

4150

4000 PERSONNEL

4100 ALL PERSONNEL

4150 CHILD AND DEPENDENT ADULT ABUSE

All staff members are required to be knowledgeable about the issue and reporting requirements of child and dependent adult abuse.

The Superintendent shall prepare administrative regulations and procedures to implement this policy.

References: Penal Code 11166  
Welfare and Institutions Code 15630

Approved as to form:

  
Deputy County Counsel

Approved by  
Marin County Board of Education -8/8/89



# MARIN COUNTY

## OFFICE OF EDUCATION

1111 LAS GALLINAS AVENUE/P.O. BOX 4925  
SAN RAFAEL, CA 94913-4925  
marincoe@marinschools.org

MARY JANE BURKE  
MARIN COUNTY  
SUPERINTENDENT OF SCHOOLS

(415) 472-4110  
FAX (415) 491-6625

### CHILD AND DEPENDENT ADULT ABUSE OR NEGLECT REPORTING REQUIREMENTS

California law requires that school employees who fall within certain statutorily defined categories be familiar with the laws relating to abuse or neglect of children and dependent adult 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 and Welfare and Institution Code, Section 15630).

The Child Abuse and Neglect Reporting Act also specifies that employers provide their employees who are mandated reporters with training in the duties imposed, including training in child and dependent adult abuse and neglect identification and training in child and dependent adult abuse and neglect reporting within the first six weeks of each school year or within the first six weeks of the person's employment. (Education Code, Section 44691)

Please visit the Marin County Office of Education's Employee Resources website (<http://www.marinschools.org/Personnel/Employee-Resources/Pages/default.aspx>) and watch the Reporting Suspected Abuse or Neglect of Children and Dependent Adult Training Video. Please read the material below and on the attached page which explains your responsibilities regarding the reporting of any suspected instances of child and dependent adult abuse or neglect and the procedures for doing so. After you have done so, sign as indicated on the form.

#### Receipt and Acknowledgement of Child and Dependent Adult Abuse or Neglect 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, employee of a child protective agency, child visitation monitor, firefighter, animal control officer, Humane Society officer, commercial film and photographic print processor, or clergy 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. For purposes of the reporting law, educators and other school employees fall into the categories of childcare custodian and health care practitioners.

On the attached page are copies of "Mandatory Reporting: 10 Things You Need to Know", Penal Code Section 11166 and Welfare and Institution Code, Section 15630, which explain the procedures for reporting.

\*\*\*\*\*

I have read the attached "Mandatory Reporting: 10 Things You Need to Know," Penal Code Section 11166 and Welfare and Institution Code Section 15630, and I agree to comply therewith. By signing below, I certify that I fully reviewed the content of the entire online training and materials approved by the Marin County Office of Education.

\_\_\_\_\_  
(Employee's Name – Please Print)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Employee's Signature)

# 10 MANDATORY REPORTING: THINGS YOU NEED TO KNOW



## 1. YOU are a Mandated Reporter

Anyone who works for the organization should keep their eyes and ears open to protect children!

Reporting suspected abuse is part of your job.

Not reporting suspected child abuse can create a liability for your organization and yourself, as the primary goal is to keep our children safe.



## 2. WHAT is Reportable?

If you reasonably suspect any of the following, REPORT IT!

- Child Abuse
- Neglect
- Physical Abuse
- Emotional Abuse
- Sexual Activity between a Minor and Adult
- Unjustified Punishment
- Unlawful Corporal Punishment
- Willful Cruelty

Rumors: If unsure, err on the side of caution, report it and allow the agency to investigate and make the final conclusion.



## 3. WHEN AND WHERE Do I Report?

Immediately, or as soon as possible!

By Phone (Child Protective Services or Local Police) To be safe, you may want to report to both.

By Fax/Email within 36 hours.

Submit a written follow up report within 36 hours to the same agency you contacted by phone.

Remember: Telling your supervisor does NOT satisfy your obligation to report!

YOU ARE OBLIGATED TO REPORT.



## 4. WHERE Do I Find the Report?

Form 8572: SCAR/Suspected Child Abuse Report  
[http://ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://ag.ca.gov/childabuse/pdf/ss_8572.pdf)

Or CPS Website.

You will need:

- Your name, child's name
- Location of child, school, grade
- Involved parties
- What happened? Why the concern?

Keep a record of date, time and who you spoke with when filing.



## 5. Can I Share the Report with Others?

The report can only be given to:

- The agency you called the report in to:  
Police or Sheriff's Department (not school police), or Child Protective Services
- Report may also be given to designated personnel within your organization, such as:  
Superintendent, Assistant Superintendent, Human Resources Administrator

DO NOT give the report to any others without consulting legal counsel as you may lose your immunity.



## 6. Your Protection

### Confidentiality

- Your identity will be kept confidential. Know that if the case is criminally prosecuted, your identity most likely will be disclosed.

### Immunity

- Mandated Reporters have immunity under California law from civil and criminal liability for reporting suspected child abuse.



## 7. What if I Choose NOT to Report?

A mandated reporter who knowingly and willfully fails to report:

- Is **GUILTY** of a misdemeanor
- Punishable by up to 6 months in jail
- Fine of \$1,000 or both

### Other possible implications:

- Loss of license or credential
- Civil Lawsuit
- Loss of Job



## 8. Remember, YOU Signed a Statement

Those working with and around children are required to sign a statement that they have knowledge of their mandatory reporting requirements.

Your signed document is in your personnel file.

It states that **YOU KNOW** that reporting suspected child abuse is part of your job and it's your obligation to report any misconduct or child abuse.



## 9. Self - Protection

Here are a few tips to help you avoid situations that could lead to fraudulent allegations of inappropriate conduct.

- Avoid child contact that involves hugging, touching, grabbing, or rubbing/massaging.
- When privacy with children is necessary, leave the doors and windows open when possible.
- For teachers, classroom arrangement should not have sections for privacy.



## 10. Resources

California Department of Social Services (CDSS)  
<http://www.cdss.ca.gov/cdssweb/Default.htm>

Child Abuse and Neglect Reporting Act (CANRA)  
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=11001-12000&file=11164-11174.3>

The CA Child Abuse & Neglect Reporting Law: Issues and Answers for Mandated Reporters  
[www.mandatedreporterca.com/images/Pub132.pdf](http://www.mandatedreporterca.com/images/Pub132.pdf)

Remember, it's **YOUR** obligation to **NOT** ignore child abuse and misconduct.

**REPORT IT TO THE PROPER AUTHORITIES!**



FOR MORE INFORMATION  
**PLEASE VISIT KEENAN'S  
 ABUSE PREVENTION CENTER**

[www.keenan.com/abusepreventioncenter](http://www.keenan.com/abusepreventioncenter)

**PENAL CODE - PEN**

**PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315]**

*( Part 4 added by Stats. 1953, Ch. 1385. )*

**TITLE 1. INVESTIGATION AND CONTROL OF CRIMES AND CRIMINALS [11006 - 11460]**

*( Title 1 added by Stats. 1953, Ch. 1385. )*

**CHAPTER 2. Control of Crimes and Criminals [11150 - 11199.5]**

*( Chapter 2 added by Stats. 1953, Ch. 70. )*

**ARTICLE 2.5. Child Abuse and Neglect Reporting Act [11164 - 11174.3]**

*( Heading of Article 2.5 amended by Stats. 1987, Ch. 1444, Sec. 1. )*

**11166.**

(a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written followup report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain 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 or neglect. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) If, after reasonable efforts, a mandated reporter is unable to submit an initial report by telephone, he or she shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written

report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone followup call by the agency with which he or she filed the report. A mandated reporter who files a one-time automated written report because he or she was unable to submit an initial report by telephone is not required to submit a written followup report.

(1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written followup report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the Child Welfare Services/Case Management System (CWS/CMS). The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions.

(2) This subdivision shall not become operative until the CWS/CMS is updated to capture the information prescribed in this subdivision.

(3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first.

(4) On the inoperative date of these provisions, a report shall be submitted to the counties and the Legislature by the State Department of Social Services that reflects the data collected from automated one-time reports indicating the reasons stated as to why the automated one-time report was filed in lieu of the initial telephone report.

(5) Nothing in this section shall supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.

(c) A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.

(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in his or her professional capacity or within the scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse and that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.

(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

(e) (1) A commercial film, photographic print, or image processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, slide, or any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image depicting a child under 16 years of age engaged in an act of sexual conduct, shall, immediately or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images are seen. Within 36 hours of receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a copy of the image or material attached.

(2) A commercial computer technician who has knowledge of or observes, within the scope of his or her professional capacity or employment, any representation of information, data, or an image, including, but not limited to, any computer hardware, computer software, computer file, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium, depicting a child under 16 years of age engaged in an act of sexual conduct, shall immediately, or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images or material are seen. As soon as practicably possible after receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a



written followup report of the incident with a brief description of the images or materials.

(3) For purposes of this article, "commercial computer technician" includes an employee designated by an employer to receive reports pursuant to an established reporting process authorized by subparagraph (B) of paragraph (43) of subdivision (a) of Section 11165.7.

(4) As used in this subdivision, "electronic medium" includes, but is not limited to, a recording, CD-ROM, magnetic disk memory, magnetic tape memory, CD, DVD, thumbdrive, or any other computer hardware or media.

(5) As used in this subdivision, "sexual conduct" means any of the following:

(A) 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.

(B) Penetration of the vagina or rectum by any object.

(C) Masturbation for the purpose of sexual stimulation of the viewer.

(D) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(E) Exhibition of the genitals, pubic, or rectal areas of a person for the purpose of sexual stimulation of the viewer.

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, he or she makes a report of the abuse or neglect pursuant to subdivision (a).

(g) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9. For purposes of this section, "any other person" includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.

(h) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, 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.

(i) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making 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 this article.



(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(j) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission 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 or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given 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 or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

*(Amended by Stats. 2013, Ch. 76, Sec. 165. Effective January 1, 2014.)*

**WELFARE AND INSTITUTIONS CODE - WIC**

**DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18996]**

*( Division 9 added by Stats. 1965, Ch. 1784. )*

**PART 3. AID AND MEDICAL ASSISTANCE [11000 - 15766]**

*( Part 3 added by Stats. 1965, Ch. 1784. )*

**CHAPTER 11. Elder Abuse and Dependent Adult Civil Protection Act [15600 - 15675]**

*( Heading of Chapter 11 amended by Stats. 1991, Ch. 774, Sec. 1. )*

**ARTICLE 3. Mandatory and Nonmandatory Reports of Abuse [15630 - 15632]**

*( Heading of Article 3 renumbered from Article 4 by Stats. 1994, Ch. 594, Sec. 5. )*

**15630.**

(a) Any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not he or she receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency, is a mandated reporter.

(b) (1) Any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that he or she has experienced behavior, including an act or omission, constituting physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse, shall report the known or suspected instance of abuse by telephone or through a confidential Internet reporting tool, as authorized by Section 15658, immediately or as soon as practicably possible. If reported by telephone, a written report shall be sent, or an Internet report shall be made through the confidential Internet reporting tool established in Section 15658, within two working days.

(A) If the suspected or alleged abuse is physical abuse, as defined in Section 15610.63, and the abuse occurred in a long-term care facility, except a state mental health hospital or a state developmental center, the following shall occur:

(i) If the suspected abuse results in serious bodily injury, a telephone report shall be made to the local law enforcement agency immediately, but also no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse, and a written report shall be made to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse.

(ii) If the suspected abuse does not result in serious bodily injury, a telephone report shall be made to the local law enforcement agency within 24 hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse, and a written report shall be made to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within 24 hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse.

