the purpose of constructing exercises or examinations.
- f. A single copy of an excerpt that constitutes an entire performable unit (i.e., a movement or aria) may be made, provided it is either:
 - 1) Confirmed by the copyright proprietor to be out of print; or

USE OF COPYRIGHTED MATERIALS

- 2) Unavailable except in a larger work. This may be done by or for a teacher only for scholarly research or in preparation for teaching a class.
 - g. A single copy of a portion of a sound recording may be made by or for a student; i.e., a song from a record, but not the entire recording. The copy may be used in the educational context in which it was made and may not be sold or performed for profit.
2. Prohibited Uses
 - a. Copying to replace or substitute for anthologies or collections.
 - b. Copying from works intended to be “consumable.”
 - c. Copying for purposes of performance except as noted in an emergency.
 - d. Copying to substitute for purchase of music.
 - e. Copying without inclusion of copyright notice on the copy.
 - f. Duplication of tapes, unless reproduction rights were given at time of purchase.
 - g. Reproduction of musical works or conversion to another format; e.g., record to tape.
- C. Videotape, Filmstrips or Slide Programs
 1. Permitted Uses
 - a. A single copy of a portion of a copyrighted film or filmstrip may be made by a student for educational purposes if the material is owned by the school which the student attends.
 - b. A single copy of a small portion of a film or filmstrip may be made by or for a teacher for scholarly or teaching purposes.

USE OF COPYRIGHTED MATERIALS

- c. Selected slides may be reproduced from a series if reproduction does not exceed ten percent of the total or excerpt the essence of the work.
- d. A slide or overhead transparency series may be created from multiple sources as long as creation does not exceed ten percent of the photographs in one source (book, magazine, filmstrip, etc.). This may not be done when the source forbids photographic reproduction.
- e. A single overhead transparency may be created from a single page of a “consumable” workbook.
- f. Sections of a film may be excerpted for a local videotape (not to be shown over cable) if they do not exceed ten percent of the total or excerpt the essence of the work. Extreme care must be exercised in copying a small portion of a film or filmstrip; small portions may contain the very essence of the material in question.

2. Prohibited Uses

- a. Reproduction of an audio-visual work in its entirety.
- b. Conversion from one media format to another; e.g., film to videotape, unless permission is secured.
- c. No one is permitted to copy any portion of a film or filmstrip sent to the school for preview or rented or owned by another school or institution without the express written permission of the copyright holder. The copyright of a film governs its performance (showing) as well as the copying of it. It is permissible to show a film to students using closed-circuit television if the system is confined to one building. Showing a film via closed-circuit television outside the building is not permitted.

USE OF COPYRIGHTED MATERIAL

D. Radio: Off-Air Taping

1. Permitted Uses

- a. A single copy of a small portion of a copyrighted radio program may be made by a student for educational purposes. Such a copy may not be sold or performed for profit.
- b. Copies of broadcasts by national public radio may be made by employees and retained for an indefinite period for educational purposes.

2. Prohibited Uses

- a. Copying broadcasts on commercial radio, except for copyrighted musical selections (see Sheet and Recorded Music) is governed by the same copyright laws that apply to off-air taping of commercial television; however, there is no special provision allowing libraries to tape radio news programs.

E. Television: Off-Air Taping

1. Permitted Uses

- a. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a period not to exceed 45 days. All off-air recordings shall be erased or destroyed at the end of the retention period. Broadcast programs are television programs transmitted for reception by the general public without charge.
- b. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary. These recordings may be shown in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first ten consecutive school days in the 45 calendar-day retention period.

USE OF COPYRIGHTED MATERIALS

- c. Off-air recordings may be made only at the request of individual teachers, for use by those teachers. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
 - d. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
 - e. After the first ten consecutive school days, off-air recordings may be used up to the end of the 45 calendar-day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum. They may not be used for student exhibition or any other non-evaluation purpose without authorization.
 - f. All copies of off-air recordings shall include the copyright notice on the broadcast programs as recorded.
2. Prohibited Uses
- a. Off-air recording in anticipation of teacher requests.
 - b. Using the recording for instruction after the ten-day use period.
 - c. Holding the recording for weeks or indefinitely because:
 - 1) Units needing the program concepts are not taught within the ten-day use period.
 - 2) An interruption or technical problems delayed its use.
 - 3) Another teacher wishes to use it, or for any other supposedly “legitimate” educational reason.

