



OATH OF ALLEGIANCE FOR SCHOOL BOARD MEMBERS AND DISTRICT EMPLOYEES

I, [EMPLOYEE NAME], do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservations or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Confirmed by signing Statement of Acknowledgment

BOARD POLICY

4020

ALCOHOL-FREE AND DRUG-FREE WORKPLACE

The district shall provide a safe and secure environment which encourages and supports staff in their efforts to lead healthy and productive lives. It is the policy of the district to maintain an alcohol-free and drug-free workplace by prohibiting the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance by any school district employee in the workplace. All employees shall abide by this policy as a condition of employment and shall receive a written copy of this statement.

The employee shall notify the employer, within five days of any criminal alcohol or drug statute convictions which he/she receives for a violation occurring in the workplace.

For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal alcohol or drug statutes.

The Superintendent or designee shall:

1. Establish and maintain an alcohol and drug-free awareness program to inform employees about
 - a. the dangers of substance abuse;
 - b. the district policy of maintaining an alcohol and drug-free workplace;
 - c. the availability of information and assistance programs;
 - d. the penalties that may be imposed upon employees consuming or determined to be under the influence of alcohol and drug use violations occurring in the workplace.
2. Notify the appropriate federal granting or contracting agencies within ten days after receiving notification, from an employee, of any conviction for a violation occurring in the workplace.
3. Initiate disciplinary action within 30 days after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement, and district policy and practices.
4. Make a good faith effort to continue maintaining an alcohol-free and drug-free workplace through implementation of Board policy.

In taking disciplinary action, the Board shall require termination when termination is required by law. When termination is not required by law, the Board shall either take disciplinary action, up to and including termination, or shall require the employee to satisfactorily participate in an alcohol or drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency. The Board's decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements, and district policies and practices.

Legal References
Education Code
sections 44836, 45123

Government Code:
8350 - 8357 Drug-Free Workplace

Policy Adopted: September 2, 1986
(effective November 30, 1986)
Reviewed August, 2004

BOARD POLICY

3513.3

**TOBACCO-FREE SCHOOLS/SMOKING
(Including Smokeless Tobacco)**

The Governing Board recognizes that the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, are inconsistent with its goal to provide a healthy environment for students and staff.

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes, electronic hookahs and other vapor-emitting devices with or without nicotine content that may mimic the use of tobacco products. Exceptions may be made for the use or possession of prescription nicotine products.

Policy Adopted: December 6, 1994
Policy Revised: March 18, 2014

COMMUNITY RESOURCES FOR IUSD EMPLOYEES

Members of the IUSD Insurance Plan may call **Blue Shield at 1-800-837-4481** for information and referrals to alcohol, drug, and mental/family health programs. This is a confidential service paid for by the employee benefit plan. **It enables an employee to get needed help while protecting the person's identity and the nature of the problem. Employees not covered by the IUSD plan: check with your own medical insurance provider to see which support and treatments services may be covered.** Listed below are some referral services and programs where help may be obtained to deal with a variety of problems. Specific information can be obtained directly from the sponsoring agency.

24-HR. HOTLINES

- California Youth Crisis Line** 1-800-843-5200
- Crisis Response Unit**..... 1-800-773-8001
(College Hospital, Costa Mesa)
- New Hope**..... 714-639-4673
(Crisis Intervention and referrals)
- National Runaways Switchboard**..... 1-800-621-4000
- Positive Action Center**..... 1-800-337-2966
- Phoenix House**..... 714-953-9373
(Residential Drug Treatment Pgm, Santa Ana)
- New Hope Teen Line** (for adolescents) 714-639-8336
- Western Youth Services** (Counseling)..... 714-871-5646
- National Youth Crisis Hotline**..... 1-800-442-4673
- Hoag Memorial Hospital** 949-764-5511
(Freedom From Smoking Program)
- Natl. Council on Alcoholism** (Lake Forest) 949-770-0847

SUPPORT AGENCIES/ORGANIZATIONS

- 211 Orange County**..... 1-888-600-4357
(Information and referrals)
- California Smokers' Helpline**..... 1-800-662-8887
(one-on-one telephone counseling/self-help mat'ls.)
- Breakaway**..... 714-957-8229
(Substance abuse program)
- For Families** (City of Irvine)..... 949-724-6650
(Counseling, education, referrals)
- Pilgrimage Family Therapy Center** 949-460-5320
(Counseling and therapy)
- Straight Talk Clinic** (Cypress)..... 714-828-2000
(Counseling)
- YMCA Community Services**..... 714-665-1342
(Counseling programs)
- Nicotine Anonymous**..... 1-800-642-0666
(12-step method/support group)
- Mission Hospital Reg. Medical Ctr.**..... 949-364-1770
(Freedom From Smoking Program)
- Tobacco Use Prevention Program** 1-866-NEW-LUNG
(Behavior modification, phone counseling, self-help, (639-5864)
free tobacco cessation helpline)

CHILD ABUSE REPORTING REQUIREMENTS

State law requires that every school district employee be familiar with the laws relating to child abuse reporting requirements. Such employees must, prior to commencing employment, sign a statement signifying that they have knowledge of the reporting requirements and will comply with them. (Penal Code 11166.5).

Your employment falls within the statutory category of mandatory reporter. Consequently, please read the Penal Code material below which explains your responsibilities regarding reporting any suspected instances of child abuse and the procedures for doing so.

Section 11166 of the Penal Code requires any mandated reporter, medical practitioner, non-medical practitioner, or employee of a child-protective agency who has knowledge of or observes a child in his or her professional capacity, or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of a child abuse, to report the known or suspected instance of child abuse to a child-protective agency (Irvine Police Department and your District supervisor) immediately, or as soon as practically possible by telephone, and to prepare and send a written report (adopted by the Department of Justice) thereof within thirty-six (36) hours of receiving the information concerning the incident. Such abuse includes: sexual abuse, neglect, willful cruelty, unjustifiable punishment, unlawful corporal punishment, or injury.

Failure to report an incident is a misdemeanor offense.

Confirmed by signing Statement of Knowledge

REQUIREMENT TO "REPORT ABUSE OF A DEPENDENT ADULT"

To comply with the law, it is necessary that all employees of a school district become familiar with the requirements of Section 15630 of the Welfare and Institutions Code. This section mandates that a school district employee shall report any incident of abuse of a dependent adult.

For the purpose of this law, "dependent adult" and "abuse of a dependent adult" are defined as:

"A 'dependent adult' is defined as 'any person residing in this state, between the ages of 18 and 64, who has physical or mental limitations which restrict his or her rights including, but not limited to, persons who have physical and developmental disabilities or whose physical or mental abilities have diminished because of age'."

"'Abuse of a dependent adult' means physical abuse, sexual abuse, neglect, intimidation, cruel punishment, fiduciary abuse, or other treatment with resulting physical harm or pain or mental suffering, or the deprivation by a care custodian of goods or services which are necessary to avoid physical harm or mental suffering."

AS A CONDITION OF CONTINUED EMPLOYMENT, EMPLOYEES ARE REQUIRED TO SIGN A STATEMENT OF ACKNOWLEDGMENT INDICATING THEIR AWARENESS OF THESE PROVISIONS AND THEIR WILLINGNESS TO COMPLY WITH THEM.

Please read the attached material and retain it in your file for reference.