(iii) When the suspected abuse is allegedly caused by a resident with a physician's diagnosis of dementia, and there is no serious bodily injury, as reasonably determined by the mandated reporter, drawing upon his or her training or experience, the reporter shall report to the local ombudsman or law enforcement agency by telephone, immediately or as soon as practicably possible, and by written report, within 24 hours.

(iv) When applicable, reports made pursuant to clauses (i) and (ii) shall be deemed to satisfy the reporting requirements of the federal Elder Justice Act of 2009, as set out in Subtitle H of the federal Patient Protection and Affordable Care Act (Public Law 111-148), Section 1418.91 of the Health and Safety Code, and Section 72541 of Title 22 of California Code of Regulations. When a local law enforcement agency receives an initial report of suspected abuse in a long-term care facility pursuant to this subparagraph, the local law enforcement agency may coordinate efforts with the local ombudsman to provide the most immediate and appropriate response warranted to investigate the mandated report. The local ombudsman and local law enforcement agencies may collaborate to develop protocols to implement this subparagraph.

(B) Notwithstanding the rulemaking provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, or any other law, the department may implement subparagraph (A), in whole or in part, by means of all-county letters, provider bulletins, or other similar instructions without taking regulatory action.

(C) If the suspected or alleged abuse is abuse other than physical abuse, and the abuse occurred in a long-term care facility, except a state mental health hospital or a state developmental center, a telephone report and a written report shall be made to the local ombudsman or the local law enforcement agency.

(D) With regard to abuse reported pursuant to subparagraph (C), the local ombudsman and the local law enforcement agency shall, as soon as practicable, except in the case of an emergency or pursuant to a report required to be made pursuant to clause (v), in which case these actions shall be taken immediately, do all of the following:

(i) Report to the State Department of Public Health any case of known or suspected abuse occurring in a long-term health care facility, as defined in subdivision (a) of Section 1418 of the Health and Safety Code.

(ii) Report to the State Department of Social Services any case of known or suspected abuse occurring in a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or in an adult day program, as

defined in paragraph (2) of subdivision (a) of Section 1502 of the Health and Safety Code.

(iii) Report to the State Department of Public Health and the California Department of Aging any case of known or suspected abuse occurring in an adult day health care center, as defined in subdivision (b) of Section 1570.7 of the Health and Safety Code.

(iv) Report to the Bureau of Medi-Cal Fraud and Elder Abuse any case of known or suspected criminal activity.

(v) Report all cases of known or suspected physical abuse and financial abuse to the local district attorney's office in the county where the abuse occurred.

(E) (i) If the suspected or alleged abuse or neglect occurred in a state mental hospital or a state developmental center, and the suspected or alleged abuse or neglect resulted in any of the following incidents, a report shall be made immediately, but no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting abuse, to designated investigators of the State Department of State Hospitals or the State Department of Developmental Services, and also to the local law enforcement agency:

(I) A death.

(II) A sexual assault, as defined in Section 15610.63.

(III) An assault with a deadly weapon, as described in Section 245 of the Penal Code, by a nonresident of the state mental hospital or state developmental center.

(IV) An assault with force likely to produce great bodily injury, as described in Section 245 of the Penal Code.

(V) An injury to the genitals when the cause of the injury is undetermined.

(VI) A broken bone when the cause of the break is undetermined.

(ii) All other reports of suspected or alleged abuse or neglect that occurred in a state mental hospital or a state developmental center shall be made immediately, but no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting abuse, to designated investigators of the State Department of State Hospitals or the State Department of Developmental Services, or to the local law enforcement agency.

(iii) When a local law enforcement agency receives an initial report of suspected or alleged abuse or neglect in a state mental hospital or a state developmental center pursuant to clause (i), the local law enforcement agency shall coordinate efforts with the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services to provide the most immediate and appropriate response warranted to investigate the mandated report. The designated investigators of the State Department of State Hospitals or the State Department of Developmental Services and local law enforcement agencies may collaborate to develop protocols to implement this clause.

(iv) Except in an emergency, the local law enforcement agency shall, as soon as practicable, report any case of known or suspected criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse.

(v) Notwithstanding any other law, a mandated reporter who is required to report pursuant to Section 4427.5 shall not be required to report under clause (i).

(F) If the abuse has occurred in any place other than a long-term care facility, a state mental hospital, or a state developmental center, the report shall be made to the adult protective services agency or the local law enforcement agency.

(2) (A) A mandated reporter who is a clergy member who acquires knowledge or reasonable suspicion of elder or dependent adult abuse during a penitential communication is not subject to paragraph (1). For purposes of this subdivision, "penitential communication" means a communication that is intended to be in confidence, including, but not limited to, a sacramental confession made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization is authorized or accustomed to hear those communications and under the discipline tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(B) This subdivision shall not be construed to modify or limit a clergy member's duty to report known or suspected elder and dependent adult abuse if he or she is acting in the capacity of a care custodian, health practitioner, or employee of an adult protective services agency.

(C) Notwithstanding any other provision in this section, a clergy member who is not regularly employed on either a full-time or part-time basis in a long-term care facility or does not have care or custody of an elder or dependent adult shall not be responsible for reporting abuse or neglect that is not reasonably observable or discernible to a reasonably prudent person having no specialized training or experience in elder or dependent care.

(3) (A) A mandated reporter who is a physician and surgeon, a registered nurse, or a psychotherapist, as defined in Section 1010 of the Evidence Code, shall not be required to report, pursuant to paragraph (1), an incident if all of the following conditions exist:

(i) The mandated reporter has been told by an elder or dependent adult that he or she has experienced behavior constituting physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect.

(ii) The mandated reporter is not aware of any independent evidence that corroborates the statement that the abuse has occurred.

(iii) The elder or dependent adult has been diagnosed with a mental illness or dementia, or is the subject of a court-ordered conservatorship because of a mental illness or dementia.

(iv) In the exercise of clinical judgment, the physician and surgeon, the registered nurse, or the psychotherapist, as defined in Section 1010 of the Evidence Code, reasonably believes that the abuse did not occur.

(B) This paragraph shall not be construed to impose upon mandated reporters a duty to investigate a known or suspected incident of abuse and shall not be construed to lessen or restrict any existing duty of mandated reporters.

(4) (A) In a long-term care facility, a mandated reporter shall not be required to report as a suspected incident of abuse, as defined in Section 15610.07, an incident if all of the following conditions exist:

(i) The mandated reporter is aware that there is a proper plan of care.

(ii) The mandated reporter is aware that the plan of care was properly provided or executed.

(iii) A physical, mental, or medical injury occurred as a result of care provided pursuant to clause (i) or (ii).

(iv) The mandated reporter reasonably believes that the injury was not the result of abuse.

(B) This paragraph shall not be construed to require a mandated reporter to seek, nor to preclude a mandated reporter from seeking, information regarding a known or suspected incident of abuse prior to reporting. This paragraph shall apply only to those categories of mandated reporters that the State Department of Public Health determines, upon approval by the Bureau of Medi-Cal Fraud and Elder Abuse and the state long-term care ombudsman, have access to plans of care and have the training and experience necessary to determine whether the conditions specified in this section have been met.

(c) (1) Any mandated reporter who has knowledge, or reasonably suspects, that types of elder or dependent adult abuse for which reports are not mandated have been inflicted upon an elder or dependent adult, or that his or her emotional well-being is endangered in any other way, may report the known or suspected instance of abuse.

(2) If the suspected or alleged abuse occurred in a long-term care facility other than a state mental health hospital or a state developmental center, the report may be made to the long-term care ombudsman program. Except in an emergency, the local ombudsman shall report any case of known or suspected abuse to the State Department of Public Health and any case of known or suspected criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse, as soon as is practicable.

(3) If the suspected or alleged abuse occurred in a state mental health hospital or a state developmental center, the report may be made to the designated investigator of the State Department of State Hospitals or the State Department of Developmental Services or to a local law enforcement agency. Except in an emergency, the local law enforcement agency shall report any case of known or suspected criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse, as soon as is practicable.

(4) If the suspected or alleged abuse occurred in a place other than a place described in paragraph (2) or (3), the report may be made to the county adult protective services agency.

(5) If the conduct involves criminal activity not covered in subdivision (b), it may be immediately reported to the appropriate law enforcement agency.

(d) If two or more mandated reporters are present and jointly have knowledge or reasonably suspect that types of abuse of an elder or a dependent adult for which a report is or is not mandated have occurred, and there is agreement among them, the telephone report or Internet report, as authorized by Section 15658, 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.

(e) A telephone report or Internet report, as authorized by Section 15658, of a known or suspected instance of elder or dependent adult abuse shall include, if known, the name of the person making the report, the name and age of the elder or dependent adult, the present location of the elder or dependent adult, the names and addresses of family members or any other adult responsible for the elder's or dependent adult's care, the nature and extent of the elder's or dependent adult's condition, the date of the incident, and any other information, including information that led that person to suspect elder or dependent adult abuse, as requested by the agency receiving the report.

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

(g) (1) Whenever this section requires a county adult protective services agency to report to a law enforcement agency, the law enforcement agency shall, immediately upon request, provide a copy of its investigative report concerning the reported matter to that county adult protective services agency.

(2) Whenever this section requires a law enforcement agency to report to a county adult protective services agency, the county adult protective services agency shall, immediately upon request, provide to that law enforcement agency a copy of its investigative report concerning the reported matter.

(3) The requirement to disclose investigative reports pursuant to this subdivision shall not include the disclosure of social services records or case files that are confidential, nor shall this subdivision be construed to allow disclosure of any reports or records if the disclosure would be prohibited by any other provision of state or federal law.

(h) Failure to report, or impeding or inhibiting a report of, physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect of an elder or dependent adult, in violation of this section, is a misdemeanor, punishable by not more than six months in the county jail, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment. Any mandated reporter who willfully fails to report, or impedes or inhibits a report of, physical abuse, as defined in Section 15610.63, abandonment,



abduction, isolation, financial abuse, or neglect of an elder or dependent adult, in violation of this section, if that abuse results in death or great bodily injury, shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until a law enforcement agency specified in paragraph (1) of subdivision (b) of Section 15630 discovers the offense.

(i) For purposes of this section, "dependent adult" shall have the same meaning as in Section 15610.23.

*(Amended by Stats. 2013, Ch. 673, Sec. 3. Effective January 1, 2014.)*

**I000 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 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.

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

**Complaints Concerning Local Control and Accountability Plan (LCAP) Non-Compliance**  
A complaint that a county superintendent of schools, or charter school has not complied with the requirements of Article 4.5, Local Control Accountability Plans (Education Code § 52060 through 52071), may be filed with a county superintendent of schools, or charter school pursuant to the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations, and BP 1501 and AR 1501.

## 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
52060-52071	Local Control Accountability Plans
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

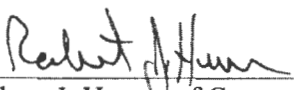
6801-6871 Title III Language Instruction for Limited English Proficient and  
Immigrant Students

7101-7814 Safe and Drug-Free Schools and Communities Act

7201-7283 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; 6/24/14

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 complaint 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.



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

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 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 complaint.

#### 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 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 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.

#### Complaints Concerning the Local Control Accountability Plans

1. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of Education Code § 52060 through 52071.
2. A complainant not satisfied with the decision of the county superintendent of schools, or charter school may appeal the decision to the Superintendent of Public Instruction and shall receive a written appeal decision within 60 days of the Superintendent's receipt of appeal.
3. If a county superintendent of schools, or charter school finds merit in a complaint, or the Superintendent finds merit in an appeal, the county superintendent of schools, or charter

school shall provide a remedy to all affected pupils, parents, and guardians.