USE OF COPYRIGHTED MATERIALS

- c. On occasion, a special notice is provided with some materials specifically prohibiting reproduction of any kind. Permission to use any part of such works must be secured in writing from the author or producer in accordance with this regulation.
- c. Off-air recordings need not be used in their entirety, but the content of recorded programs may not be altered. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
- c. Software Copyright
 - c. Permitted Uses
 - c. Copies of County Office of Education-owned software may be made only when:
 - c. The copy is needed as an essential step in using the computer program with a particular machine. This copy is to be used in no other way.
 - c. The copy is used for archival or “backup” purposes. This copy may be held only as a file copy and must be destroyed when the program is no longer rightfully owned by the County Office, unless the copyright owner authorizes its sale, lease or transfer as part of the sale, lease or transfer of the original program.
 - c. Prohibited Uses
 - c. Copies of copyrighted programs may not be made for any purpose other than the two permitted above.
 - c. When permission is obtained from the copyright holder to use software on a disk-sharing system, efforts will be made to secure software from copying.
 - c. Illegal copies of copyrighted programs shall not be made or used on school equipment.

4000 PERSONNEL

4100 ALL PERSONNEL

4110 EMPLOYMENT

4111 PROCEDURES

4111.4 USE OF OFFICE EQUIPMENT AND SUPPLIES

The purpose of all office equipment and supplies in the Marin County Office of Education is to facilitate the work being done on behalf of the children, parents, districts, and community. This requires the efficient, ethical, and legal utilization of all equipment such as, but not limited to, computers, software, telephones, voice mail, copiers, FAX machines, typewriters, and supporting supplies belonging to the Marin County Office of Education. Employees who violate the principles set forth in this policy may be subject to disciplinary action up to and including dismissal.

The Superintendent shall develop a list of terms and conditions for the acceptable use of office equipment and supplies.

References:

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 10/8/96

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

**TERMS AND CONDITIONS FOR ACCEPTABLE USE
OF OFFICE EQUIPMENT AND SUPPLIES**

(Board Policy 4111.4)

Definition: “**Acceptable Use**” means that equipment and supplies must be in support of an employee’s particular work. Efficient, ethical, and legal utilization of all equipment and supplies is expected. Use of equipment or supplies will be monitored for appropriateness.

“**Authorized Use**” means the employee has informed the immediate supervisor, who is management, of an intended personal use of equipment and the immediate supervisor, who is management, has authorized such use.

“**Unacceptable Use**” includes, but is not limited to the following:

- Transmission by computer or FAX of any materials in violation of any United States or state regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening or obscene material, or material protected by trade secret.
- Use of computer, telephone, voice mail, copiers or FAX for commercial activities
- Use of computer, telephone, voice mail, copiers or FAX for product advertisement or political lobbying.
- Any transmission or reception of pornographic material using any equipment.
- Unauthorized** personal use of any equipment or supplies, even if such use results in no cost to the Marin County Office of Education. Any questions about this provision should be addressed to the employee’s immediate supervisor.

Ownership: Any use of equipment or supplies is a matter of public record. The Marin County Superintendent of Schools or Designee will conduct periodic audits of the use of equipment and supplies.

Violation: Employees who violate this policy may be subject to a disciplinary process that could include dismissal.

MARIN COUNTY OFFICE OF EDUCATION

EDUCATIONAL INTERNET ACCOUNT Acceptable Use Agreement

TERMS AND CONDITIONS

Please read the following carefully before signing this document.

INTERNET access is coordinated through a complex association of government agencies, and regional and state networks. In addition, the smooth operation of the network relies upon the proper conduct of the end users who must adhere to strict guidelines. These guidelines are provided here so that you are aware of the responsibilities you are about to receive.

In general this requires efficient, ethical and legal utilization of the network resources. If a user violates any of these provisions, his or her account will be terminated and future access could possibly be denied. The signature(s) at the end of this document is (are) legally binding and indicates the party (parties) who signed has (have) read the terms and conditions carefully and understand(s) their significance.

It is the responsibility of all Marin County Office of Education (Marin COE) employees, students, and others who use or access Marin COE technological resources to understand and follow this Acceptable Use Policy (AUP). All school districts or other agencies connecting to the Marin COE network must develop their own Acceptable Use Policy that meets or exceeds the principles contained in this document.

Definitions

1. System shall mean the technology services and equipment owned and/or provided by Marin COE for the use of Marin COE employees and students, Marin County schools and other authorized users, including but not limited to: computers, Internet, telephones, fax machines, voice mail, email, electronic pagers, cell phones and radios.
2. Access to the Internet – A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network, which has access to the Internet.
3. Minor shall mean an individual who has not attained the age of 18.
4. Obscene shall have the meaning given such term in section 1460 of title 18, United States Code.
5. Child pornography shall have the meaning given such term in Section 2256 of title 18, United States Code.
6. Harmful to minors shall mean any picture, image, graphic image file, or other visual depiction that:

- i. taken as a whole and with respect to minors, appeal to a prurient interest in nudity, sex, or excretion;
 - ii. depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 - iii. taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
7. Hacking shall mean attempting to gain unauthorized access to computer and network system connected to the Internet.
 8. Gaming shall mean the practice of gambling including the playing of games that simulate gambling whether or not the gaming involves a monetary transaction.
 9. Technology protection measure shall refer to a proxy server managed by Marin COE that blocks and/or filters Internet access.
 10. Authorized employee as used herein shall refer to an adult staff member appointed by the Marin COE Technology Committee.