Confirmed by signing Statement of Knowledge

DEPENDENT ADULT ABUSE REPORTING REQUIREMENTS

April 1992

The statement shall be in the following form:

Section 15639 of the Welfare and Institutions Code requires any care custodian, health practitioner, or employee of an adult protective services agency or a local law enforcement agency who has knowledge of or observes a dependent adult in his or her professional capacity or within the scope of his or her employment who he or she knows has been the victim of physical abuse, or who has injuries under circumstances which are consistent with abuse where the dependent adult's statements indicate, or in the case of a person with developmental disabilities, where his or her statements or other corroborating evidence indicates that abuse has occurred, to report the known or suspected instance of physical abuse to an adult protective service or a local law enforcement agency 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.

"Care custodian" means an administrator or an employee of any of the following public or private facilities:

1. Health facility
2. Clinic
3. Home health agency
4. Educational institution
5. Sheltered workshop
6. Camp
7. Respite facility
8. Resident care institution, including foster homes and group homes
9. Community care facility
10. Adult day care facility, including adult day health care facilities
11. Regional center for persons with developmental disabilities
12. Licensing worker or evaluator
13. Public assistance worker
14. Adult protective services agency
15. Patient's rights advocate
16. Nursing home ombudsman
17. Meal guardian or conservator
18. Skilled nursing facility
19. Intermediate care facility
20. Local law enforcement agency
21. Any other person who provides goods or services necessary to avoid physical harm or mental suffering and who performs duties.

"Health practitioner" means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, marriage, family and child counselor or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic, a person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, or a psychological assistant registered pursuant to Section 2913 of the Business and Professions Code, a marriage, family and child counselor trainee, as defined in subdivision (:c:) of Section 4980.03 of the Business and Professions Code, or an unlicensed marriage, family and child counselor intern registered under Section 4980.44 of the Business and Professions Code, a state or county public health employee who treats a dependent adult for any condition, a coroner,

or a religious practitioner who diagnoses, examines, or treats dependent adults.

SECTION 15630 OF THE WELFARE INSTITUTIONS CODE

- a. Any dependent adult care custodian, health practitioner, or employee of a county adult protective services agency or a local law enforcement agency, who in his or her professional capacity or within the scope of his or her employment, either has actual knowledge that a dependent adult has been the victim of physical abuse, or observes a physical injury to a dependent adult under circumstances that are consistent with physical abuse, where the dependent adult's statements, or in the case of persons who have developmental disabilities, their statements or other corroborating evidence, indicate that abuse has occurred, shall report the known or suspected instance of physical abuse to the county adult protective services agency, or a local law enforcement agency immediately or as soon as possible by telephone, and shall prepare and send a written report thereof within 36 hours.
- b. Any care custodian, health practitioner, or employee of an adult protective services agency or local law enforcement agency who has knowledge of or reasonably suspects that other types of dependent abuse have been inflicted upon a dependent adult or that his or her emotional well-being is endangered in any other way, may report such known or suspected instance of abuse to an adult protective services agency or local law enforcement agency.
- c. When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of abuse of a dependent adult, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.
- d. The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established, provided they are not inconsistent with the provisions of this chapter.
- e. An adult protective services agency shall immediately or as soon as practically possible report by telephone to the law enforcement agency having jurisdiction over the case and to any public agency given responsibility for investigation in that jurisdiction of cases of dependent adult abuse, every known or suspected instance of dependent adult abuse. A county probation or welfare department shall also send a written report thereof within 36 hours of receiving the information concerning the incident to each agency to which it is required to make a telephone report under this subdivision.

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

BOARD POLICY**1312.3****UNIFORM COMPLAINT POLICY**

The Board of Education encourages early, informal resolution of complaints at the school site level whenever possible. However, it recognizes that there are occasions when a more formal process is necessary. Thus, in accordance with 5 CCR §4621 the Board of Education adopts this Uniform Complaint Policy.

I. Applicable Programs and Types of Complaints

A. The District shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations. The District shall investigate and seek to resolve, in accordance with our Uniform Complaint Policy, any complaints alleging failure to comply with applicable state and federal laws and regulations including, allegations of unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55. These characteristics and/or conditions include race or ethnicity, color, ancestry, national origin, nationality, ethnic group identification, immigration status, age, religion, actual or potential parental, family or marital status. The exclusion of any person because of pregnancy, medical condition, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information, 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 program or activity conducted by the District or that is funded directly by, or that receives or benefits from any state financial assistance will be subject to the Uniform Complaint Policy.

B. The District's Uniform Complaint Policy and corresponding administrative regulation shall also be used when addressing complaints alleging failure to comply with state and/or federal laws with respect to After School Education and Safety; agricultural career technical education; federal career technical education; American Indian Education Centers; adult education programs; bilingual education; California Peer Assistance and Review Programs for Teachers; consolidated categorical aid programs; career technical education and technical education and training programs; child care and development programs; compensatory education; Economic Impact Aid; education of students in foster care, students who are homeless, former juvenile court students now enrolled in a school district, and students of military families. The Uniform Complaint Policy shall also provide for investigation related to migrant child education; educational rights of foster youth and graduation requirements for foster youth, homeless youth, and other youth; Early Childhood Education program assessments, Every Student Succeeds Act/No Child Left Behind; student fees; Regional Occupational Centers and Programs; School Safety Plans; state preschool and health and safety issues; Tobacco-Use Prevention Education; and reasonable accommodations for lactating students (5 CCR § 4610). Legal requirements related to the implementation of the Local Control and Accountability Plan (LCAP) (Education Code 52075); courses of study; coursework

credit for homeless student; assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions; and physical education instructional minutes for students shall also fall under the Uniform Complaint Policy.

Finally, Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations shall be investigated pursuant to this Board Policy, modified, as necessary, to be in accordance with 5 CCR § 4690-4694. (Education Code 8235.5; Health and Safety Code 1596.7925)

II. Non-Applicable Programs and Types of Complaints

Complaints related to the sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, teacher vacancies and misassignments shall be investigated pursuant to the District's Alternative Uniform Complaint Policy, Board Policy 1312.4 and corresponding Administrative Regulation, AR 1312.4 (Cal. Educ. Code §35186).

Complaints relating to sexual harassment of students shall be investigated pursuant to the District's Sexual Harassment/Students, Board Policy 5145.7 and corresponding Administrative Regulation, AR 5145.7.

Complaints relating to any other subject matter not otherwise delineated herein, including but not limited to complaints against individual employees should be resolved informally at the relevant school site level or formally by utilization of the District's General Complaint Policy 1312.1, corresponding regulation, AR 1312.1, and corresponding forms.

III. Timelines

All complaints filed pursuant to BP 1312.3 must be filed within one year from the date of the alleged violation, except complaints of unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date of the alleged violation.

IV. Designated Compliance Officer

The Board of Education designates the following Compliance Officer to receive, investigate, and prepare an Investigation Report with respect to complaints and to ensure the District's compliance with all applicable state and federal laws:

Irvine Unified School District Superintendent
5050 Barranca Parkway, Irvine, CA 92604
Phone: 949-936-5000; Fax: 949-936-5259

The Compliance Officer is authorized to designate his/her duties relating to investigation and preparation of an Investigation Report to another District employee on a case by case basis. However, the Compliance Officer shall ensure that the employee who is designated to investigate a complaint and prepare an Investigation Report is knowledgeable about the laws, programs or other subject matter for which he/she is designated to investigate. (5 CCR 4621). Designated employees may have access to legal counsel if deemed appropriate and necessary by the Compliance Officer.