#### Appeals to the California Department of Education

If dissatisfied with the county superintendent's decision, the complainant may appeal in writing to CDE within 15 days of receiving the district's decision. When appealing to 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 county superintendent's decision.

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

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 within 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 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; 6/24/14



**Confidentiality of Student Information EC § 49076**

49076. (a) A school district shall not permit access to pupil records to a person without written parental consent or under judicial order except as set forth in this section and as permitted by Part 99 (commencing with Section 99.1) of Title 34 of the Code of Federal Regulations.

(1) Access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:

(A) School officials and employees of the school district, members of a school attendance review board appointed pursuant to Section 48321 who are authorized representatives of the school district, and any volunteer aide, 18 years of age or older, who has been investigated, selected, and trained by a school attendance review board for the purpose of providing followup services to pupils referred to the school attendance review board, provided that the person has a legitimate educational interest to inspect a record.

(2) School districts may release information from pupil records to the following:

(A) Appropriate persons in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of a pupil or other persons. Schools or school districts releasing information pursuant to this subparagraph shall comply with the requirements set forth in Section 99.32(a)(5) of Title 34 of the Code of Federal Regulations.

(3) A person, persons, agency, or organization permitted access to pupil records pursuant to this section shall not permit access to any information obtained from those records by another person, persons, agency, or organization, except for allowable exceptions contained within the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g) and state law, including this section, and implementing regulations, without the written consent of the pupil's parent. This paragraph shall not require prior parental consent when information obtained pursuant to this section is shared with other persons within the educational institution, agency, or organization obtaining access, so long as those persons have a legitimate educational interest in the information pursuant to Section 99.31(a)(1) of Title 34 of the Code of Federal Regulations.

**4180****4000 PERSONNEL****4100 ALL PERSONNEL****4180 DRUG-FREE WORKPLACE**

It is the intent of the Superintendent/Governing Board to provide a safe and secure environment which encourages and supports students and staff in their efforts to lead healthy and productive lives. It is the policy of the Superintendent/Governing Board to maintain a drug-free workplace.

The unlawful manufacture, distribution, dispensing, possession, or use of controlled substances in the workplace by any employee of the Marin County Office of Education is prohibited. All employees shall abide by this policy as a condition of employment and shall receive a written copy of this policy.

The Superintendent shall establish Administrative Regulations and Procedures to maintain a drug-free awareness program to inform employees about:

1. the dangers of drug abuse in the workplace;
2. the Office of Education policy of maintaining a drug-free workplace;
3. any available drug abuse assistance and rehabilitation programs; and
4. the penalties that may be imposed upon employees for drug use violations.

(continued)

4180

4000 PERSONNEL

4100 ALL PERSONNEL

4180 DRUG-FREE WORKPLACE (concluded)

The Superintendent or his/her designee shall certify, as required, to the State and Federal governments that the Marin County Office of Education maintains a drug-free workplace.

The Superintendent shall make a good faith effort to continue maintaining a drug-free workplace through implementation of this policy.

The Superintendent shall develop Administrative Regulations and Procedures to implement this policy

References: Drug-Free Workplace Act of 1988  
Drug-Free Schools and Communities Act Amendments of 1989,  
(Public Law 101-226)

Approved as to form:

  
\_\_\_\_\_  
Deputy County Counsel

Approved by  
Marin County Board of Education - 3/24/92

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

**DRUG-FREE WORKPLACE**  
(Board Policy 4180)

Copies of Board Policy 4180, these Administrative Regulations and Procedures and a list of any available drug abuse assistance and rehabilitation programs shall be included in the *Classified Employees Manual*, *Certificated Regulations and Procedures* and *Management Regulations and Procedures* which are distributed annually to all employees. Between the annual distribution, the Personnel Office will include the appropriate publication with new employee orientation packets..

It is the intent of the Superintendent/Governing Board to provide a safe and secure environment which encourages and supports students and staff in their efforts to lead healthy and productive lives. Drug abuse in the workplace undermines this goal and can lead to social, educational, economic and legal problems.

Penalties that may be imposed upon employees for drug use violations are:

1. Referral to Marin Community Resources for assessment. Evidence of completion of the assessment may be required.
2. Participation in an approved substance abuse assistance or rehabilitation program may be required.
3. Employee drug abuse in the workplace may result in suspension and/or termination of employment.

Each employee shall notify the Superintendent of any criminal drug status conviction in the workplace no later than five (5) days after such conviction. The Superintendent shall notify the appropriate Federal agency within ten (10) days after receiving such notice or otherwise receiving actual notice of such conviction.

The Superintendent shall, within 30 days of receiving such notice:

1. take appropriate personnel action against such employee, up to and including termination; and/or
2. require such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.



**Board Policy 2210**

- 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

**Administrative Regulations 2210.01****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 for 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, students, 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.

**Administrative Regulations 2210.01****TOBACCO-FREE SCHOOLS/SITES**

Page 2 of 4

**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.

**Administrative Regulations 2210.01****TOBACCO-FREE SCHOOLS/SITES**

Page 3 of 4

- **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.



## Administrative Regulations 2210.01

## TOBACCO-FREE SCHOOLS/SITES

Page 4 of 4

- \* 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

## SMOKING CESSATION PROGRAMS & RESOURCES MARIN COUNTY

Call the American Cancer Society at 454-8464 to help find the program that's right for you and to request a free "Smoker's Kit" including informative resources, facts, and tips for quitting.

### KAISER PERMANENTE AND AMERICAN CANCER SOCIETY CO-SPONSOR:

9 sessions: in San Rafael, Mondays and Thursdays, 7:00 - 9:00 pm, at Kaiser Permanente New Medical Office Building, Conference Room 3/4, 99 Montecillo Road; next starting dates are Apr 10, May 22, Jul 10, Sep 11, Oct 23. In Novato, Mondays and Thursdays, 7:00 - 9:00 pm, at Novato Kaiser Permanente Medical Facility, Bldg. A Conf. Rm. A, 97 San Marin Drive; next starting dates are Apr 10 & Oct 23. Phone 444-2433 to register for either location. \$35.00 for members and \$90.00 for non-members.

### NOVATO COMMUNITY HOSPITAL AND AMERICAN CANCER SOCIETY CO-SPONSOR:

6 sessions twice a week on Mondays and Wednesdays, 7:30 - 9:30 pm at Novato Community Hospital, 1625 Hill Road, Novato. Next starting date is September, 1995. For information and to register call 897-3111 x.391. \$25.00.

### AMERICAN LUNG ASSOCIATION "FREEDOM FROM SMOKING"

8 sessions over 7 weeks. For more information about next class call Carolyn Derrick 1-800-556-6650. \$75.00.

### NICOTINE ANONYMOUS

Many ongoing meetings in Marin which you are invited to whether you have quit yet or not. You can attend as many meetings each week as you would like.

#### Locations:

Tuesdays, 7:30 pm - St. John's Church, Lagunitas & Shady Lane, Ross

Thursdays, 7:00 pm - Scout Hall, 179 E. Blithedale, Mill Valley

Saturdays, 10:00 am - Faith Lutheran Church, 355 Los Ranchitos, San Rafael

Sundays, 8:00 pm - St. Francis Church, 5th St. & Grant, Novato

FREE - but a \$1.00 donation is accepted. Phone 752-2230 for further information and for meeting locations in other counties.

### CALIFORNIA SMOKERS' HELPLINE

7 sessions of telephone counseling are provided to callers who set a quit date within 1 week of their call. See numbers listed below.

### ST. HELENA HOSPITAL HEALTH CENTER

This is a comprehensive 7-day, live-in program that includes a medical screening, lectures, counseling, regular light exercise, and a wholesome vegetarian diet. Also offers a massage therapist, nutritionists, and stress-reduction techniques. Located in Sonoma County; call 1-800-862-7575.

### CALIFORNIA SMOKERS' HELPLINES:

1-800-7-NO BUTTS (English)

1-800-45-NO FUME (Spanish)

1-800-400-0866 (Chinese)

1-800-554-5564 (Korean)

1-800-778-8440 (Vietnamese)

1-800-933-4TDD (Deaf/Hearing Impaired)

## 4111.4

4000 PERSONNEL

4100 ALL PERSONNEL

4110 EMPLOYMENT

4111 PROCEDURES

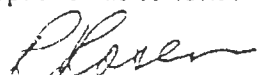
**4111.4 USE OF OFFICE EQUIPMENT AND SUPPLIES**

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

### EDUCATIONAL INTERNET ACCOUNT Acceptable Use Policy and Agreement

#### TERMS AND CONDITIONS

**Please read the following carefully before initialing each page and 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.

Marin COE technology includes, but is not limited to, computers, network, switches, servers, wireless network, the Internet, email, USB drives, access points, routers, tablets, smart phones, cellular phones, smart devices, wearable technology, any wireless communication device including emergency radios and/or future technology innovations, whether accessed on or off site or through county-owned or personally owned equipment or devices. All devices that use the county office internet are monitored through the filter, including personal devices on campus. Marin COE issued devices may be monitored through the filter at all times including weekends and non-work days.

It is the express responsibility of all adult users of the county office network to ensure that personal information related to students and staff is protected from unauthorized disclosure. Essentially, this means that personal student and staff data must NEVER be transmitted via unencrypted e-mail, file transfer or other means. It also means that protected student and staff data must ONLY be maintained on the Marin COE network storage systems and NEVER on personal media (e.g. computer hard drives, CDs, USB flash drives, removable hard drives, or personal cloud storage services like Dropbox, Apple iCloud, etc.).

#### **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 content filter and stateful packet firewall 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 it's 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 [Information Systems Support](#) at 415-491-6640 or [support@marinschools.org](mailto:support@marinschools.org). 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.

8.1. The employee in whose name County Office technology is issued is responsible for its proper use at all times. Employees shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned. Employees shall not gain unauthorized access to the files or equipment of others, access electronic resources by using another person's name or electronic identification, or send anonymous electronic communications. Furthermore, employees shall not attempt to access any data, documents, emails, or programs in the County Office's system for which they do not have authorization..

8.2. Employees shall use the System primarily for purposes related to their employment within the County. Commercial use of the System is strictly prohibited.

8.3. 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 of 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.

8.4. 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.

8.5. 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.

8.6. Users shall not engage in any type of gaming activities on the System. Playing of computer games (e.g..solitaire, free cell, etc.), except for instructional purposes when approved by the user's manager, is prohibited.

8.7. 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.

8.8. 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.

8.9. 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.

8.10. 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.

8.11. 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.

8.12. 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. Giving out anyone's home address, phone number or other personal information.
- g. Violating laws (including copyright laws, plagiarism, FERPA, HIPPA).
- h. Intentionally tampering (hacking) with or damaging computers, computer systems, or computer networks.
- i. Trespassing in another's folders, work, or files.
- j. Allowing remote access to county office equipment by anyone other than Marin COE technology support staff.
- k. 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.

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

8.14. 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) **Staff E-Mail** - The MCOE manages an e-mail system for staff business/communications purposes. Staff members are provided with MCOE e-mail accounts to improve the efficiency and effectiveness of communication, both within the organization and with the broader community. Staff using e-mail to correspond regarding MCOE business must adhere to the following:

- Staff must use a Marin COE provided e-mail account for all business related communications. Use of a staff personal e-mail account for business related communication is not authorized.
- E-mail is not an effective medium for contentious, emotional, or highly confidential issues. These issues are more effectively dealt with through a phone call or personal meeting.