INTERNET - Terms and Conditions

- 1) **Acceptable Use** - The use of your account must be in support of education and research and consistent with the educational objectives of your district. Use of other organization's network or computing resources must comply with the rules appropriate for that network.
- 2) **Unacceptable Use** - Transmission of any material in violation of any U.S. or state statute or regulation is prohibited. This includes, but is not limited to: copyright infringement, threatening or obscene material, or inappropriate use of material protected by trade secret or illegal gaming. Use for commercial activities is not acceptable. Use for product advertisement or political lobbying is also prohibited. Any transmission or reception of pornographic material is expressly prohibited.
- 3) **Privileges** - The use of INTERNET is a privilege, and unacceptable use will result in a cancellation of those privileges. The system administrator may close an account at any time as required. The administration, faculty, and staff of any school district may request the system administrator to deny, revoke, or suspend specific user accounts.
- 4) **Network etiquette** - *You are expected to abide by the generally accepted rules of network etiquette. These include (but are not limited to) the following:*
 - a) *Be polite.*
 - b) *Use appropriate language.*
 - c) *Do not reveal your personal address or phone numbers of students or colleagues.*
 - d) *Note that electronic mail (e-mail) is not guaranteed to be private. **Messages relating to or in support of illegal activities must be reported to school administration and Marin COE.***
 - e) *All communications and information accessible via the network should be assumed to be private property.*

5) The Marin County Office of Education makes no guarantees of any kind, whether expressed or implied, for the service it is providing. The Marin County Office of Education will not be responsible for any damages you suffer. This includes loss of data resulting from delays, nondeliveries, misdeliveries, or service interruptions caused by its own negligence or your errors or omissions. Use of any information obtained via the INTERNET is at your own risk.

6) **Security** - Security on any computer system is a high priority, especially when the system involves many users. If you can identify a security problem on the INTERNET, notify Dane Lancaster at 415 499 5837 or e-mail dane@marin.k12.ca.us. Do not use another individual's account without written permission from that individual. Attempts to login to INTERNET as a system administrator will result in cancellation of user privileges.

7) **Vandalism** - Vandalism will result in cancellation of privileges. Vandalism is defined as any malicious attempt to harm or destroy data of another user, INTERNET, or any of the above listed agencies or other networks that are connected to the INTERNET. This includes, but is not limited to, the uploading or creation of computer viruses.

8) **Access to Internet and Other Technologies by Adults** - Adults accessing the System when working as an employee or volunteer of Marin COE; when attending trainings, meetings, conferences, or other events sponsored at a facility owned or leased by Marin COE or at a facility of which Marin COE has otherwise been granted primary custody; or when accessing the System with remote access connections shall be subject to the rules and regulations specified in the Acceptable Use Policy and the Child Internet Protection Act.

1. The employee in whose name an on-line account is issued is responsible for its proper use at all times. Employees shall keep account information, home addresses and telephone numbers private. They shall use the System only under their own account number.
2. Employees shall use the System primarily for purposes related to their employment within the County. Commercial use of the System is strictly prohibited.
3. Any illegal use of Marin COE or K12 HSN systems, or use in support of illegal activities is prohibited. Illegal use includes use that violates local, state and/or federal law. This includes, but is not limited to, the following: stalking others, transmitting or originating any unlawful, fraudulent or defamatory communications, transmitting copyrighted material beyond the scope of fair use without permission of the copyright owner, or any communications where the message or its transmission or distribution, would constitute or would encourage conduct that is a criminal offense. Users shall not use any technology or system to promote unethical practices or any activity prohibited by law or district policy.
5. Activities that interfere with or disrupt network users, services, or equipment are prohibited. Such interference or disruption includes, but is not limited to, distribution of unsolicited advertising or mass mailings, "spamming,"

propagation of computer worms or viruses; and using county systems or the K12 HSN to make or attempt to make unauthorized entry to other computational, informational or communications devices or resources. For the purpose of this AUP, "unsolicited advertising" includes any transmission that describes goods, products, or services for sale, except as permitted in the electronic Bulletin Board service as set forth herein.