V. Notifications

The Superintendent or his/her designee shall annually provide written notification of the District's Uniform Complaint Policy and Administrative Regulation to students, employees, parents/guardians, the District advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. This notice shall be provided on the District's website and shall comply with the requirements of 5 CCR 4622(b).

VI. Recognition of Right to Privacy

The Board of Education acknowledges and respects every individual's right to privacy. Discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant and/or witnesses 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. (5 CCR §4630).

VII. Retaliation

The Board of Education prohibits any form of retaliation against any complainant. The Superintendent or designee shall ensure that complainants are protected from retaliation. (5 CCR §4621 (a)).

VIII. Mediation

The Board of Education recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with AR 1312.3, whenever all parties to a complaint agree to try resolving their problem through mediation, the Compliance Officer or his/her designee shall initiate that process. The Compliance Officer or his/her designee shall ensure that the results are consistent with state and federal laws and regulations.

Legal Reference:

EDUCATION CODE
 200-262.4 Prohibition of discrimination
 222 Reasonable accommodations; lactating students
 8200-8498 Child care and development programs
 8500-8538 Adult basic education
 18100-18203 School libraries
 32280-32289 School safety plan, uniform complaint procedures
 35186 Williams uniform complaint procedures
 44500-44508 California Peer Assistance and Review Program for Teachers
 48853.48853.5 Foster youth
 48985 Notices in language other than English
 49010-49013 Student fees
 49060-49079 Student records
 49069.5 Rights of parents
 49490-49590 Child nutrition programs
 49701 Interstate Compact on Educational Opportunity for Military Children
 51210 Courses of study grades 1-6
 51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students; course credits; graduation requirements
 51226-51226.1 Career technical education
 51228.1-51228.3 Course periods without educational content
 52060-52077 Local control and accountability plan, especially:
 52075 Complaint for lack of compliance with local control and accountability plan requirements
 52160-52178 Bilingual education plans
 52300-52462 Career technical education
 52500-52616.24 Adult schools
 54000-54029 Economic Impact Aid
 54400-54425 Compensatory education programs
 56000-56865 Special education programs
 59000-59300 Special schools and centers
 64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

104420 Tobacco Use Prevention Education PENAL CODE
 422.55 Hate crime; definition
 422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

3080 Application of section
 4600-4687 Uniform complaint procedures
 4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws
 1232g Family Education Rights and Privacy Act
 1681-1688 Title IX of the Education Amendments of 1972
 6301-6576 Title I basic programs
 6801-7014 Title III language instruction for limited English proficient and immigrant students
 7101-7184 Safe and Drug-Free Schools and Communities Act
 7201-7283g Title V promoting informed parent choice and innovative programs
 12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-200e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
 6101-6107 Age discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act
 100.3 Prohibition of discrimination on basis of race, color, or national origin
 104.7 Designation of responsible employee for Section 504
 106.8 Designation of responsible employee for Title IX
 106.9 Notification of nondiscrimination on basis of sex
 110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures
 U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
 Dear Colleague Letter: Title IX Coordinators, April 2015
 Dear Colleague Letter: Bullying of Students with Disabilities, 2013
 Dear Colleague Letter: Harassment and Bullying, October 2010
 Revised Sexual Harassment Guidance: Harassment of students by School Employees, Other Students, or Third Parties, January 2001
 U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEBSITES

CSBA: <http://csba.org>
 California Department of Education: <http://cde.ca.gov>
 Family Compliance Office: <http://familypolicy.ed.gov>
 U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>
 U.S. Department of Justice: <http://www.justice.gov>

Policy Adopted: December 6, 2011

Policy Revised: June 26, 2012

Policy Revised: January 12, 2016

Policy Revised: August 21, 2018

Policy Revised: September 11, 2018

Policy Revised: December 11, 2018

Policy Revised: August 17, 2021

Form 1312.3

Administrative Regulation

Source URL (modified on 2021-09-27 12:56): <https://iusd.org/about/board-education/board-policies/uniform-complaint-policy>

ADMINISTRATIVE REGULATION

1312.3

UNIFORM COMPLAINT

The following procedures shall be used to address all complaints appropriately brought pursuant to the District's Uniform Complaint Policy, BP 1312.3. The District's Compliance Officer shall maintain a record/log of each complaint and the corresponding District Decision, 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 mediation is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Who:

Any individual, public agency, or organization may file a complaint of alleged noncompliance by the District related to any of the programs or reasons delineated in BP 1312.3. (5 CCR 4630). A complaint filed on behalf of an individual student may only be filed by that student or that student's duly authorized representative.

Complaints pursuant to the District's Uniform Complaint Policy, with the exception of Local Control and Accountability Plan (LCAP), noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards, or student fees complaints, may not be anonymous, must be in writing, and must be signed by the Complainant. The signature on a complaint may be handwritten, typed (including in an email) or electronically-generated. (5 CCR 4600(a)&(e)).

If a complainant makes a verbal complaint to any district administrator or teacher relating to issues described in Board Policy 1312.3, that administrator or teacher must refer the complainant to Board Policy, Administrative Regulation and Form 1312.3 and specifically inform them of their responsibility to reduce the complaint to writing. Complainants who make verbal complaints made to any other District staff members shall be directed to discuss their concerns with the site principal or another appropriate administrator.

A student fees complaint may be filed with the principal of a school, the Superintendent or the Superintendent's designee. A student fees complaint and/or LCAP complaint may be filed anonymously if the complaint provides evidence or information to support an allegation of noncompliance.

Complainants may use Form 1312.3, but are not required to do so. If a complainant states to District staff that he or she is unable to reduce his/her complaint to writing due to conditions including but not limited to disability or illiteracy, District staff shall assist him/her in reducing his/her verbal complaint to writing. (5 CCR 4600) However, if the complainant is capable of, but refuses to or neglects to put his/her complaint in writing, the District is not obligated to conduct an investigation or offer mediation pursuant to the Uniform Complaint Policy and Administrative Regulation.

Written complaints filed with any District staff other than the Compliance Officer must be forwarded to the Compliance Officer immediately, but in no case later than five (5) business* days. The Compliance Officer may then verbally, or in writing, appoint a designee to conduct the investigation and prepare the District's Decision.

Timing:

All complaints brought pursuant to Board Policy 1312.3, Section 1, must be filed within one year from the date of the alleged violation, except for complaints of unlawful discrimination, harassment, intimidation or bullying, which must be filed within six (6) months of the date of the alleged violation. For complaints relating to the Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by the LEA. (5 CCR 4630(a)&(b)). The timeline set forth above may be extended for no more than an additional ninety (90) days, but only

upon written request by the Complainant setting forth good cause for the delay, and only upon approval by the District's Superintendent or designee. Any such request received by the District's Superintendent shall be approved or denied within fifteen (15) business days of its receipt. The Superintendent's or designee's decision with respect to an extension is final.

Notice:

If a complaint is untimely filed, the Compliance Officer or his/her designee will notify the Complainant within fifteen (15) business days of receipt of the untimely filing. Such notice will inform the Complainant of his/her right to request, in writing, an extension of the timelines directly from the District's Superintendent.