- E-mail messages should be consistent with professional practices used for other correspondence. This includes grammar, format, and salutation.
- Most e-mails that reside on the Marin COE servers are not confidential. E-mail messages may be requested by the public and may, unless they are exempt under the law, be open to public inspection.

**Staff are required to:**

- Check e-mail at least once every (2) business days
- Respond to e-mail messages in a timely fashion, usually considered to be within 2-3 working days.
- Delete messages after reading them. If you need to keep messages for any reason, file them in personal folders rather than the Exchange server folders.
- Avoid sending enclosures larger than 1 MB. For large file transfers, used shared folders on building servers.
- Subscribe only to list services that are critical to your job responsibilities.
- Do not forward or otherwise respond to "chainmail" type communications.
- Do not respond to spam or phishing attempts by clicking on any links or providing any account information. Know that district network/communications staff will NEVER ask for account information via email.
- Do not send email messages to all staff. Messages you would like to send to all staff should be sent to the Communications and Public Relations Department for inclusion in staff e-newsletter if appropriate.

**10) 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:

- 10.1. Minors shall not access material that is obscene, child pornography, harmful to minors, or otherwise inappropriate for educational or work-related uses
- 10.2. 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.
- 10.3. Minors shall not disclose personal identification information on the Internet.

**11) Privacy** – Marin COE technology is intended for use in conducting county office business, no employee should have any expectation of privacy in any use of county office technology. The district reserves the right to monitor and record all use of district technology, including, but not limited to, electronic mail, voicemail, access to the Internet or social media, communications sent or received from county office technology, or other uses within the jurisdiction of the county office. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Employees should be aware that, in most instances, their use of county office technology (such as web searches or emails) cannot be erased or deleted.

All passwords created for or used on any county office technology are the sole property of Marin COE. The creation or use of a password by an employee on county office technology does not create a reasonable



expectation of privacy. The reliability of passwords for maintaining confidentiality cannot be guaranteed.

**12) Personally Owned Devices** - If an employee uses a personally owned device to access County Office technology or conduct County Office business, he/she shall abide by all applicable Board policies, administrative regulations, and this Acceptable Use Policy Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

**12) 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 and including termination.

**13) Public Records and Retention:**

- 13.1. 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.
- 13.2. 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.
- 13.3. 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. 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"/> Extra Hire	<input type="checkbox"/> Substitute
<input type="checkbox"/> New Hire	<input type="checkbox"/> Rehire
<input type="checkbox"/> Current Staff Member	

MARIN COUNTY OFFICE OF EDUCATION \_\_\_\_\_  
MCOE Department

MCOE Location \_\_\_\_\_ MCOE Job Title \_\_\_\_\_

User Name: \_\_\_\_\_ User Signature: \_\_\_\_\_  
Please print *CLEARLY*

**For new hires ONLY**

Please provide a personal email address to receive an encrypted email from the MCOE Information Systems department with your Username and Password.

Email Address: \_\_\_\_\_

\_\_\_\_\_  
Administrator/Personnel Signature

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 INCOME

3215.3 **ACCEPTING CONTRIBUTIONS, GIFTS AND DONATIONS**

The Marin County Office of Education appreciates that individuals and organizations may wish to donate funding, goods and/or services to the office and directs that such gifts be appropriately received and accounted for.

All contributions, gifts, donations, bequests and donated goods provided by business, vendors and/or individuals become the property and possession of the County Office and not of any individual employee.

Prior to accepting donations of any kind, County Office employees shall notify the County Superintendent of any restrictions or conditions specified by the donor and make a recommendation about the advisability and usefulness of accepting the gift.

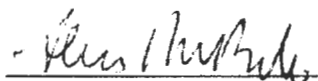
The County Board has authorized the County Superintendent to accept gifts on behalf of the County Office. All accepted donations shall contribute to the students, classes, projects and/or programs of the County Office. Donations of films and videos shall be subject to staff review and County Board approval before being added to the learning resource collection. Gifts accepted by the County Superintendent shall be reported to the County Board on a regular basis.

Items of sufficient value shall be included on the County Office's fixed assets inventory. Funds received in the form of cash and/or securities shall be deposited in the appropriate program account as specified by the donor. In the event no specification is made, the funds and/or securities shall be deposited in the County Office general fund to be used for general operating purposes unless otherwise designated by the County Superintendent.

When property donated to the County Office becomes unusable, obsolete or is no longer needed by the County Office, it shall be disposed of as authorized in the Education Code.

References: Education Code, 35160, 35160.1, 41032

Approved as to form:

  
Deputy County Counsel

Approved by  
Marin County Board of Education: 10/4/72, 1/14/03

## Contribution, Gift or Donation Questionnaire

*Marin County Office of Education*

Please complete this questionnaire with the prospective donor. The purpose of this questionnaire is to determine the appropriateness of the donation, document the intent of the donor and gain necessary approvals prior to formally accepting a gift.

Name of Donor \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_

Detailed description of the contribution, gift or donation: \_\_\_\_\_

Intent of the donation: \_\_\_\_\_

If cash or check, specify dollar amount: \$ \_\_\_\_\_

If other than cash or check, donor estimated value: \$ \_\_\_\_\_

Is this contribution, gift or donation for: ☐ general use ☐ restricted use

If the restricted use, please specify precisely how the gift must be used. Include any conditions that are placed on the gift and the program/school for which the contribution is designated:

Employee completing questionnaire: \_\_\_\_\_ Date \_\_\_\_\_

### For Administrative Services Use Only

Approval required: ☐ Program Administrator ☐ Deputy/Assistant Superintendent

Review Comments: \_\_\_\_\_

Revenue Code \_\_\_\_\_

Program Administrator \_\_\_\_\_ Date \_\_\_\_\_

Deputy/Assistant Superintendent Approval \_\_\_\_\_ Date \_\_\_\_\_

Board Agenda Date \_\_\_\_\_ Action \_\_\_\_\_



MARIN COUNTY OFFICE OF EDUCATION  
ADMINISTRATIVE REGULATIONS AND PROCEDURES

**ACCEPTING CONTRIBUTIONS, GIFTS AND DONATIONS**

(Board Policy 3215.3)

Employees shall notify the County Superintendent or designee of any contributions, gifts or donations prior to accepting such on behalf of the County Office.

Contributions, gifts and donations shall be reviewed according to the value and designation of the proposed gift as follows:

- those gifts designated by the donor for a particular program and having a cash value of \$250 or less, shall be reviewed in advance by the program administrator;
- those gifts not designated by the donor for a particular program and having a cash value of \$250 or less shall be reviewed in advance by the Assistant/Deputy Superintendent;
- those gifts having a cash value of more than \$250 shall be reviewed in advance by the Assistant/Deputy Superintendent.

***Purpose***

To provide a process for review of all contributions, gifts and donations prior to acceptance on behalf of the County Office.

***Timeline***

Review is completed within three (3) business days of the receipt of the completed questionnaire.

***Procedure***

1. Employee completes the Contribution, Gift or Donation Questionnaire with the prospective donor.
2. The form is forwarded to the appropriate program administrator or the Assistant/Deputy Superintendent.
3. Program administrator or Assistant/Deputy Superintendent recommends approval or disapproval of the contribution based on the following criteria:
  - would not imply the endorsement of any particular business or product or any specific political or religious point of view;
  - would not be in conflict with any provision of state or local law
  - would have a purpose consistent with the goals of the County Office;
  - would not involve funds raised wholly or partially through anonymous or unidentified solicitation.
4. Deputy Superintendent or designee presents recommendations to the County Board.
5. Deputy Superintendent or designee notifies the donor of acceptance or rejection of the gift and ensures that appropriate appreciation and recognition is expressed to the donor.

1/14/03



## TIME OF HIRE PAMPHLET

This pamphlet, or a similar one that has been approved by the Administrative Director, must be given to all newly hired employees in the State of California. Employers and claims administrators may use the content of this document and put their logos and additional information on it. The content of this pamphlet applies to all industrial injuries that occur on or after January 1, 2013.

## WHAT IS WORKERS' COMPENSATION?

If you get hurt on the job, your employer is required by law to pay for workers' compensation benefits. You could get hurt by:

One event at work. Examples: hurting your back in a fall, getting burned by a chemical that splashes on your skin, getting hurt in a car accident while making deliveries.

—or—

Repeated exposures at work. Examples: hurting your wrist from using vibrating tools, losing your hearing because of constant loud noise.

—or—

Workplace crime. Examples: you get hurt in a store robbery, physically attacked by an unhappy customer.

## Discrimination is illegal

It is illegal under Labor Code section 132a for your employer to punish or fire you because you:

- File a workers' compensation claim
- Intend to file a workers' compensation claim
- Settle a workers' compensation claim
- Testify or intend to testify for another injured worker.

If it is found that your employer discriminated against you, he or she may be ordered to return you to your job. Your employer may also be made to pay for lost wages, increased workers' compensation benefits, and costs and expenses set by state law.

## WHAT ARE THE BENEFITS?

- **Medical care:** Paid for by your employer to help you recover from an injury or illness caused by work. Doctor visits, hospital services, physical therapy, lab tests and x-rays are some of the medical services that may be provided. These services should be necessary to treat your injury. There are limits on some services such as physical and occupational therapy and chiropractic care.

- **Temporary disability benefits:** Payments if you lose wages because your injury prevents you from doing your usual job while recovering. The amount you may get is up to two-thirds of your wages. There are minimum and maximum payment limits set by state law. You will be paid every two weeks if you are eligible. For most injuries, payments may not exceed 104 weeks within five years from your date of injury. Temporary disability (TD) stops when you return to work, or when the doctor releases you for work, or says your injury has improved as much as it's going to.
- **Permanent disability benefits:** Payments if you don't recover completely. You will be paid every two weeks if you are eligible. There are minimum and maximum weekly payment rates established by state law. The amount of payment is based on:
  - Your doctor's medical reports
  - Your age
  - Your occupation
- **Supplemental job displacement benefits:** This is a voucher for up to \$6,000 that you can use for retraining or skill enhancement at an approved school, books, tools, licenses or certification fees, or other resources to help you find a new job. You are eligible for this voucher if:
  - You have a permanent disability.
  - Your employer does not offer regular, modified, or alternative work, within 60 days after the claims administrator receives a doctor's report saying you have made a maximum medical recovery.
- **Death benefits:** Payments to your spouse, children or other dependents if you die from a job injury or illness. The amount of payment is based on the number of dependents. The benefit is paid every two weeks at a rate of at least \$224 per week. In addition, workers' compensation provides a burial allowance.

### **OTHER BENEFITS**

You may file a claim with the Employment Development Department (EDD) to get state disability benefits when workers' compensation benefits are delayed, denied, or have ended. There are time restrictions so for more information contact the local office of EDD or go to their web site [www.edd.ca.gov](http://www.edd.ca.gov).

If your injury results in a permanent disability (PD) and the state determines that your PD benefit is disproportionately low compared to your earning loss, you may qualify for additional money from the Department of Industrial Relation's special earnings loss supplement program also known as the return to work program. If you have questions or think you qualify, contact the Information & Assistance Unit by going to [www.dwc.ca.gov](http://www.dwc.ca.gov) and looking under "Workers'

Compensation programs and units” for the “Information & Assistance Unit” link or visit the DIR web site at [www.dir.ca.gov](http://www.dir.ca.gov).

**Workers' compensation fraud is a crime**

Any person who makes or causes to be made any knowingly false statement in order to obtain or deny workers' compensation benefits or payments is guilty of a felony. If convicted, the person will have to pay fines up to \$150,000 and/or serve up to five years in jail.