5. Users shall not transmit material that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religion or political beliefs, or otherwise inappropriate for training or work-related uses.
6. Users shall not engage in any type of gaming activities on the System.
7. Users shall not engage in the playing of computer games (i.e. solitaire, free cell, etc.) except for instructional purposes when approved by the user's manager.
8. Users shall not use the System to engage in unauthorized hacking or attempts to otherwise compromise any computer or network system's security. Unauthorized review, duplication, dissemination, removal, damage or alteration of files, passwords, computer systems or programs, voicemail messages or other property of the Marin COE or improper use of information obtained by unauthorized means, may be grounds for disciplinary action, up to and including termination.
9. Users shall not connect any equipment to the System without prior approval from Information Systems management. Computers are assigned to positions, not individuals. An individual will not move equipment unless the supervisor, in consultation with the Information Systems Department, has given permission.
10. Users shall not connect any computer while on the County Office Network to any other Internet Service provider or Network. Users shall not connect a network computer to a modem without prior Information Systems Management approval.
11. Copyrighted material may not be placed on the System without the author's permission. Users may download copyrighted material for their own use only and only in accordance with copyright laws.
12. Users shall not read other users' electronic mail or files; they shall not attempt to interfere with other users' ability to send or receive electronic mail nor shall they attempt to read, delete, copy, or modify other users' mail without authorization. Users shall not forge other users' mail.
13. Users are encouraged to keep messages brief. Personal use of the e-mail system is permitted so long as that use is appropriate, does not violate any other county policies, and is acceptable to the individual employee's supervisor.
14. The following practices are prohibited:

- a. Sending or relaying chain letters.
- b. Sending unsolicited jokes or similar material.
- c. Use in support of partisan political activities.
- d. Use for private or personal activities that exceed Marin COE or K12 HSN related research, instruction, or administrative applications.
- e. Visiting pornographic, racist or otherwise objectionable Web sites.
- f. Any other use that is unacceptable or not in keeping with the role, mission or goals of this organization as determined by the leadership of the Marin COE.

15. Users shall report any security problem or misuse of the System to the Superintendent or designee.

16. Users shall not load or download from the Internet any software on County Office Equipment without prior authorization of Information Systems management. This includes media players, screen savers, and wallpaper.

9) **Access to Internet by Minors** - Minors accessing the System, including Internet services, provided by Marin COE when working as an employee or volunteer of Marin COE; when attending trainings, meetings, conferences, or other events sponsored at a facility owned or leased by Marin COE or at a facility of which Marin COE has otherwise been granted primary custody; or when accessing Marin COE Internet services with remote access connections shall be subject to the same rules and regulations as adult users. In accordance with the **Child Internet Protection Act**, minors shall be subject to the following rules:

1. Minors shall not access material that is obscene, child pornography, harmful to minors, or otherwise inappropriate for educational or work-related uses
2. Minors shall only use electronic mail, chat rooms and other forms of direct electronic communications for purpose related to education within the context of a school-related assignment activity or for purposes related to work, including volunteer, at Marin COE.
3. Minors shall not disclose personal identification information on the Internet.

10) **Privacy** - Employees have no right to privacy as to any information or file transmitted or stored through the System, including the Marin COE computer system, voicemail, text messaging, electronic mail or other technical resources. The Marin COE reserves the right to retrieve and read any message or file. All users should be aware that when a message is deleted, it may still be possible to recreate the message; therefore, ultimate privacy of messages cannot be guaranteed to anyone. The reliability of passwords for maintaining confidentiality cannot be guaranteed.

11) **Policy Violation** - Any violation of this policy and regulation may result in the loss of access to the System, or any component part by Marin COE, and may be referred to applicable law enforcement agencies when necessary. Any violation of this policy by a Marin COE employee may also be grounds for disciplinary action, up to an including termination.

12) Public Records and Retention:

1. Information stored on the System or Marin COE equipment, including e-mail, e-mail attachments, Web postings, and voice mail messages may become records of Marin COE. Marin COE records pertaining to Marin COE's business, whether paper or computerized, are considered public records and, therefore, may be subject to disclosure under the Public Records Act ("PRA") and Title 5, section 16020, et seq., of the California Code of Regulations, pertaining to the retention and destruction of school records.

2. A Marin COE e-mail account is not intended for permanent storage of e-mail. Marin COE may retain or dispose of an employee's e-mail, whether an employee is currently or formerly employed by the Marin COE. E-mail account in-boxes and out-boxes may be purged as often as every 90 days by Marin COE's Information Systems department.

3. Employees shall remove or delete e-mail and other electronic files from Marin COE e-mail accounts regularly. E-mail and other electronic files that are classified as Marin COE records shall first be preserved in either of the three manners described in paragraph (2) above. If, for any reason, an employee believes an e-mail, voice mail, text message or other electronically-stored record should be preserved in electronic form, the employee shall notify the Information Systems department that the record should be preserved in electronic form.

I understand and will abide by the above Terms and Conditions for INTERNET. I further understand that any violation of the regulations above is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action.