Step 2: Voluntary Mediation

Within fifteen (15) business days of receiving the complaint, the Compliance Officer or his/her designee may, but is not required to, informally discuss with the complainant the possibility of using mediation. If the Complainant 1) agrees to mediation and 2) agrees to make the mediator a party to related confidential information, the Compliance Officer or his/her designee shall make all arrangements for this process, including choosing a mediator. The Compliance Officer or his/her designee shall give at least five (5) business days notice to the Complainant prior to any scheduled mediation.

The mediator may or may not be a District employee; however, in no case shall the Compliance Officer or his/her designee also serve as the mediator.

If the mediation process does not resolve the problem within the parameters of state and federal law, the Compliance Officer or his/her designee 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. (5 CCR 4631)

Step 3: Investigation of Complaint

If the Complainant does not agree to engage in mediation, the Compliance Officer or his/her designee is encouraged to hold an investigative meeting within fifteen (15) business days of the Compliance Officer receiving the complaint. Alternatively, if complainant and the District do engage in mediation, but it proves unsuccessful, the mediation shall serve as the investigative meeting and the mediator shall share his/her notes of the mediation with the Compliance Officer.

The investigative meeting shall provide an opportunity for the Complainant and/or his/her representative to repeat the complaint orally and provide any additional factual support for his/her allegations, including any relevant documentation not already provided. 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. (5 CCR 4631)

A complainant's refusal to provide the Compliance Officer or his/her designee with documents or other evidence related to the allegations in the complaint; 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. (5 CCR 4631)

Any District employee's refusal to provide the Compliance Officer or his/her designee 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. (5 CCR 4631)

Step 4: Investigation Report

Unless extended by written agreement of the Complainant, the Compliance Officer or his/her designee shall prepare and send to the Complainant and all other involved parties, the District's Investigation Report, as described below, within sixty (60) calendar days of the Compliance Officer's receipt of the complaint. (5 CCR 4631)

The District's Investigation Report shall be written in English and in the primary language of the Complainant whenever feasible and if requested by Complainant.

The decision shall include:

1. The findings of fact based on the evidence gathered;
2. Conclusions providing a clear determination as to each allegation as to whether the District is in compliance with the relevant law; and
3. If the investigator finds merit in the complaint, corrective actions including in the case of complaints related to subsections (a)(1)(l), (J), (K) and (L) of Education Code section 33315, or as otherwise required by law, a remedy to all affected students, parents, and guardians. With respect to a pupil fees complaint, corrective actions shall include, a remedy that comports with Education Code section 49013(d) and section 4600(t).
4. Notice of the Complainant's right to appeal the Investigation Report to the California Department of Education (CDE), except when the District has used its local uniform complaint procedures to address a complaint not described in section 4610(b); and
5. Procedures to be followed for initiating an appeal to the CDE within thirty (30) calendar days of Complainant's receipt of the Investigation Report. (5 CCR 4631)

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

The District's decision shall constitute a final decision, and is not appealable to the Board of Education or any other District administrator. It is appealable only to the California Department of Education, as described below.

Appeals to the California Department of Education

If dissatisfied with the District's Investigation Report, the Complainant may appeal in writing to the CDE within thirty (30) calendar days of receiving the District's Investigation Report. When appealing to the CDE, the Complainant must

specify the basis for the appeal of the Investigation Report; including at least one of the following [5 CCR 4632(b)]:

1. The District failed to follow its complaint procedures, and/or
2. Relative to the allegations of the complaint, the District's Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
3. The material findings of fact in the District's Investigation Report are not supported by substantial evidence, and/or
4. The legal conclusion in the District's Investigation Report is inconsistent with the law, and/or
5. In a case in which the District found non-compliance, the corrective actions fail to provide a proper remedy

The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the District's Investigation Report. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the District's Investigation Report, the Compliance Officer or his/her designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint;
2. A copy of the Investigation Report;
3. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the Compliance Officer or his/her designee;
4. A report of any action taken to resolve the complaint;
5. A copy of the District's complaint procedures;
6. Other relevant information requested by the CDE.

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, harassment, intimidation or bullying complaints, however, a complainant must wait until 60 (sixty) calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the District has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

*For purposes of Administrative Regulation 1312.3, a "business day" is defined as any day that the District's administrative offices are open.

Revised: December 6, 2011
Revised: September 11, 2018
Revised: December 11, 2018
Revised: August 17, 2021

Source URL (modified on 2021-08-19 13:40): <https://iusd.org/about/board-education/board-policies/uniform-complaint-policy/uniform-complaint-policy>

BOARD POLICY**1312.4****ALTERNATIVE UNIFORM COMPLAINT**

The Board of Education encourages early, informal resolution of complaints at the school site level whenever possible. However, it recognizes that there are occasions when a more formal process is necessary. Thus, in accordance with California Education Code §35186, the Board of Education adopts this Alternative Uniform Complaint Policy.

Applicable Programs and Types of Complaints

The District shall use this Board Policy and corresponding Administrative Regulation 1312.4 to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186; 5 CCR 4681, 4682, 4683)

1. Textbooks and instructional materials:

- a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- b. A student does not have access to textbooks or instructional materials to use at home or after school.
- c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- d. A student was provided photo-copied sheets from only a portion of a textbook or instructional material to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment

- a. A semester begins and a teacher vacancy exists.
- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner students in the class.
- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Definitions:

Teacher vacancy means, a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

Beginning of the year or semester means, the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than twenty (20) working days after the first day students attend classes for that semester. (5 CCR 4600)

Misassignment means, the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5

CCR 4600)

3. Facilities

- a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

Emergency or urgent threat means, structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; or any other emergency conditions the school district determines appropriate. (Education Code 17592.72) (5 CCR 4683)

- b. A school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times (example: toilet paper, soap, and paper towels or functional hand dryers).

Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. (Education Code 35292.5)

- c. A school restroom has not been kept open in accordance with Education Code 3592.5

Open restroom means, except as necessary for student safety or to make repairs, the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. (Education Code 35292.5)

Notifications

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186.

Reports

On a quarterly basis, the Superintendent or designee shall report, to the Board of Education at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186; 5 CCR 4686)

Forms

The Superintendent or designee shall ensure that the District's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. However, complainants need not use the District's Alternative Uniform Complaint form in order to file a complaint. (Education Code 35186)

Public Records

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

Legal Reference:

EDUCATION CODE

234.1 Prohibition of discrimination, harassment, intimidation, and bullying
 1240 County superintendent of schools, duties
 17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account
 33126 School accountability report card
 35186 Williams uniform complaint procedures
 35292.5 Restrooms, maintenance and cleanliness
 48985 Notice to parents in language other than English
 60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures
 4680-4687 Williams uniform complaint procedures

Policy Adopted: February 21, 2005
 Revised: December 6, 2011
 Revised: September 11, 2018

Administrative Regulation

Source URL (modified on 2018-09-17 10:35): <https://iusd.org/about/board-education/board-policies/alternative-uniform-complaint-policy>

ADMINISTRATIVE REGULATION

1312.4

ALTERNATIVE UNIFORM COMPLAINT

The following procedures shall be used to address all complaints appropriately brought pursuant to the District's Alternative Uniform Complaint Policy, Board Policy 1312.4.

Filing of Complaint

A complaint alleging any condition(s) specified in Board Policy 1312.4, items 1-3 shall be filed with the principal at the school in which the complaint arises. The principal or his/her designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 business days. (Education Code 35186; 5 CCR 4680) For purposes of Administrative Regulation 1312.4, a "business day" is defined as any day that the District's administrative offices are open.

Such complaints must be filed at the relevant school site. (Education Code 35186) Each school in the District shall have a complaint form available for Alternative Uniform Complaints.