**WHAT SHOULD I DO IF I HAVE AN INJURY?**

**Report your injury to your employer**

Tell your supervisor right away no matter how slight the injury may be. Don't delay – there are time limits. You could lose your right to benefits if your employer does not learn of your injury within 30 days. If your injury or illness is one that develops over time, report it as soon as you learn it was caused by your job.

If you cannot report to the employer or don't hear from the claims administrator after you have reported your injury, contact the claims administrator yourself.

**Workers' compensation insurance company or if employer is self-insured, person responsible for handling the claim is:**

Marin Schools Insurance Authority (Claims administered by InterCare)

Address: P.O. Box 579, Roseville, CA 95661

Phone: (800) 771-5454

You may be able to find the name of your employer's workers' compensation insurer at [www.caworkcompcoverage.com](http://www.caworkcompcoverage.com). If no coverage exists or coverage has expired, contact the Division of Labor Standards Enforcement at [www.dir.ca.gov/DLSE](http://www.dir.ca.gov/DLSE) as all employees must be covered by law.

**Get emergency treatment if needed**

If it's a medical emergency, go to an emergency room right away. Tell the medical provider who treats you that your injury is job related. Your employer may tell you where to go for follow up treatment.

**Emergency telephone number:** Call 911 for an ambulance, fire department or police. For non-emergency medical care, contact your employer, the workers' compensation claims administrator or go to this facility:

\_\_\_\_\_.

**Fill out DWC 1 claim form and give it to your employer**

Your employer must give you a DWC 1 claim form within one working day after learning about your injury or illness. Complete the employee portion, sign and give it back to your employer. Your employer will then file your claim with the claims administrator. Your employer must authorize treatment within one working day of receiving the DWC 1 claim form.

If the injury is from repeated exposures, you have one year from when you realized your injury was job related to file a claim.

In either case, you may receive up to \$10,000 in employer-paid medical care until your claim is either accepted or denied. The claims administrator has up to 90 days to decide whether to accept or deny your claim. Otherwise your case is presumed payable.

Your employer or the claims administrator will send you "benefit notices" that will advise you of the status of your claim.

**MORE ABOUT MEDICAL CARE**

**What is a Primary Treating Physician (PTP)?**

This is the doctor with overall responsibility for treating your injury or illness. He or she may be:

- The doctor you name in writing *before* you get hurt on the job
- A doctor from the medical provider network (MPN)
- The doctor chosen by your employer during the first 30 days of injury if your employer does not have an MPN or
- The doctor you chose after the first 30 days if your employer does not have an MPN.

**What is a Medical Provider Network (MPN)?**

An MPN is a select group of health care providers who treat injured workers. Check with your employer to see if they are using an MPN.

If you have not named a doctor before you get hurt and your employer is using an MPN, you will see an MPN doctor. After your first visit, you are free to choose another doctor from the MPN list.

**What is Predesignation?**

Predesignation is when you name your regular doctor to treat you if you get hurt on the job. The doctor must be a medical doctor (M.D.), doctor of osteopathic medicine (D.O.) or a medical group with an M.D. or D.O. You must name your doctor in writing *before* you get hurt or become ill.

You may predesignate a doctor if you have health care coverage for non-work injuries and illnesses. The doctor must have:

- Treated you
- Maintained your medical history and records before your injury and
- Agreed to treat you for a work-related injury or illness before you get hurt or become ill.

You may use the "predesignation of personal physician" form included with this pamphlet. After you fill in the form, be sure to give it to your employer.

If your employer does not have an approved MPN, you may name your chiropractor or acupuncturist to treat you for work related injuries. The notice of personal chiropractor or acupuncturist must be in writing *before* you get hurt. You may use the form included in this pamphlet. After you fill in the form, be sure to give it to your employer.

With some exceptions, state law does not allow a chiropractor to continue as your treating physician after 24 visits. Once you have received 24 chiropractic visits, if you still require medical treatment, you will have to select a new physician who is not a chiropractor. The term "chiropractic visit" means any chiropractic office visit, regardless of whether the services performed involve chiropractic manipulation or are limited to evaluation and management.

Exceptions to the prohibition on a chiropractor continuing as your treating physician after 24 visits include postsurgical physical medicine visits prescribed by the surgeon, or physician designated by the surgeon, under the postsurgical component of the Division of Workers' Compensation's Medical Treatment Utilization Schedule, or if your employer has authorized additional visits in writing.

#### **WHAT IF THERE IS A PROBLEM?**

If you have a concern, speak up. Talk to your employer or the claims administrator handling your claim and try to solve the problem. If this doesn't work, get help by trying the following:

**Contact the Division of Workers' Compensation (DWC) Information and Assistance (I&A) Unit**  
All 24 DWC offices throughout the state provide information and assistance on rights, benefits and obligations under California's workers' compensation laws. I&A officers help resolve disputes without formal proceedings. Their goal is to get you full and timely benefits. Their services are free.

To contact the nearest I&A Unit, go to [www.dwc.ca.gov](http://www.dwc.ca.gov) and under "Workers' Compensation programs and units", click on "Information & Assistance Unit." At this site you will find fact sheets, guides and information to help you.

The nearest I&A Unit is located at:

Address: 455 Golden Gate Avenue, San Francisco, CA 94102

Phone number: 415-703-5020



**Consult with an attorney**

Most attorneys offer one free consultation. If you decide to hire an attorney, his or her fees may be taken out of some of your benefits. For names of workers' compensation attorneys, call the State Bar of California at (415) 538-2120 or go to their website at [www.californiaspecialist.org](http://www.californiaspecialist.org). You may get a list of attorneys from your local I&A Unit or look in the yellow pages.

**Warning**

Your employer may not pay workers' compensation benefits if you get hurt in a voluntary off-duty recreational, social or athletic activity that is not part of your work-related duties.

**Additional rights**

You may also have other rights under the Americans with Disabilities Act (ADA) or the Fair Employment and Housing Act (FEHA). For additional information, contact FEHA at (800) 884-1684 or the Equal Employment Opportunity Commission (EEOC) at (800) 669-4000.

The information contained in this pamphlet conforms to the informational requirements found in Labor Code sections 3551 and 3553 and California Code of Regulation, Title 8, sections 9880 and 9883. This document is approved by the Division of Workers' Compensation administrative director.

Revised 6/17/14 and effective for dates of injuries on or after 1/1/13

## PREDESIGNATION OF PERSONAL PHYSICIAN

In the event you sustain an injury or illness related to your employment, you may be treated for such injury or illness by your personal medical doctor (M.D.), doctor of osteopathic medicine (D.O.) or medical group if:

- on the date of your work injury you have health care coverage for injuries or illnesses that are not work related;
- the doctor is your regular physician, who shall be either a physician who has limited his or her practice of medicine to general practice or who is a board-certified or board-eligible internist, pediatrician, obstetrician-gynecologist, or family practitioner, and has previously directed your medical treatment, and retains your medical records;
- your "personal physician" may be a medical group if it is a single corporation or partnership composed of licensed doctors of medicine or osteopathy, which operates an integrated multispecialty medical group providing comprehensive medical services predominantly for nonoccupational illnesses and injuries;
- prior to the injury your doctor agrees to treat you for work injuries or illnesses;
- prior to the injury you provided your employer the following in writing: (1) notice that you want your personal doctor to treat you for a work-related injury or illness, and (2) your personal doctor's name and business address.

You may use this form to notify your employer if you wish to have your personal medical doctor or a doctor of osteopathic medicine treat you for a work-related injury or illness and the above requirements are met.

### NOTICE OF PREDESIGNATION OF PERSONAL PHYSICIAN

**Employee: Complete this section.**

To: \_\_\_\_\_ (name of employer) If I have a work-related injury or illness, I choose to be treated by:

\_\_\_\_\_  
(name of doctor)(M.D., D.O., or medical group) \_\_\_\_\_ (street address, city, state, ZIP)

\_\_\_\_\_  
(telephone number)

Employee Name (please print): \_\_\_\_\_

Employee's Address: \_\_\_\_\_

Name of Insurance Company, Plan, or Fund providing health coverage for nonoccupational injuries or illnesses: \_\_\_\_\_

Employee's Signature \_\_\_\_\_ Date: \_\_\_\_\_

**Physician: I agree to this Predesignation:**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Physician or Designated Employee of the Physician or Medical Group)

The physician is not required to sign this form, however, if the physician or designated employee of the physician or medical group does not sign, other documentation of the physician's agreement to be predesignated will be required pursuant to Title 8, California Code of Regulations, section 9780.1(a)(3).

**§ 9783.1. DWC Form 9783.1 Notice of Personal Chiropractor or Personal Acupuncturist.**

**NOTICE OF PERSONAL CHIROPRACTOR OR PERSONAL ACUPUNCTURIST**

If your employer or your employer's insurer does not have a Medical Provider Network, you may be able to change your treating physician to your personal chiropractor or acupuncturist following a work-related injury or illness. In order to be eligible to make this change, you must give your employer the name and business address of a personal chiropractor or acupuncturist in writing prior to the injury or illness. Your claims administrator generally has the right to select your treating physician within the first 30 days after your employer knows of your injury or illness. After your claims administrator has initiated your treatment with another doctor during this period, you may then, upon request, have your treatment transferred to your personal chiropractor or acupuncturist.

**NOTE:** If your date of injury is January 1, 2004 or later, a chiropractor cannot be your treating physician after you have received 24 chiropractic visits unless your employer has authorized additional visits in writing. The term "chiropractic visit" means any chiropractic office visit, regardless of whether the services performed involve chiropractic manipulation or are limited to evaluation and management. Once you have received 24 chiropractic visits, if you still require medical treatment, you will have to select a new physician who is not a chiropractor. This prohibition shall not apply to visits for postsurgical physical medicine visits prescribed by the surgeon, or physician designated by the surgeon, under the postsurgical component of the Division of Workers' Compensation's Medical Treatment Utilization Schedule.

You may use this form to notify your employer of your personal chiropractor or acupuncturist.

**Your Chiropractor or Acupuncturist's Information:**

\_\_\_\_\_  
(name of chiropractor or acupuncturist)

\_\_\_\_\_  
(street address, city, state, zip code)

\_\_\_\_\_  
(telephone number)

Employee Name (please print):

\_\_\_\_\_  
Employee's Address:

\_\_\_\_\_  
Employee's Signature \_\_\_\_\_ Date: \_\_\_\_\_



# MARIN COUNTY

## OFFICE OF EDUCATION

1111 LAS GALLINAS AVENUE/P.O. BOX 4925  
SAN RAFAEL, CA 94913-4925  
marincoe@marinschools.org

MARY JANE BURKE  
MARIN COUNTY  
SUPERINTENDENT OF SCHOOLS

(415) 472-4110  
FAX (415) 491-6625

### TUBERCULOSIS TESTING INFORMATION

#### REQUIREMENT:

Education code 49406 requires that public employees be free of infectious tuberculosis (TB). There are two ways to meet this requirement:

1. TB Risk Assessment Questionnaire - with resulting "Certificate of Completion", completed by a licensed health care provider.
2. TB examination – via skin test, blood test, or chest x-ray. Results provided by a licensed health care provider.

#### NEW EMPLOYEES

All new employees must provide the required documentation upon hire to Personnel. This certification must be completed within 60 days prior to employment or verify freedom of infectious tuberculosis through a previous employing school district if applicable. (Education code § 49406 and Health and Safety Code § 121525)

#### CURRENT EMPLOYEES

MCOE employees must undergo the risk assessment or examination every four years.

#### RESOURCES:

The Risk Assessment Questionnaire or TB examination can be completed by any licensed health care provider, including a personal doctor or County Health Clinic.