Today's Date ___/___/___

<input type="checkbox"/> New Hire <input type="checkbox"/> Rehire

MARIN COUNTY OFFICE OF EDUCATION _____
MCOE Department

MCOE Location _____ MCOE Job Title _____

User Name: _____ User Signature: _____
please print *CLEARLY*

User E-mail address: _____@marin.k12.ca.us **Password:** _____
Please print (suggested e-mail address: first initial, last name) (8 characters, no spaces)

Administrator/Personnel Signature

- 2000 ADMINISTRATION
- 2200 HEALTH & WELFARE
- 2210 **TOBACCO-FREE SCHOOLS/SITES**

The Marin County Board of Education recognizes the health hazards associated with the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for those individuals the office serves.

The board prohibits the use of all tobacco products at all times on or in the following areas:

- ◆ Marin County Office of Education Property
- ◆ Marin County Office of Education owned, leased, rented or used facility
- ◆ Marin County Office of Education sponsored activities, events and meetings.

This prohibition applies to all employees, students, volunteers, visitors and other individuals.

This policy shall go into effect July 1, 1995.

References: Education Code 48901 (b)
Health & Safety Code 24167
Federal Law 20 U.S.C. 6083

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education – 4/10/90
Revised – 5/9/95

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

TOBACCO-FREE SCHOOLS/SITES

The success of the tobacco-free schools policy depends upon the thoughtfulness, consideration and cooperation of both tobacco users and non-users. All individuals on school premises, in school vehicles and participating in MCOE sponsored activities, events and meetings, share in the responsibility of adhering to and enforcing the policy.

In light of findings which indicate that second-hand exposure to environmental tobacco smoke can cause lung cancer and other illnesses, and in order to present a positive role model to students, it is the intent of the Marin County Superintendent, acting with concurrence of the Marin County Board of Education, to protect the health and safety of employees, student, clients and visitors by providing a tobacco-free environment.

NOTIFICATION OF TOBACCO-FREE POLICY

The Marin County Superintendent of Schools or designee shall notify employees and applicants for employment of the tobacco-free policy. The policy and regulation can serve as notification. The policy and regulation will also be disseminated and made available to the educational community and visitors. This regulation is intended to communicate the following:

1. The dangers of tobacco use in the workplace, including its threat to the health and safety of employees, students and the public.
2. Available resources which may help employees stop using tobacco.
3. Possible disciplinary actions in accordance with board policy, state law and applicable collective bargaining agreements.
4. The need to abide by district policy as a condition of employment.

(continued)

ENFORCEMENT PROCEDURES

◆ Student Enforcement

Student enforcement of this policy will be consistent with existing school discipline plans and state law regarding possession and/or use of tobacco products by students on school grounds.

◆ Employee Enforcement

Employee enforcement of this policy while employees are performing work related duties as delineated in the policy will be the same as enforcement with any other policy. This includes personal reminders, a conference with the supervisor, or progressive discipline after repeated violations. Employee enforcement while employees are off duty and acting solely as a member of the general public will be the same as enforcement procedures that apply to the general public described later in this regulation. Examples of “off duty” participation by employees might be attendance at Office/School sponsored events without any Office/School related responsibilities, or attendance at school meetings as a parent.

◆ General Public

Enforcement of this policy for visitors or members of the general public will include the following: The person will first be asked to stop the use of the tobacco product immediately. If uncooperative, the person will be asked to leave. Law enforcement should only become involved if the person becomes very uncooperative or disruptive.

- ◆ Facility Use Request Forms will include an agreement by organizations requesting facility use to help enforce this policy. They may do this by announcing the policy during the activity and monitoring participant compliance through reminders. Permission to use the facility may be revoked if a lack of enforcement effort is evident on the part of the sponsoring organization.

(continued)

◆ Employee Assistance

The office will provide a list of community resources which will assist employees who wish to stop using tobacco products. This list is attached to this regulation and will be updated as needed.

CLARIFICATION OF RESTRICTED AREAS *

1. Any Marin County Office of Education owned, leased or rented facility including vehicles, buildings and land.
2. Marin County Office of Education sponsored activities, events or meetings.
3. Inside personal vehicles located on Marin County Office of Education owned, leased or rented facilities and land.
4. Any Marin County Office of Education owned, leased or rented vehicle while traveling.

CLARIFICATION OF PERMITTED AREAS *

1. Designated areas at Walker Creek Ranch during Conference Center activities and programs that are non-school sponsored.
2. Public sidewalks and public benches.
3. Personal vehicle off of Marin County Office of Education owned, leased or rented sites.
4. Designated residences provided to staff at Walker Creek Ranch.

(continued)

- * From time to time, further clarification will be needed on the restricted/permitted areas. Please contact the appropriate division administrator for further clarification.

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education – 5/9/95

MARIN COUNTY SMOKING CESSATION PROGRAMS & RESOURCES

AMERICAN CANCER SOCIETY: Fresh Start tobacco cessation classes (a series of 6 classes). Call (415) 454-8464 (#3) for class schedule and information. Cost: \$25.00. Free brochures and quit kits available upon request.