Investigation and Response

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed thirty (30) business days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her within forty-five (45) business days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form and a copy of such report shall be forwarded to the Superintendent, also within the forty-five (45) business day time period. (Education Code 35186; 5 CCR 4680, 4685)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

In addition, for any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in BP 1312.4, Item #3a, a complainant who is not satisfied with the resolution proffered by the principal (or Superintendent or designee for problems beyond the principal's authority) may file an appeal to the Superintendent of Public Instruction within fifteen (15) calendar days of receiving the District's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687).

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

February 21, 2005
 September 11, 2018

Source URL (modified on 2018-09-12 23:19): <https://iusd.org/about/board-education/board-policies/alternative-uniform-complaint-policy/alternative-uniform>

BOARD POLICY

3121

ELECTRONIC MAIL, VOICE MAIL & TELEPHONY

Electronic Mail (E-mail), Voice Mail and telephones are provided to members of the staff for educational purposes, and for the purpose of conducting the business of the organization. E-mail may be provided to students for educational purposes only. IUSD encourages the use of e-mail and voice mail services to share information, to improve communication, and to exchange ideas. Occasional, reasonable, personal use is allowable.

While all e-mail and voice mail are considered private and confidential, confidentiality cannot be ensured. Users, therefore, should exercise extreme caution in using e-mail or voice mail to communicate confidential or sensitive matters. Users should be aware that deleted messages and files are rarely gone. As pointed out by others, the privacy of e-mail is somewhere between that of a letter and a postcard. Users should not assume that the author of an e-mail message consents to the forwarding of that message to another person.

E-mail and voice mail should be reviewed only by the person to whom it is addressed and is not to be reviewed by any staff member, including those with sufficient computer system privileges to do so. However, users should also be aware that on occasion, network and computer operations personnel and system administrators may, during the performance of their duties, inadvertently see/hear the contents of e-mail or voice mail messages. Except as required legally or in extreme emergency, they are not permitted to do so intentionally, nor to disclose or otherwise use what they may have seen/heard. Management, however, reserves the right to periodically review for good reason, and/or to monitor employees' use of any electronic system and the right to disclose any information on records to satisfy any law, regulation, or other governmental request. Management also reserves the right to remove any content that it deems in its sole discretion to be unacceptable, undesirable, or in violation of these terms of use, and to terminate the privileges of any user or visitor who misuses or fails to abide by these terms of use.

All employees are expected to conduct themselves with the same integrity and personal demeanor in electronic communications as in face-to-face dealings with one another.

In order to protect privacy rights, when sending e-mail messages, students shall not include information, such as last names, home addresses or telephone numbers that could

specifically identify themselves, and no user shall include information that would specifically identify someone else.

During instructional time in any given classroom, the telephone will be set to voice mail only.

Any use perceived to be illegal, harassing, derogatory, inflammatory, offensive or in violation of other IUSD policies, could be the basis for disciplinary action, including restriction of access to the system, up to and including termination of employment.

Unacceptable practices include, but are not limited to:

- abuse of computer resources
- any attempt to break in to, or to disrupt computer or telephone resources at IUSD or other sites
- extreme etiquette violations, including mail or messages that degrade, defame, demean or harass other individuals, or mail or messages that are offensive sexually, racially, or in any other way
- sharing of one's e-mail or voice mail account, or one's access password, or using another's account and/or access password
- use of e-mail or voice mail or district provided phones for commercial or private business purposes
- use of e-mail for advertising or solicitation
- engaging in illegal acts, such as gambling, copyright infringement, etc.
- placing or receiving telephone calls in the classroom during assigned instructional time, except for emergencies

Board Policy Adopted: March 18, 1997
 Revised: October 6, 1998
 Revised: December 14, 1999
 Revised: February 1, 2000

BOARD POLICY 4030

NONDISCRIMINATION IN EMPLOYMENT

The Board of Education provides district employees, interns, and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. This policy applies to all district employees and, to the extent required by law, to interns, volunteers, and job applicants.

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's race or ethnicity, color, ancestry, national origin, nationality, ethnic group identification, age, religion, actual or potential parental, family, or marital status, or the exclusion of any person because of pregnancy or related condition, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.

Discrimination based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment;
2. Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training;

3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment; and
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code section 12940 or 2 CCR sections 11006-11086, such as:
 - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status.
 - b. Religious discrimination based on an employee's religious belief or observance, including his/her religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement. However, the district shall not accommodate an employee's religious dress practice or religious grooming practice if it requires segregation of the individual from other employees or the public or if it would result in a violation of this policy or any law prohibiting discrimination.
 - c. Disability discrimination based on a district requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity.
 - d. Disability discrimination based on the district's failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee, to determine effective reasonable accommodations for the employee, when he/she has requested reasonable accommodation for a known physical or mental disability or medical condition.

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted.

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in Administrative Regulation 4030 "Nondiscrimination in Employment."

Any district employee who engages or participates in unlawful discrimination, or who aids, abets, incites, compels or coerces another to discriminate, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately, or the Nondiscrimination of Employment Coordinator in Human Resources. The district shall protect any employee who reports such incidents from retaliation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy. He/she shall provide training and information about components of the district's policies and regulations regarding discrimination, how to recognize harassment, discrimination, or other related conduct, and how to respond appropriately. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

The Superintendent or designee shall publicize the district's nondiscrimination policy and the availability of complaint procedures. The policy and administrative regulation shall be posted in all schools and offices.

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination

CIVIL CODE
51.7 Freedom from violence or intimidation

GOVERNMENT CODE
11135 Unlawful discrimination
12900-12996 Fair Employment and Housing Act

PENAL CODE
422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2
11006-11086 Discrimination in employment

CODE OF REGULATIONS, TITLE 5
4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments 1972

UNITED STATES CODE, TITLE 29
621-634 Age Discrimination in Employment Act
794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42
2000d -2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments
6101-6107 Age discrimination in federally assisted programs
12101-12213 Americans with Disabilities Act

Policy Adopted: October 5, 1986
Policy Revised: August 31, 2004
Policy Revised: January 12, 2016

Policy Revised: March 12, 2019

Administrative Regulation 4030
<https://iusd.org/print/about/board-education/board-policies/nondiscrimination-employment>

ADMINISTRATIVE REGULATION

4030

All allegations of discrimination in employment, including those involving an intern, volunteer, or job applicant, shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

The district designates the position identified below as its coordinator for nondiscrimination in employment ("Coordinator") to coordinate the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The Coordinator may be contacted at:

Assistant Superintendent, Human Resources
5050 Barranca Parkway, Irvine, CA 92604
(949) 936-5000

Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and regulation by: Referencing them in each application form that is used in employee recruitment
 - a. Posting them in all district schools and offices, including staff lounges and other prominent locations
 - b. Posting them on the district's website
2. Disseminate the district's nondiscrimination policy to all employees by one or more of the following methods:
 - a. Printing and providing a copy of the policy to all employees, with an acknowledgment form for each employee to sign and return
 - b. Sending the policy via email with an acknowledgment return process
 - c. Posting the policy on the district website
 - d. Discussing the policy with employees upon hire and/or during a new hire orientation session
 - e. Any other way that ensures employees receive and understand the policy
3. Training for supervisors shall include the requirement to report any complaint of misconduct to a designated representative, such as the coordinator, human resources director, or Superintendent or designee as a topic in the sexual harassment prevention training.
4. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law.