- If you have health insurance, contact your healthcare provider to complete the TB questionnaire, a TB skin test, or a chest x-ray (physicians recommend this in special cases) and bring your clearance to the Personnel office.
- If you do not have health insurance, you can go to the Immunization Clinic (information provided below). Please note, if you have health care coverage, you may be billed for an office visit.

#### Marin Community Clinic – San Rafael Campus

Address: 3260 Kerner Blvd, San Rafael CA 94901

Hours: Tuesday - Friday 1:30pm – 4:30pm

Phone: (415) 448-1500

Website: [www.marinclinic.org](http://www.marinclinic.org)

TB skin testing is offered on a drop-in basis and requires two visits: Cost - \$30.00

1. First visit for the TB Skin test
2. Second visit for the results of the TB Skin test (about 2-3 days after first visit)

If you have had a positive TB skin test reading in the past, you will not be given a TB skin test through the Immunization Clinic. You must come to the Clinic to obtain a chest x-ray referral during the designated drop-in times.

Chest X-Ray Referral: Cost - \$27.00 for uninsured; insured individuals will be processed by MCC, but must have their insurance for their chest x-ray.

## 1000 COMMUNITY RELATIONS

## 1500 COMPLAINTS

**1503 HATE-MOTIVATED BEHAVIOR AND BULLYING PREVENTION**

*Please note: The policy applicable to students is Board Policy 5203.*

The Marin County Board of Education (Board) and the Marin County Superintendent of Schools (Superintendent) affirm the right of all staff, parents and volunteers to be free from abusive statements and any activities which degrade the unique qualities of an individual such as, but not limited to, race, ethnicity, culture, heritage, color, national origin or ancestry, sexual orientation, physical disability, mental disability, medical condition, genetic condition, marital status, sex, gender, gender identity, gender expression, religious beliefs and practices, or age. Verbal or physical attacks will not be tolerated.

The Board and the Superintendent recognize that threats, physical assaults and inflammatory statements jeopardize the safety and well-being of all staff. The Board and the Superintendent will take reasonable steps to ensure that all parents and staff will be treated with fairness and justice.

The Board and Superintendent believe that all have a right to a safe and healthy school/work environment. The County Office, its schools, parents/guardians and community have an obligation to promote mutual respect, tolerance, and acceptance.

The Board and Superintendent will not tolerate bullying or any behavior that infringes on the safety or well-being of staff, or any other persons within the County Office's jurisdiction. Bullying is defined as aggressive or unwanted and unwelcome behavior by an individual or groups of individuals, who ridicule, harass, humiliate, or intimidate another. Typically, the behavior is repeated over time and includes the use of harmful words and/or acts.

Bullying behaviors may include, but are not necessarily limited to, the following:

- Verbal: Hurtful name-calling, teasing, gossiping, making threats, making slurs or epithets, making rude noises, or spreading harmful rumors.
- Nonverbal: Posturing, making gang signs, leering, staring, stalking, destroying property, insulting or threatening notes, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
- Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, "pantsing", pinching, slapping, biting, spitting, or destroying property.
- Emotional (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, shunning, ostracizing, using peer pressure, or rating or ranking personal characteristics.
- Cyber Bullying: Transmission of communications, posting of harassing messages, direct threats, or other harmful texts, sounds, or images on the Internet,



social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Employee behavior contrary to this policy shall be subject to disciplinary action and referral to law enforcement agencies as appropriate.

### Reporting

All members of the school community, including staff, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously but formal disciplinary action may not be based solely on an anonymous report. Prompt and reasonable investigation of the alleged acts is expected.

If a person believes that his/her report has not been remedied, he/she may file a complaint in accordance with the Superintendent's Uniform Complaint policy and procedures.

To ensure bullying does not occur, the Board and Superintendent will provide staff development training in bullying prevention and cultivate acceptance and understanding.

### Retaliation

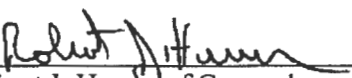
Retaliation against a person for filing a bullying complaint or assisting in a bullying investigation or proceeding is prohibited. Staff who knowingly file false bullying or harassment complaints or give false statements in an investigation shall be subject to discipline.

### Confidentiality

An allegation of bullying and the results of the investigation shall be kept confidential pursuant to Board and Superintendent policies and to the extent required by law.

References: Education Code 200 et seq.; 32230-32239; 35160; 35160.1; 44806; 48900;  
48900.2; 48900.3; 48904; 48980  
Penal Code 422.6  
Title 5 of the California Code of Regulations sections 4600 & 4900  
Government Code Section 12920, 12940

Approved as to form:

  
Robert J. Henry, of Counsel

Revised and Approved by Marin County Board of Education: December 7, 2010  
Revised and Approved by Marin County Board of Education: July 10, 2012

## 5000 STUDENTS

## 5200 STUDENT WELFARE

5203 HATE-MOTIVATED BEHAVIOR AND BULLYING PREVENTION

The Marin County Board of Education (Board) and the Marin County Superintendent of Schools (Superintendent) affirm the right of all students, staff, parents and volunteers to be free from abusive statements and any activities which degrade the unique qualities of an individual such as, but not limited to, race, ethnicity, culture, heritage, sexual orientation, physical/mental attributes, gender, religious beliefs and practices. Verbal or physical attacks will not be tolerated.

The Board and the Superintendent recognize that threats, physical assaults and inflammatory statements jeopardize the safety and well-being of all students and staff. The Board and the Superintendent will take reasonable steps to ensure that all students, parents and staff will be treated with fairness and justice.

The Board and the Superintendent will make reasonable efforts to provide a safe environment enabling students to realize their full academic potential and to develop an understanding and appreciation of society's diversity. Programs to enhance self-esteem, raise awareness and sensitivity and foster respect for all individuals shall be developed and implemented in all appropriate programs.

The Board and Superintendent believe that all students have a right to a safe and healthy school environment. The County Office, its schools, students, parents/guardians and community have an obligation to promote mutual respect, tolerance, and acceptance.

The Board and Superintendent will not tolerate bullying or any behavior that infringes on the safety or well-being of students, staff, or any other persons within the County Office's jurisdiction. Bullying is defined as aggressive or unwanted and unwelcome behavior by an individual or groups of individuals, who ridicule, harass, humiliate, or intimidate another. Typically, the behavior is repeated over time and includes the use of harmful words and/or acts.

Bullying behaviors may include, but are not necessarily limited to, the following:

- Verbal: Hurtful name-calling, teasing, gossiping, making threats, making slurs or epithets, making rude noises, or spreading harmful rumors.
- Nonverbal: Posturing, making gang signs, leering, staring, stalking, destroying property, insulting or threatening notes, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
- Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, "pantsing", pinching, slapping, biting, spitting, or destroying property.
- Emotional (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, shunning, ostracizing, using peer pressure, or rating or ranking personal characteristics.

- **Cyber Bullying:** Transmission of communications, posting of harassing messages, direct threats, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Student or employee behavior contrary to this policy shall be subject to disciplinary action and referral to law enforcement agencies as appropriate.

### Reporting

The Board and Superintendent expect students and/or staff to immediately report incidents of bullying to the school principal or designee. All staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of bullying or harassing behavior, they are expected to immediately intervene, call for assistance, and report such incidents. Each complaint of bullying must be promptly investigated.

This policy applies to students on school grounds, while traveling to and from school or a school-sponsored activity, during the lunch period, whether on or off campus, and during a school-sponsored activity.

All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously but formal disciplinary action may not be based solely on an anonymous report. Prompt and reasonable investigation of the alleged acts is expected.

Students are expected to report all incidents of bullying, teasing, or other verbal or physical abuse. Any student who feels she/he is a victim of such behavior should immediately contact a teacher, counselor, or staff person. If a student and/or parent believes that their report has not been remedied, she/he may file a complaint in accordance with the Superintendent's Uniform Complaint policy and procedures. Students are to be informed annually of the process by which they may make a report of bullying or harassment.

To ensure bullying does not occur on school campuses, the Board and Superintendent will provide staff development training in bullying prevention and cultivate acceptance and understanding in all students and staff to build each school's capacity to maintain a safe and healthy learning environment. Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying.

### Retaliation


Retaliation against a student for filing a bullying complaint or assisting in a bullying investigation or proceeding is prohibited. Students who knowingly file false bullying or harassment complaints or give false statements in an investigation shall be subject to discipline by measures up to and including suspension and expulsion, as shall any student who is found to have retaliated against another in violation of this policy.

Confidentiality

An allegation of bullying and the results of the investigation shall be kept confidential pursuant to Board and Superintendent policies and to the extent required by law.

References: Education Code 200 et seq.; 32230-32239; 35160; 35160.1; 44806; 48900;  
48900.2; 48900.3; 48904; 48980  
Penal Code 422.6  
Title 5 of the California Code of Regulations sections 4600 & 4900

Approved as to form:

  
ROBERT J. HENRY, of Counsel

Revised and Approved by Marin County Board of Education: December 7, 2010





## About California Paid Family Leave

For many working Californians, finding time to be with a loved one when they need it most can be difficult. California's Paid Family Leave program was created for those moments that matter. Benefits are available to care for a seriously ill family member, to bond with a new child, or to participate in a qualifying military event.

## Fast Facts About California Paid Family Leave

- Provides up to eight weeks of partial wage replacement benefits to bond with a new child (either by birth, adoption, or foster care placement), to care for a seriously ill family member (child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner), or to participate in a qualifying event resulting from a family member's (spouse, registered domestic partner, parent, or child) military deployment to a foreign country.
- Doesn't have to be taken all at once.
- Provides approximately 60 to 70 percent of your salary during your leave.
- Funded through your State Disability Insurance tax withholding, so you are most likely eligible if you've paid into State Disability Insurance (noted as "CASDI" on paystubs) or a qualifying voluntary plan in the past 5 to 18 months.
- To bond with a new child, leave can be taken anytime within the first 12 months of a child entering your family.
- Citizenship and immigration status do not affect eligibility.

## CALIFORNIA PAID FAMILY LEAVE

**moments matter.**

### Paid Family Leave:

Giving Californians the benefits they need to be there for the moments that matter.

English	1-877-238-4373
Spanish	1-877-379-3819
Cantonese	1-866-692-5595
Vietnamese	1-866-692-5596
Armenian	1-866-627-1567
Punjabi	1-866-627-1568
Tagalog	1-866-627-1569
TTY	1-800-445-1312

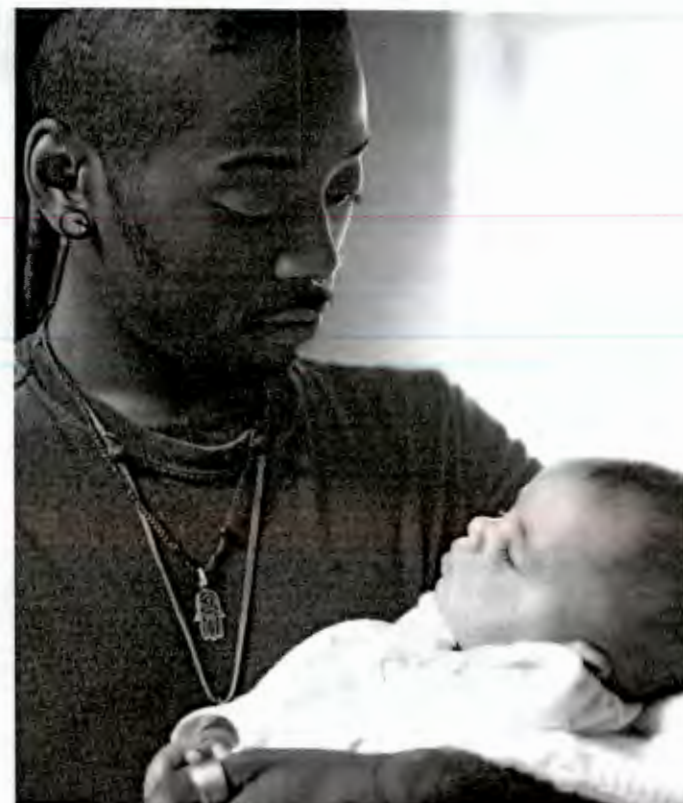
Individuals can also visit a Paid Family Leave or Disability Insurance office to obtain claim forms, receive information, or speak to a representative.