KAISER PERMANENTE: New series starts every 6 weeks at Kaiser Permanente, San Rafael. Call (415) 444-2433 to register, or call the Health Education Department at (415) 444-2173 for more information. Free for Kaiser members. \$90.00 for non-members. The class meets for nine sessions, and the group quit day is usually the third session. Nicotine replacement therapy discussed the first class.

BAY AREA COMMUNITY RESOURCES: Provides quit smoking groups, individual cessation counseling, referrals and tobacco education services throughout Marin County. Consultation, training and technical assistance are available to agencies and staff who would like to assist their clients with quitting smoking. Other services include: cessation counseling for pregnant and parenting smokers, off-site cessation groups, and youth prevention and cessation services. Nicotine patches available to qualified participants for a nominal fee. Please call (415) 444-5580, ext. 335, for more details.

ST. HELENA HOSPITAL HEALTH CENTER: This is a comprehensive, 7-day residential program in Napa County that includes medical screening, lectures, counseling, regular light exercise and a wholesome vegetarian diet. Offered every 6 weeks, this program may be partially reimbursed by some health plans. Also offered are massage therapists, nutritionists and stress reduction techniques. Call 1-800-358-9195.

NICOTINE ANONYMOUS: These 12-step support groups meet weekly in Marin: **Mondays** at 7:00pm, St. Paul's Episcopal Church, 1123 Court Street, San Rafael. **Thursdays** at 7:00 pm, Kaiser Medical Offices, 99 Montecillo Road, San Rafael (Terra Linda), 94903. Contact: 415-897-3091. And **Saturdays** at 10:00am, Trinity Lutheran Church, 333 Woodland Avenue, San Rafael, 94901. Contact: 510-540-9128. Go to www.nicotine-anonymous.org for more information.

CALIFORNIA SMOKER'S HOTLINE: Telephone counseling is provided to all California residents free of charge. Thousands of Californians have quit smoking using this effective phone counseling program. Leave your phone number and someone will call you back to schedule your free sessions. Specific programs for teen smokers and chewing tobacco users are also available.

- 1-800-NO-BUTTS (English) & teen line
- 1-800-844-CHEW (for chewing tobacco)
- 1-800-45-NO FUME (Spanish)
- 1-800-400-0866 (Chinese)
- 1-800-554-5564 (Korean)
- 1-800-778-8440 (Vietnamese)
- 1-800-933-4-TDD (Deaf/Hearing Impaired)

INDIVIDUALIZED PROGRAMS: Some individuals have found help through individualized programs such as:

- Acupuncture
- Nutritional Therapy
- Addiction Counseling
- Hypnotherapy
- Self Help (Marin County libraries/local bookstores)
- Yoga
- Meditation Techniques

As we are unable to provide specific referrals, we suggest you consult with your healthcare provider for further suggestions.

Updated 7.25.05

Injury & Illness Prevention Program (IIPP) for Marin County Office of Education

INTRODUCTION

In order to maintain a safe and healthful work environment the Marin County Office of Education has developed this Injury & Illness Prevention Program for all employees to follow. This document describes the goals, statutory authority, and the responsibilities of all employees under the Program. It addresses Compliance, Hazard Identification, Accident Investigation, Hazard Mitigation, Training, Hazard Communication, and Program Documentation. By making employee safety a high priority for every employee we can reduce injuries and illnesses, increase productivity, and promote a safer and healthier environment for all individuals at the Marin County Office of Education.

GOALS

Diligent implementation of this program will reap many benefits for the Marin County Office of Education. Most notably it will:

1. Protect the health and safety of employees. Decrease the potential risk of disease, illness, injury, and harmful exposures to district personnel.
2. Reduce workers' compensation claims and costs.
3. Improve efficiency by reducing the time spent replacing or reassigning injured employees, as well as reduce the need to find and train replacement employees.
4. Improve employee morale and efficiency as employees see that their safety is important to management.
5. Minimize the potential for penalties assessed by various enforcement agencies by maintaining compliance with Health and Safety Codes.

STATUTORY AUTHORITY

- ◆ California Labor Code Section 6401.7
- ◆ California Code of Regulations Title 8, Sections 1509 and 3203

RESPONSIBILITY

The ultimate responsibility for establishing and maintaining effective environmental health and safety policies specific to district facilities, operations, and responsibilities of the Injury & Illness Prevention Program are established with:

Primary Responsibility: Luke McCann, Assistant Superintendent 415-499-5866

Secondary Responsibility: Dane Lancaster, Director, 415-499-5837.