Complaint Procedure

Any complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. **Notice and Receipt of Complaint:**
 - a. Any employee or job applicant (the "complainant") who believes he/she has been subjected to prohibited discrimination or harassment shall promptly inform his/her supervisor, or the district's Coordinator for Nondiscrimination in Employment
 - b. A complainant may inform his/her direct supervisor, another supervisor, the Coordinator, or the Superintendent's designee
 - c. The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor
 - d. A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the Coordinator or designee, whether or not the complainant files a written complaint
3. The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint
2. **Investigation Process:**
 - a. The Coordinator or designee shall promptly initiate an impartial review of an allegation of discrimination or harassment regardless of whether a written complaint has been filed or whether the written complaint is complete
 - b. The Coordinator or designee shall communicate with the complainant to describe the district's complaint procedure and discuss the actions being sought by

the complainant in response to the allegation. The Coordinator or designee shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. He/she shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation

- c. The Coordinator or designee also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents are prevented. The Coordinator shall ensure that such interim measures do not constitute retaliation
- d. If the Coordinator or designee determines that a detailed fact-finding investigation is necessary, he/she shall promptly begin the investigation. The Coordinator may, with concurrence of the Superintendent, retain an outside investigator to conduct the investigation. As part of this investigation, the Coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information
- e. The Coordinator or designee shall monitor the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary
- f. When necessary to carry out his/her investigation or to protect employee safety, the Coordinator or designee may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's Risk Manager.

3. Written Report on Findings and Remedial/Corrective Action:

- a. The Coordinator or designee shall conclude the investigation and respond to the complainant in writing of his/her findings. In most instances, the investigation will be concluded and the report of findings prepared within 60 days of receipt of the complaint
- b. The report shall include the decision of the investigator as to whether unlawful discrimination or harassment occurred and the reasons for the decision, and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. Specific disciplinary measures imposed on an employee will not be disclosed in the report. The report, or a summary thereof, shall be presented to the complainant, the person accused, and the Superintendent or designee

4. Appeal to the Governing Board:

- a. The complainant may appeal any findings to the Board within 10 days of receiving the written report of the Coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation
- b. Upon receiving an appeal, the Board shall consider the appeal as soon as practicable. The Board may uphold the coordinator or designee's decision without

a hearing, may appoint a hearing panel to review the complaint and previous decisions and make recommendations to the Board, or may take other action as the Board deems appropriate

- c. In an appeal, any complaint against a district employee shall be addressed in closed session in accordance with law. The Board will provide the employee with written notice of the intent to hold a closed session discussion of the complaint and appeal. (Government Code section 54957(b).) The Board shall render its decision within 30 days of hearing the appeal or deciding not to hear the appeal. Any decision by the Board is final

Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960);
2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5);
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5).

Policy Adopted: August 31, 2004
Policy Revised: March 12, 2019

Source URL (modified on 2019-03-13 12:50): <https://iUSD.org/about/board-education/board-policies/nondiscrimination-employment/nondiscrimination-employment-0>

BOARD POLICY

4111.1

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Irvine Unified School District to provide employment opportunities, training, compensation, promotion and other conditions of employment without regard to characteristics such as race or ethnicity, color, ancestry, national origin, nationality, ethnic group identification, age, religion, actual or potential parental, family or marital status, or the exclusion of any person because of pregnancy or related condition, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, except where such criteria represent an essential bona fide occupational requirement.

It is the policy of this District to apply nondiscriminatory job-related standards to conditions of employment and maintains such standards at a level consistent with the needs of local students. It is the policy to affirmatively seek out individuals who may not be represented in the District.

The Irvine Unified School District shall comply with the letter and the spirit of state and federal laws prohibiting discrimination in employment.

Complaints involving unequal treatment will be processed in accordance with District policy 4030 - Nondiscrimination in Employment.

Legal Reference:

EDUCATION CODE
200-261 Prohibition of discrimination
44100-44105 Affirmative action employment
44830.5 Assignment of certificated employees to district; ethnic ratio

ADMINISTRATIVE CODE, TITLE 5

GOVERNMENT CODE
12920-12921 Nondiscrimination
12940 et seq. Discrimination prohibited; Unlawful practices, generally
Title VII, Civil Rights Act of 1964 as amended
Title IX, 1972, as amended

Policy Adopted: April 25, 1973
Policy Revised: August 24, 1977
Policy Revised: January 21, 1980
Policy Revised: February 19, 1991
Policy Revised: May 18, 2004
Policy Revised: January 12, 2016

SOURCE URL (MODIFIED ON 2017-07-26 15:21): <https://iusd.org/about/board-education/board-policies/equal-employment-opportunity>

BOARD POLICY **4119.11**

SEXUAL HARASSMENT - EMPLOYEES

The following policy shall apply to all District employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the District.

The Governing Board is committed to providing a safe work environment that is free of harassment and discrimination. The Board prohibits sexual harassment against District employees at work, or at any work-related or work-sponsored activity. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint, testifies about, or otherwise supports a complainant in alleging sexual harassment.

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation.
2. Publicizing and disseminating the District's sexual harassment policy to employees and others to whom the policy may apply.
3. Ensuring prompt, thorough, fair, and equitable investigation of complaints.
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments.

The Superintendent or designee shall periodically evaluate the effectiveness of the District's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the District's prevention strategies, and using any other effective tool for receiving feedback on sys-

tems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

The District strongly encourages employees who feel that they have been sexually harassed in the performance of their District responsibilities or who have knowledge of any incident of sexual harassment by or against another employee to immediately report the incident to their direct supervisor, a District administrator, or the District's Title IX Coordinator.

Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

IUSD Executive Director, Secondary Education
5050 Barranca Parkway, Irvine CA 92604
Phone: (949) 936-5063
titleixcoordinator@iusd.org

Complaints of sexual harassment in violation of Title IX shall be filed and investigated in accordance with AR 4119.12 – Title IX Sexual Harassment Complaint Procedures - Employees. All other complaints of sexual harassment shall be filed and investigated in accordance with AR 4030 – Nondiscrimination in Employment.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any District employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE
12900-12996 Fair Employment and Housing Act, especially:
12940 Prohibited discrimination
12950 Sexual harassment; distribution of information

Policy Adopted: August 25, 1992
Policy Revised: August 7, 1997
Policy Revised: July 13, 2004
Policy Revised: January 12, 2016
Policy Revised: March 2, 2021

Administrative Regulation 4119.11 - Sexual Harassment - Employees
Administrative Regulation 4119.12 - Title IX Sexual Harassment Complaint Procedures - Employees

Source URL (modified on 2021-03-03 11:47): <https://iusd.org/about/board-education/board-policies/sexual-harassment-employees>

ADMINISTRATIVE REGULATION **4119.11**

The complaint procedures described in Administrative Regulation (AR) 4119.12 – Title IX Sexual Harassment Complaint Procedures - Employees shall be used to address any complaint governed by the regulations implementing Title IX of the Education Amendments of 1972, alleging a District employee was subjected to one of the following forms of sexual harassment: (34 CFR 106.30).

- 1.A District employee conditioning the provision of a District aid, benefit, or service on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291.

Additionally, for purposes of applying the complaint procedures specified in Title IX, the conduct above must occur in an education program or activity in which a district school exercises substantial control over the context and respondent. (34 CFR 106.30, 106.44)

The complaint procedures described in AR 4119.12 shall not be used to address or resolve any complaint by or against a student.