Visit a [State Disability Insurance office](http://edd.ca.gov/Disability/Contact_SDI.htm) ([edd.ca.gov/Disability/Contact\\_SDI.htm](http://edd.ca.gov/Disability/Contact_SDI.htm)) near you.



For more information, visit:  
**[CaliforniaPaidFamilyLeave.com](http://CaliforniaPaidFamilyLeave.com)**

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Requests for services, aids, and/or alternate formats need to be made by calling 1-866-490-8879 (voice). TTY users, please call the California Relay Service at 711.



CALIFORNIA PAID FAMILY LEAVE

**Helping  
Californians  
be present for  
the moments  
that matter.**





## Do I Qualify For California Paid Family Leave?

To qualify for Paid Family Leave benefits, **you must meet** the following requirements:

- Need to take time off from work to care for a seriously ill family member, to bond with a new child, or to participate in a qualifying military event.
- Be covered by State Disability Insurance (or a voluntary plan in lieu of State Disability Insurance).
- Have earned at least \$300 in the past 5 to 18 months.
- Submit your claim no later than 41 days after you begin your family leave. Do not file before your first day of leave.

If required by your employer, you must use up to two weeks of unused vacation leave or paid time off. Check with your human resources department to confirm your employer's requirements.

## How Are Benefit Amounts Calculated?

California Paid Family Leave provides approximately 60 to 70 percent of your weekly salary.

The benefit amount is calculated from your highest quarterly earnings over the past 5 to 18 months, before the start of your claim. The Employment Development Department (EDD) has an online calculator that can help you estimate your weekly benefit amount. Visit the [Disability Insurance and Paid Family Leave Calculator](http://edd.ca.gov/PFL_Calculator) ([edd.ca.gov/PFL\\_Calculator](http://edd.ca.gov/PFL_Calculator)) to estimate your benefit.

If you are found eligible to receive benefits, you have an option on how you receive your benefit payments: by the EDD Debit Card<sup>SM</sup> through Bank of America or by check, mailed from the EDD.



## Does Paid Family Leave Provide Job Protection?

California Paid Family Leave does not provide job protection or a right to return to work.

However, job protection may be provided under other laws such as the federal Family and Medical Leave Act, the California Family Rights Act, or the New Parent Leave Act (if you qualify).

Notify your employer of your plan to take leave and the reason for taking leave according to your company's policy.

## How Do I Apply For Benefits?

Apply for Paid Family Leave benefits by visiting [SDI Online](http://SDIOnline.edd.ca.gov/SDIOnline) ([edd.ca.gov/SDIOnline](http://edd.ca.gov/SDIOnline)).

You may also apply using a paper form. Visit [EDD Forms and Publications](http://EDDFormsandPublications.edd.ca.gov/Forms) ([edd.ca.gov/Forms](http://edd.ca.gov/Forms)) to request a *Claim for Paid Family Leave (PFL) Benefits* (DE 2501F) form.

For caregiving claims, you must provide medical certification showing that the care recipient has a serious health condition and requires your care. This needs to be completed by the care recipient's physician/practitioner. Information about the care recipient and their signature are also required.

For bonding claims, you must provide documentation showing proof of relationship between you and the child (e.g., a copy of the child's birth certificate, adoptive placement agreement, or foster care placement record).

If you are currently receiving pregnancy-related Disability Insurance benefits, it is not necessary to request a Paid Family Leave claim form. The form to file for bonding will be sent through your SDI Online account or by mail when your pregnancy-related disability claim ends.

For military assist claims, you must provide supporting military documentation (e.g., proof of covered active duty or call to covered active duty and documentation of the qualifying event).

If you are covered by a voluntary plan, contact your employer for information about your coverage and instructions on how to apply for benefits.

### If your claim is denied, you have the right to:

- Know the reason for denial.
- Appeal decisions about your eligibility for benefits. Visit [Appeals](http://Appeals.edd.ca.gov/Disability/Appeals.htm) ([edd.ca.gov/Disability/Appeals.htm](http://edd.ca.gov/Disability/Appeals.htm)) for information.

All claim information is confidential except for purposes allowed by law.





STATE OF CALIFORNIA

**DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

**FAMILY CARE AND MEDICAL LEAVE (CFRA LEAVE)  
AND PREGNANCY DISABILITY LEAVE**

Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse. While the law provides only unpaid leave, employees may choose or employers may require use of accrued paid leave while taking CFRA leave under certain circumstances.

Even if you are not eligible for CFRA leave, if you are disabled by pregnancy, childbirth or a related medical condition, you are entitled to take a pregnancy disability leave of up to four months, depending on your period(s) of actual disability. If you are CFRA-eligible, you have certain rights to take BOTH a pregnancy disability leave and a CFRA leave for reason of the birth of your child. Both leaves contain a guarantee of reinstatement—for pregnancy disability it is to the same position and for CFRA it is to the same or a comparable position—at the end of the leave, subject to any defense allowed under the law.

If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

We may require certification from your health care provider before allowing you a leave for pregnancy disability or for your own serious health condition. We also may require certification from the health care provider of your child, parent or spouse, who has a serious health condition, before allowing you a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

If you are taking a leave for the birth, adoption, or foster care placement of a child, the basic minimum duration of the leave is two weeks, and you must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact \_\_\_\_\_.

4112

- 4000 PERSONNEL
- 4100 ALL PERSONNEL
- 4110 EMPLOYMENT
- 4112 EQUAL OPPORTUNITY AND NONDISCRIMINATION**

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, religious creed, color, national origin or ancestry, physical disability, mental disability, medical condition, genetic condition, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation in compliance with Government Code Section 12940.

Prohibited discrimination or harassment consists of unwelcome conduct, whether verbal, physical, or visual, based on any of the prohibited categories of discrimination listed above that it is so severe and pervasive that it adversely affects an individual's employment opportunities or has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile, or offensive work environment.

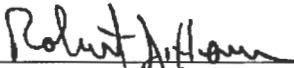
The Marin County Office of Education also prohibits retaliation against any employee or job applicant who complains, testifies, assists, or in any way participates in the complaint procedures instituted pursuant to this policy.

Any Marin County Office of Education employee who engages or participates in prohibited discrimination or harassment, or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior, shall be in violation of this policy and shall be subject to disciplinary action, up to and including dismissal.

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of this policy should immediately contact his/her supervisor, the Coordinator, or the County Superintendent who shall advise the employee or applicant about the procedures for filing, investigating, and resolving any such complaints. Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4112 – Complaint Procedures – Equal Opportunity and Nondiscrimination.

References: Title VI of the Civil Rights Act  
Title IX of the Educational Amendments of 1972  
Section 504 of the Rehabilitation Act of 1973  
The Age Discrimination Act of 1975  
Government Code Sections 12920, 12940  
Education Code Sections 210.2 and 210.7

Approved as to form:

  
Robert J. Henry, of Counsel

Approved by  
Marin County Board of Education – 8/8/89 (Corrected 11/28/89)  
Revised and approved: 2/13/07  
Revised and approved: 7/10/12

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

**COMPLAINT PROCEDURES – EQUAL OPPORTUNITY AND NONDISCRIMINATION**  
(Board Policy 4112)

These administrative regulations and procedures apply to complaints filed by applicants and employees who allege discrimination on one or more of the protected classifications identified in Board Policy 4112.

**DEFINITIONS**

Complaint – Any alleged violation of policies or statutes which involve discrimination on the basis of one or more of the protected classifications set forth in Board Policy 4112. This includes, but is not limited to Title IX (gender) and Section 504 of the Rehabilitation Act (handicap).

Complainant – An employee or applicant alleging that a violation of Board Policy 4112 or any statute that prohibits discrimination has taken place.

Coordinator – Includes the “Title IX Coordinator” and/or the “Coordinator of Section 504.”

Immediate Supervisor – The certificated or classified manager supervising the program or department in which the complainant is employed.

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

**MISCELLANEOUS PROVISIONS**

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

All discussions, notes and other written documents pertaining to a complaint shall be kept confidential by all parties involved in this procedure.

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

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.

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 lines with respect to each level, the complaint shall be presumed to be abandoned, and the matter shall be considered to be settled in accordance with the last answer thereto. In the event any level fails to give its answer within the 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 both parties.

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



All persons are strongly encouraged to report any suspected discrimination to their immediate supervisor, the Coordinator or the Superintendent.

## COMPLAINT PROCEDURE

### Informal

1. Complainants should first discuss, if comfortable, the issue with the person responsible for the behavior in question.. Either party may request that the coordinator be present.
2. In the event the matter is not resolved informally within a reasonable time, the complainant may appeal to Level I.

### Level I – Immediate Supervisor or Coordinator

1. The complaint shall be submitted in writing to the employee's immediate supervisor or the Coordinator. Applicants should file complaints with the Coordinator. If the complaint includes the Coordinator, then the complaint should be submitted to the Superintendent who will assign the investigation. Failure of complainant to put the complaint into written form will forfeit further consideration of the matter.
2. Within ten (10) working days after the receipt of the complaint the immediate supervisor/coordinator shall investigate the complaint, including giving all persons who participated in the informal level reasonable opportunity to be heard.
3. Within fifteen (15) working days after receiving the complaint the immediate supervisor/coordinator shall render a decision in writing, together with supporting reasons, and shall furnish a copy to the complainant and the person to whom they are responsible.

### Level II – Division Deputy/Assistant Superintendent

1. Within ten (10) working days after receiving the decision of the immediate supervisor/coordinator, the complainant may appeal the decision of Level II to the Division Deputy/Assistant Superintendent. The appeal shall be in writing and shall be accompanied by a copy of the decision at Level II.
2. Within ten (10) working days after the receipt of the appeal, the Division Deputy/Assistant Superintendent shall investigate the complaint, giving all persons who participated in Level II 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 and the immediate supervisor/coordinator.

### Level III – Superintendent/Governing Board

1. Within ten (10) working days after receiving the decision of the Division Deputy/Assistant Superintendent, the complainant may appeal the decision of the 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.

4112

2. Within ten (10) working days after receipt of the appeal, the Superintendent/Governing Board shall schedule the matter for a hearing in closed session.
3. Within twenty (20) working days after the hearing in closed session, the Superintendent/Governing Board shall render its decision in writing, together with the supporting reasons, to the complainant and the Division Deputy/Assistant Superintendent. The decision of the Superintendent/Governing Board shall be final.

8/8/89 (Corrected 11/28/89)

Revised and approved: 2/13/07

Revised and approved: 7/10/12



Employment discrimination and harassment based on a person's disability or perceived disability are prohibited.



Department of Fair Employment and Housing

## Filing a Complaint

Employees or job applicants who believe that they have been discriminated against or harassed because of a disability may, within **one year** of the alleged discrimination, file a complaint with the DFEH by calling (800) 884-1648. The DFEH processes complaints filed by persons with terminal illnesses on a priority basis.

The DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If the DFEH finds sufficient evidence of discrimination and settlement efforts fail, the DFEH may file a lawsuit in civil court on behalf of the complaining party.

If the court finds that discrimination has occurred, it can order remedies such as:

- Hiring or reinstatement
- Back pay or promotion
- Changes in the policies or practices of the involved employer
- Damages for emotional distress from each employer or person found to have violated the law
- Punitive damages
- Reasonable attorney's fees and costs

Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with the DFEH and a Right-to-Sue Notice has been issued.

For more information, see the DFEH publication 159 "Guide for Complainants and Respondents."

For more information, contact the DFEH  
toll free at (800) 884-1684  
TTY number at (800) 700-2320  
or visit our website at [www.dfeh.ca.gov](http://www.dfeh.ca.gov)

*In accordance with the California Government Code and ADA requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact the DFEH at the numbers above.*



State of California  
Department of Fair Employment & Housing  
2218 Kausen Drive, Suite 100  
Elk Grove, CA 95758

## Employment Discrimination Based on Disability

The *Fair Employment and Housing Act* (FEHA), enforced by the California Department of Fair Employment and Housing (DFEH), prohibits employment discrimination and harassment based on a person's disability or perceived disability. In addition, the FEHA prohibits retaliation for exercising a FEHA right. The law also requires employers to reasonably accommodate individuals with mental or physical disabilities unless the employer can show that to do so would cause an undue hardship.

The law covers mental or physical disabilities, which includes HIV/AIDS, regardless of whether the conditions are presently disabling. It also covers medical conditions, which are defined as either cancer or genetic characteristics.

Disability does **not** include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance abuse disorders resulting from the current illegal use of drugs.

## FEHA vs. the Federal Americans with Disabilities Act

The FEHA provides broader protection for persons with disabilities than federal law. California employers with five or more employees must follow the FEHA. For



The mission of the Department of Fair Employment and Housing is to protect the people of California from unlawful discrimination, harassment, and retaliation in employment, housing and public accommodations, and from the perpetration of acts of hate violence.

67

example, California law has broader definitions of mental disability, physical disability, and medical condition.

Under California law, a disability must only “limit” a major life activity. The disability does not have to involve a “substantial limitation,” as under federal law, to be considered a disability. Whether a condition or disability “limits” a major life activity is determined regardless of any mitigating measure, such as medication or prosthesis, unless the mitigating measure itself limits a major life activity.

---

### ***Employment Inquiries***

The FEHA prohibits employers either verbally or in writing from:

- Requiring any medical/psychological examination/inquiry of any applicant or employee prior to making an offer of employment
- Inquiring directly or indirectly as to whether an applicant or employee has a mental/physical disability or medical condition
- Inquiring about the nature and severity of a mental/physical disability or medical condition

However, an employer may inquire into the ability of an applicant to perform job-related functions and may respond to an applicant’s request for reasonable accommodation.

Once an employment offer has been made to an applicant, but before the start of duties, an employer may require a medical/psychological examination. However, the

examination/inquiry must be job related and consistent with business necessity and all entering employees in the same job classification must be subject to the same examination or inquiry.

An employer may also conduct voluntary medical examinations, including medical histories, which are part of an employee health program. This information is retained separate and apart from employment and personnel records.

---

### ***Reasonable Accommodation***

The employer is required to interact with the employee to explore all possible means of reasonably accommodating a person prior to rejecting the person for a job or making any employment-related decision. The accommodation may arise from a mitigating measure, such as medication taken for the primary disability.

An accommodation is reasonable if it does not impose an undue hardship on the employer’s business. Reasonable accommodation can include, but is not limited to, changing job duties or work hours, providing leave, relocating the work area, and/or providing mechanical or electrical aids. An employer may obtain help from government agencies and outside experts to determine whether accommodation is possible.

Employees with disabilities may also be covered by the *California Family Rights Act* or the federal *Family Medical Leave Act*.

---

### ***Independent Medical Opinion***

An employer must allow an applicant the opportunity to submit an independent medical opinion if there is a dispute as to whether the person can perform the essential functions of a position. Failure to allow the submission of an independent medical opinion may be a separate violation of the law.

---

### ***Discrimination***

Any employment-related or personnel decision based on either of the following reasons is not discriminatory:

- The person is unable to perform the essential functions of the job and no reasonable accommodation exists that would enable the person to perform the “essential functions” of the job
- The person would create an imminent and substantial danger to self or others by performing the job and no reasonable accommodation exists that would remove or reduce the danger

The following two reasons commonly raised by employers **are not** legally acceptable excuses for discriminating against persons with disabilities:

- Possibility of future harm to the person or to others
- Employing such individuals will cause an employer’s insurance rates to rise

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;



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:

  
Robert J. Henry, of Counsel

10.30.12  
Dated

Approved by  
Marin 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.

## FREEDOM FROM SEXUAL HARASSMENT

Page 3 of 3

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**

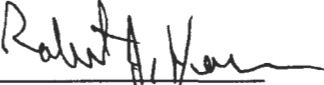
There will be adequate notification of the policy to include public posting. The policy will be published in site handbooks and/or the Marin County Office of Education Personnel Handbook.

### **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 with 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.

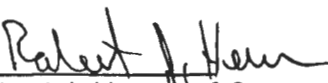
**Special Assistance**

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](http://www.ed.gov/ocr)



The definition of sexual harassment includes many forms of offensive behavior.



Department of Fair Employment and Housing

such as a lead, supervisor, manager or agent;

- the employer had no knowledge of the harassment;
- there was a program to prevent harassment; and
- once aware of any harassment, the employer took immediate and appropriate corrective action to stop the harassment.

#### Filing a Complaint

Employees or job applicants who believe that they have been sexually harassed may file a complaint of discrimination with DFEH within **one year** of the harassment.

DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court on behalf of the complaining party. The DFEH may seek punitive damages is entitled to attorney's fees and costs if it prevails in litigation.

Remedies include:

- Fines or damages for emotional distress from each employer or person found to have violated the law
- Hiring or reinstatement
- Back pay or promotion
- Changes in the policies or practices of the involved employer

Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

For more information, see publication DFEH-159 "Guide for Complainants and Respondents."

For more information, contact DFEH toll free at  
**(800) 884-1684**  
TTY number at **(800) 700-2320**  
or visit our Web site at **www.dfeh.ca.gov**

*In accordance with the California Government Code and ADA requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact DFEH at the numbers above.*



State of California  
Department of Fair Employment & Housing

DFEH-185 (11/14)

## Sexual Harassment

### The Facts About Sexual Harassment

The *Fair Employment and Housing Act* (FEHA) defines sexual harassment as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. The definition of sexual harassment includes many forms of offensive behavior, including harassment of a person of the same gender as the harasser. The following is a partial list of types of sexual harassment:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Actual or threatened retaliation
- Leering; making sexual gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
- Making or using derogatory comments, epithets, slurs, or jokes
- Sexual comments including graphic comments about an individual's body; sexually degrading words used to describe an individual; or suggestive or obscene letters, notes, or invitations
- Physical touching or assault, as well as impeding or blocking movements
- Sexual desire is not necessary



The mission of the Department of Fair Employment and Housing is to protect the people of California from unlawful discrimination in employment, housing and public accommodations, and from the perpetration of acts of hate violence.

91

### **Employers' Obligations**

All employers must take the following actions against harassment:

- Take all reasonable steps to prevent discrimination and harassment from occurring. If harassment does occur, take effective action to stop any further harassment and to correct any effects of the harassment.
- Develop and implement a sexual harassment prevention policy with a procedure for employees to make complaints and for the employer to investigate complaints. Policies should include provisions to:
- Fully inform the complainant of his/her rights and any obligations to secure those rights.
- Fully and effectively investigate. The investigation must be thorough, objective, and complete. Anyone with information regarding the matter should be interviewed. A determination must be made and the results communicated to the complainant, to the alleged harasser and, as appropriate, to all others directly concerned.
- Take prompt and effective corrective action if the harassment allegations are proven. The employer must take appropriate action to stop the harassment and ensure it will not continue. The employer must also communicate to the com-

plainant that action has been taken to stop the harassment from recurring. Finally, appropriate steps must be taken to remedy the complainant's damages, if any.

- Post the Department of Fair Employment and Housing (DFEH) employment poster (DFEH - 162) in the workplace (available through the DFEH publications line [916] 478-7201 or Web site).
- Distribute an information sheet on sexual harassment to all employees. An employer may either distribute this pamphlet (DFEH 185) or develop an equivalent document that meets the requirements of Government Code section 12950(b). This pamphlet may be duplicated in any quantity. **However, this pamphlet is not to be used in place of a sexual harassment prevention policy, which all employers are required to have.**
- All employees should be made aware of the seriousness of violations of the sexual harassment policy and must be cautioned against using peer pressure to discourage harassment victims from complaining.
- Employers who do business in California and employ 50 or more part-time or full-time employees *must* provide at least two hours of sexual harassment training every two years to each supervisory employee and to all new supervisory employees within six months of their assumption of a supervisory position.

- A program to eliminate sexual harassment from the workplace is not only required by law, but is the most practical way for an employer to avoid or limit liability if harassment should occur despite preventive efforts.

### **Employer Liability**

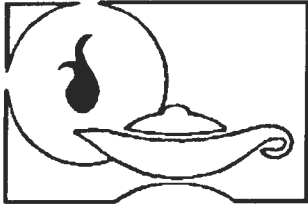
All employers, regardless of the number of employees, are covered by the harassment section of the FEHA. Employers are generally liable for harassment by their supervisors or agents. Harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassing an employee or coworker or for aiding and abetting harassment.

Additionally, the law requires employers to take "all reasonable steps to prevent harassment from occurring." If an employer has failed to take such preventive measures, that employer can be held liable for the harassment. A victim may be entitled to damages, even though no employment opportunity has been denied and there is no actual loss of pay or benefits.

In addition, if an employer knows or should have known that a **non-employee** (e.g. client or customer) has sexually harassed an employee, applicant, or person providing services for the employer and fails to take immediate and appropriate corrective action, the employer may be held liable for the actions of the non-employee.

An employer might avoid liability if

- the harasser is not in a position of authority,



# Injury & Illness Prevention Program

Employee Name: \_\_\_\_\_

Date of Injury & Illness Prevention Program Training: \_\_\_\_\_

The Marin County Office of Education Injury & Illness Prevention Program training has provided information included these topics. Written materials on each topic are located in section II of your employee handbook, and available online at the following web address:

<http://marinschools.org/Personnel/Employee-Resources/Documents/MCOE%20IIPP%20ENTIRE%208%202013.pdf>

- ♦ Introduction
- ♦ Goals
- ♦ Statutory Authority
- ♦ Responsibility
- ♦ Compliance
- ♦ Hazard Identification
- ♦ Accident Investigations
- ♦ Hazard Correction
- ♦ Training
- ♦ Communication
- ♦ Safety Committee
- ♦ Documentation

I have received verbal and/or written information on the above topics.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

01/16

G:\Forms\IIPPSignOff2010.doc



## 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)



## **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>

4111.5

- 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 provisions of the law.

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

References:

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

Page 4

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

Page 5

- 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**

Page 6

**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**

PAGE 7

- 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**

PAGE 8

- d. 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.
- e. 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.

**F. Software Copyright****1. Permitted Uses**

- a. Copies of County Office of Education-owned software may be made only when:
  - 1) 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.
  - 2) 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.

**2. Prohibited Uses**

- a. Copies of copyrighted programs may not be made for any purpose other than the two permitted above.
- b. 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.