It is the responsibility of Site Administrators Supervisors and Managers to follow procedures, which ensure effective compliance with the Injury & Illness Prevention Program, as well as other health and safety policies related to operations under their control. Site Administrators, Supervisors and Managers, are responsible for enforcement of this Program among the employees under their direction by carrying out the various duties outlined herein, setting acceptable safety policies and procedures for each employee to follow and ensuring that employees receive the general safety training. Each Site Administrator, Supervisor, and Manager must also ensure that appropriate job specific safety training is received, and that safety responsibilities are clearly outlined in the job descriptions, which govern the employees under their direction. Supervising others also carries the responsibility for knowing how to safely accomplish the tasks assigned each employee, for purchasing appropriate personal protective equipment, and for evaluating employee compliance. Immediate responsibility for workplace health and safety rests with each individual employee. Employees are responsible for following the established work procedures and safety guidelines in their area, as well as those identified in this Program. Employees are also responsible for using the personal protective equipment issued to protect them from identified hazards, and for reporting any unsafe conditions to their supervisors. The Marin County Office of Education is responsible for developing and managing this Injury & Illness Prevention Program.

COMPLIANCE

Compliance with this Injury & Illness Prevention Program will be achieved in the following manner:

1. Site Administrators, Supervisors, and Managers will set positive examples for working safely and require that all staff under their direction work safely.
2. Site Administrators, Supervisors, and Managers will use all disciplinary procedures available to them to ensure that employees follow established safety policies and procedures. Performance evaluations, verbal counseling, written warnings, and other forms of disciplinary action are available.
3. Site Administrators, Supervisors, and Managers will identify the resources necessary to provide a safe work environment for their employees and include them in budget requests.

The Marin County Office of Education has developed this comprehensive Injury & Illness Prevention Program to enhance the health and safety of its employees.

HAZARD IDENTIFICATION

A health and safety inspection program is essential in order to reduce unsafe conditions, which may expose employees to incidents that could result in personal injuries or property damage. It is the responsibility of Program Managers, Supervisors and management personnel to ensure that appropriate, systematic safety inspections are conducted periodically. (See Appendix A)

Scheduled Safety Inspections

Upon initial implementation of the Program inspections of all work areas will be conducted. All inspections will be documented using the IIPP forms (or equivalent) with appropriate abatement of any hazards detected. Thereafter, safety inspections will be conducted at the frequency described below:

1. Annual inspections of all office areas will be conducted by maintenance staff to detect and eliminate any hazardous conditions that may exist.
2. Semi-annual inspections of all potentially hazardous areas (shops, cafeterias, warehouses, sheds, etc.) will be conducted to detect and eliminate any hazardous conditions that may exist.

Unscheduled Safety Inspections

1. Additional safety inspections will be conducted by the Facilities Departments, Ranch Manager or site administrator whenever new equipment or changes in procedures are introduced into the workplace that presents new hazards.
2. Site Administrator will conduct periodic unscheduled safety inspections of all potentially hazardous areas to assist in the maintenance of a safe and healthful workplace.
3. Safety reviews will be conducted when occupational accidents occur to identify and correct hazards that may have contributed to the accident.

ACCIDENT INVESTIGATIONS

Site Administrators, Supervisors, and Managers will investigate all accidents, injuries, occupational illnesses, and near-miss incidents to identify the root cause. Appropriate repairs or procedural changes will be implemented promptly to correct the hazards implicated in these events. To ensure timely accounting for Workers' Compensation procedures, both employee and supervisor must complete their respective portions on the Report of Employee Injury/Exposure Form and District Accident Investigation Form available at the District Office or school site. (See Appendix B)

HAZARD CORRECTION

All hazards identified will be promptly investigated and alternate procedures implemented as indicated. The District recognizes that hazards range from imminent dangers to hazards of relatively low risk. Corrective actions or plans, including suitable timetables for completion, are the responsibility of the Site Administrator or Superintendent.

TRAINING

Effective dissemination of safety information lies at the very heart of a successful Injury & Illness Prevention Program. All employees must be trained in general safe work practices. In addition, specific instruction with respect to hazards unique to each employee's job assignment will be provided.

General Safe Work Practices

At a minimum, as a routine component of new employee orientation, and back to school training programs, all employees will be trained in the following:

1. Fire Safety, Evacuation, and Emergency Procedures - Site Level
2. Hazard Communication (Use of Material Safety Data Sheets) – Facilities Staff
3. Blood borne Pathogens – Back-to-School - ALL
4. Injury & Illness Prevention Program – Back-to-School - ALL

Specific Safe Work Practices

In addition to this general training, each employee will be instructed how to protect themselves from the hazards specific to their individual job duties. At a minimum this entails how to use workplace equipment, safe handling of hazardous materials and use of personal protective equipment. Training must be completed before beginning to work on assigned equipment, and whenever new hazards or changes in procedures are implemented. The Director of General Services is responsible for providing Site Administrators, Supervisors, and Managers with the training necessary to familiarize themselves with the safety and health hazards their employees are exposed to. It is the responsibility of each Site Administrator, Supervisor, and Manager to know the hazards related to his/her employee's job tasks, and ensure they receive appropriate training.