All other sexual harassment complaints or allegations shall be investigated and resolved in accordance with Board Policy 4030 - Nondiscrimination in Employment. This includes sexual harassment falling under the broader state definition below.

In California, sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether or not the conduct has a sexual motivation or intent. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the District.

Examples of Sexual Harassment

Examples of actions which are prohibited by District policy which may constitute sexual harassment under state or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors.
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects.
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements.
4. Sexual assault, sexual battery, or sexual coercion.
5. Electronic communication containing comments, words, or images described above.

Title IX Coordinator/Compliance Officer

The District designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 4119.12 - Title IX Sexual Harassment Complaint Procedures - Employees, as well as to oversee, investigate, and resolve sexual harassment complaints processed under Board Policy 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

IUSD Executive Director, Secondary Education
5050 Barranca Parkway, Irvine CA 92604
Phone: (949) 936-5063
titleixcoordinator@iusd.org

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.

Notifications

The Superintendent or designee shall notify employees that the District does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The District shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the District's Title IX Coordinator. (34 CFR 106.8)

A copy of the District's sexual harassment policy and regulation shall:

1. Be displayed in a prominent location in the main administrative building, District office, or other area of the school where notices of District rules, regulations, procedures, and standards of conduct are posted. (Education Code 231.5)
2. Be provided to every District employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired. (Education Code 231.5)
3. Appear in any school or District publication that sets forth the school's or District's comprehensive rules, regulations, procedures, and standards of conduct. (Education Code 231.5)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the District's website. (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations. (34 CFR 106.8)

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the District that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment.
2. The definition of sexual harassment under applicable state and federal law.
3. A description of sexual harassment, with examples.
4. The District's complaint process available to the employee.

5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC).
6. Directions on how to contact DFEH and the EEOC.
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC.

In addition, the District shall post, in a prominent and accessible location, the DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

Training

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom, electronic/virtual, or other effective interactive training and education regarding sexual harassment. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the District, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The District's sexual harassment training and education program shall include, but is not limited to, components required by Government Code section 12950.1 and accompanying California Code of Regulations. (2 CCR 11024)

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Adopted: March 2, 2021

Board Policy 4030 – Nondiscrimination in Employment

Administrative Regulation 4119.12 - Title IX Sexual Harassment Complaint Procedures - Employees
 Source URL (modified on 2021-03-03 11:49): <https://iusd.org/about/board-education/board-policies/sexual-harassment-employees-411911/sexual-harassment-employees>

The complaint procedures described in this Administrative Regulation (AR) shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a District employee, while in an education program or activity in which a District school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A District employee conditioning the provision of a District aid, benefit, or service on a person's participation in unwelcome sexual conduct.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity.
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC.

All other sexual harassment complaints or allegations shall be investigated and resolved in accordance with Board Policy 4030 - Nondiscrimination in Employment. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the District's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under Board Policy 4030 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for Board Policy 4030 are concurrently met, or tolled, while implementing the Title IX procedure.

Reporting Allegations/Filing a Formal Complaint

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the District's Title IX Coordinator using the contact information listed in AR 4119.11- Sexual Harassment - Employees or to the employee's direct supervisor or other District administrator, who shall forward the report to the Title IX Coordinator. The District's Title IX Coordinator for Employees is:

IUSD Executive Director, Secondary Education
 5050 Barranca Parkway, Irvine CA 92604
 Phone: (949) 936-5063
titleixcoordinator@iusd.org

Upon receiving a Title IX sexual harassment report, the Title IX Coordinator shall inform the complainant of the right to file a formal written complaint and the process for filing a formal complaint.

A formal written complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the District. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal written complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the District's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

The Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be non-disciplinary, non-punitive, and not unreasonably burden the other party, including measures designed to protect the safety of all parties or the District's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The District shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the District's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal

If a District employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

If the respondent is a student, the District may, on an emergency basis, remove the student from the District's education program or activity, provided that the District conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the District's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the District in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the District, or sufficient circumstances prevent the District from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the

dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed on the grounds the conduct does not constitute sexual harassment as defined by Title IX (34 CFR 106.30), the conduct may still be addressed pursuant to AR 4030 - Nondiscrimination in Employment as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the District may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The District shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The District may facilitate an informal resolution process provided that the District: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process.

Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The District's Title IX complaint process, including any informal resolution process.
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.
3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process.
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence.
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process.

The above notice shall also include the name of the investigator, and if known at the time, the facilitator of an informal process, and decision-maker. The notice shall inform the parties that, if at any time a party has concerns regarding conflict

of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Investigation Procedures

During the investigation process, the District's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties.
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate.
6. Send in an electronic format or hard copy to both parties and their advisors, if any, evidence that is obtained as part of the investigation that is directly related to the allegations raised in the complaint, including inculpatory and exculpatory evidence, so that each party can meaningfully respond to the evidence. The parties have at least 10 calendar days to submit a written response for the investigator to consider prior to the completion of the investigative report.
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness.
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to the determination of responsibility, provide to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 CFR 106.45)

The District shall maintain confidentiality and privacy rights of all parties to the complaint in accordance with applicable state and federal laws, except as may be permitted or required by law to carry out the purposes of this formal Title IX complaint process.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

The Superintendent or designee shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

After the investigative report has been provided to the parties for review, but before a decision-maker reaches a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint; however, the timeline may be extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30.
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the District's code of conduct or policies to the facts.
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the District's educational program or activity will be provided by the District to the complainant.
6. The District's procedures and permissible bases for the complainant and respondent to appeal. Appeals

Either party may appeal the District's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the District shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
4. Issue a written decision describing the result of the appeal and the rationale for the result.
5. Provide the written decision simultaneously to both parties.

An appeal must be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 calendar days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the District shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

The District shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

When an employee is found to have committed sexual harassment or retaliation, the District shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom.
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the District's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances.

3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The District shall make such training materials publicly available on its website, and available upon request by members of the public.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex
48900 Grounds for suspension or expulsion
48900.2 Additional grounds for suspension or expulsion; sexual harassment
48985 Notices, report, statements and records in primary language

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships
1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault 1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy
106.1-106.82 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Adopted: March 2, 2021

Board Policy 4030 – Nondiscrimination in Employment

Administrative Regulation: 4119.11 – Title IX Sexual Harassment Complaint Procedures - Employees

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BOARD POLICY

4119.21

PROFESSIONAL STANDARDS - APPROPRIATE STAFF INTERACTION WITH STUDENTS

The Governing Board expects District employees to maintain the highest ethical standards, behave professionally, follow District policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employees shall engage in conduct that enhances the integrity of the District, advances the goals of the District's educational programs, and contributes to a positive school climate.

The educational process requires healthy and appropriate relationships between staff and students that promote aca-

demic, intellectual, physical, social, and emotional wellbeing. The purpose of this policy is to provide all staff, students, volunteers, and community members with information to increase their awareness of their role in promoting student safety and well-being, and to help staff avoid behaviors that undermine the professional adult/student relationship that can lead to misconduct or the appearance of impropriety.

All District employees have a primary obligation to treat students with dignity and respect. Employees are expected to act in a professional, moral, and ethical manner in their interactions with students and in a way that is conducive to creating an effective and safe learning environment. Employees promote the health, safety and well-being of students by establishing and maintaining age-appropriate verbal, physical, emotional and social boundaries.