1. Supervisors will ensure that all employees receive general and job-specific training prior to initial or new job assignments.
2. Supervisors will ensure that employees are trained whenever new substances, processes, procedures or equipment are introduced to the workplace which may create new hazards. Training must also be given when new or previously unrecognized hazards are brought to a supervisor's attention.
3. All training will be documented and kept on file. The attached Employee Training Checklist Form, in Appendix C (or equivalent) will be used for this purpose.

COMMUNICATION

Effective two-way communication, which involves employee input on matters of workplace safety, is essential to maintaining an effective Injury & Illness Prevention Program. To foster better safety communication the following guidelines will be implemented: The department will use an Employee Bulletin Board for posting information on safety in a location accessible to all employees. Changes in protocol, safety bulletins, accident statistics, training announcements, and other safety information will be posted, as they become available. Site Administrators, Managers, and Supervisors will provide time at periodic staff meetings to discuss safety topics. Status reports will be given on safety inspections, hazard correction projects, and accident investigation results, as well as feedback to previous employee suggestions. Employees will be encouraged to participate and give suggestions without fear of reprisal. The attached attendance sheet should be used to document attendance and topics covered. Additional communication methods to be used may include: Posters, Newsletters, Meetings, Bulletins, Manuals, Warning Labels. Employees are encouraged to bring to the District's attention any potential health or safety hazard that may exist in the work area. The Appendix D Employee Safety Recommendation form (or equivalent) can be used for this purpose. These forms are available in the Central Office and at each school site. Supervisors will follow up all suggestions and investigate the concerns brought up through these communication methods. Feedback to the employees is critical, and must be provided for effective two-way communication. Incidents of Non-compliance will be addressed by:

- ◆ Stating such examples at staff meetings; Reviewing and discussing success stories at Safety Committee Meetings and to be shared with a larger organization.
- ◆ Debriefing and reviewing incidents, injuries, illnesses that could have been avoided, with the intent of changing and updating practices and procedures.
- ◆ An immediate discussion between the supervisor and the employee who is discovered working in an unsafe manner.
- ◆ Appropriate disciplinary action up to dismissal.

SAFETY COMMITTEE

The function of the Safety Committee is to create and maintain employees' active, positive interest in safety. This goal can be accomplished by providing open, two-way communication between administrators and employees. Ideally, the safety committee should provide an open forum where employees can take part in and discuss accident causes and means of prevention. By discussing accident causes and possible solutions, the committee can effectively use a broad spectrum of expertise which will help resolve deficiencies in the most practical, cost effective manner. Another benefit of the open forum approach is generation of a positive attitude by getting personnel at all levels involved in the decision making process. An effective safety committee can promote positive attitudes. These will result in reduced injuries and accidents and in turn higher production and lower costs. The committee will have the complete backing and support of the administration. A member of the administration will chair the committee. Committee representatives will be chosen from the following areas.

Certificated Employee Representatives for: Alternative Education, Regional Occupational Program, Special Education. Classified Employee Representatives for: Business Services, Maintenance and Operations, Other Departments, Administration, Personnel Services, Walker Creek Ranch

DOCUMENTATION

Many standards and regulations of Cal/OSHA contain requirements for the maintenance and retention of records for occupational injuries and illnesses, medical surveillance, exposure monitoring, inspections and other activities relevant to occupational health and safety. To comply with these regulations, as well as to demonstrate that the critical elements of this Injury & Illness Prevention Program are being implemented, the following records will be kept on file in the District Office or school site for at least the length of time indicated below:

1. Copies of all IIPP Safety Inspection Forms. Retain 5 years.
2. Copies of all Accident Investigation Forms. Retain 5 years.
3. Copies of all Employee Training Checklists and related Training Documents. Retain for duration of each individual's employment.
4. Copies of all Safety Meeting Agendas. Retain 5 years.

The County Office of Education will ensure that these records are kept in their files in Personnel, and present them to Cal/OSHA or other regulatory agency representatives if requested. A review of these records will be conducted by the Superintendent designee during routine inspections to measure compliance with the Program. A safe and healthy workplace must be the goal of everyone at the Marin County Office of Education, with responsibility shared by management and staff alike. If you have any questions regarding this Injury & Illness Prevention Program, please contact the Central Office at 415-499-5854.

A complete copy with appendices of the Injury & Illness Prevention Program (IIPP) for Marin County Office of Education is available on line in the Employee Resources section of the Personnel/Administrative web page at:
<http://mcoeweb.marin.k12.ca.us/personnel/empresources.htm>