Relationships between employees and students should be consistent with the educational mission of the schools. All interactions with students should serve a legitimate educational purpose. For purposes of this policy, the term "legitimate educational purpose" includes matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student's physical injury or other medical needs, school administration, or other purposes within the scope of the employee's duties.

The Board encourages District employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong. In addition to those standards, staff should be guided by the standards listed below.

1. All staff are expected to observe the individual rights and dignity of students by:

- Respecting students by taking into account their age, gender, culture, setting, and socioeconomic context;
- Interacting with students with transparency and in appropriate settings;
- Communicating with students in a clear, respectful, ethical, and sensitive manner;
- Avoiding relationships with students that do not have a legitimate educational purpose, or that risk harm to student learning or well-being or decrease educator effectiveness;
- Engaging in physical contact with students only when there is a clearly defined purpose that benefits the student and continually keeps the safety and well-being of the student in mind;
- Avoiding interactions, communication, and situations that reasonably suggest the perception of inappropriate romantic/sexual adult relations with students or that violate socially acceptable boundaries with them;
- Considering the ramifications of continuing relationship of any kind with a former student, including but not limited to, any potential harm to the former student, public perception, and the possible impact on the educator's career.

2. All staff shall demonstrate an ethic and obligation of care through:

- Establishing and maintaining an environment that promotes the emotional, intellectual, and physical, safety of all students.

- Seeking to understand student educational, academic, personal, and social needs as well as student values, beliefs, and cultural background;
- Respecting the dignity, worth, and uniqueness of each individual student including, but not limited to, actual and perceived gender, gender expression, gender identity, civil status, family status, sexual orientation, religion, age, disability, race, ethnicity, socio-economic status, and culture;
- Following all responsibilities of a mandated reporter of suspected child abuse;
- Immediately reporting to site or district administrators observed behaviors or behaviors reported to them that reasonably suggest real or perceived inappropriate adult relations between students and staff;

3. All staff shall model appropriate digital/cyber/electronic citizenship by using technology and electronic means of communication that promote learning, increase access to learning, and keep students safe by:

- Following all District policies and guidelines for the use of technology, social media, email, texting, messaging, etc.;
- Using only District sponsored and approved platforms to communicate with students;
- Communicating with groups of students and individual students in a transparent manner that demonstrably supports the educational mission and serves a legitimate educational purpose;
- Avoiding one-to-one communication with students that can lead to misconduct and the appearance of impropriety, or that reasonably gives the perception that such communication does not have a legitimate educational purpose directly related to the job duties of the employee;
- Respecting the privacy of students and the need to protect the privacy of student information obtained in the course of professional practice;
- Upholding parents'/guardians' legal rights, as well as any legal requirements to reveal information related to legitimate concerns for the well-being of a student;
- Protecting the confidentiality of student records and releasing personal data in accordance with prescribed state and federal laws and local policies.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
44050 Employee code of conduct; interaction with students
44242.5 Reports and review of alleged misconduct
48980 Parental notifications

PENAL CODE

11164-11174.4 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for alleged misconduct
80331-80338 Rules of conduct for professional educators

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS
California Professional Standards for Educational Leaders, February 2014

Policy Adopted: July 13, 2021

Administrative Regulation 4119.21

Source URL (modified on 2021-07-15 09:00): <https://iusd.org/about/board-education/board-policies/professional-standards-%E2%80%93-appropriate-staff-interaction-students>

ADMINISTRATIVE REGULATION**4119.21**

The District expects its staff to act in a manner that reflects professional, moral, and ethical practices within established boundaries. District staff members are expected to maintain an atmosphere conducive to learning, and interactions with students must be consistent with the educational mission of the District and legitimate educational purpose within the scope of the staff member's employment duties.

This administrative regulation addresses a range of behaviors that constitute improper interactions with students, including boundary blurring and grooming behavior that undermine the professional adult/student relationship that can lead to misconduct or the appearance of impropriety.

Therefore, all employees shall:

1. Communicate and interact with students in a manner that respects student rights to a safe and secure environment.
2. Maintain appropriate boundaries with students that are consistent with their role, duties, responsibilities, within accepted norms of behavior for the educational setting, and in a manner that a reasonable person would not interpret as inappropriate. Examples of boundary violations include but are not limited to the following:

- a. Singling or seeking out a specific student which may create excessive emotional attachment for all parties or may be perceived as a "special relationship" or as acting in a "parental" role;
- b. Entering into or attempting to form a flirtatious, romantic or sexual relationship with any student, regardless of the student's age;
- c. Inappropriate physical contact with a student without a legitimate educational purpose, including grabbing, touching, tickling, stroking hair, cuddling, sitting on lap, etc. and or prolonged hugging;

Note that legitimate purposes could include, but are not limited to, the following: assisting an injured student; assisting a student with special needs with toileting or other physical assistance; appropriate coaching instruction; appropriate performing arts instruction; or to protect the safety of students or staff;

- d. Kissing of any kind;
 - e. Showing inappropriate images, photographs, videos or other content to a student;
 - f. Taking photographs or videos of students outside of district sponsored events or activities, or that do not have a specific educational purpose;
 - g. Telling sexual jokes or commenting about the physical attractiveness of students in a sexualized manner;
 - h. Giving or exchanging personal gifts, cards, and letters with an individual student for which it is directly or implicitly suggested that a student is to say or do something in return that does not have a legitimate educational purpose; and
 - a. Using student bathrooms.
3. Understand that staff should not be alone with a single student and may only be alone with a single student on school premises during the normal school day when:
 - a. It is a requirement of the employee's position, role, duties, or responsibilities;

- b. The employee's supervisor has deemed it educationally necessary and has authorized it in advance; and
- c. The employee takes reasonable precautions to make sure that the interaction with the student is visible and/or audible to others.

4. Employees must obtain written approval in advance from their supervisor and the student's parent/guardian to engage in the following conduct:
 - a. Participate in non-school-related extracurricular activities outside of school premises;
 - b. Meet with students outside of the normal school day;
 - c. Visit a student's home;
 - d. Invite students to social events or activities off school premises;
 - e. Transport a student alone in the employee's personal vehicle; and
 - f. Conduct instruction outside of the normal school day or outside of school premises.
5. Employees must refrain from unauthorized and inappropriate communications, and avoid appearances of impropriety in communications with students. This restriction applies to all means of communication, including electronic mail, texting and online interactions.

Factors that may be considered in determining whether communication is inappropriate include but are not limited to:

- a. Use of the employee's personal social media or communication platforms to communicate with students, including "friending" or "following" IUSD students, even if they are adult students;
- b. The subject, content, purpose, authorization, timing, and frequency of communications;
- c. If the content of communication is sexual in nature or sexually explicit;
- d. Use of a platform that automatically erases communications or provides features that are intended to hide or alter communication history;
- e. Actions taken by the employee intended to delete or alter records of the interaction(s) with the student; and
- f. If the communication is not related to homework, school work, or some other legitimate school business.

District employees should use appropriate discretion when using social networks and communication platforms for personal communications and should limit this activity to off-duty hours and the use of their personal electronic communication devices. Information posted online, despite privacy protections, can be exposed to unintended recipients. To avoid jeopardizing their professional effectiveness, employees are encouraged to familiarize themselves with the privacy policies, settings, and protections on any social networking websites or communication platforms to which they choose to subscribe.

Exceptions

There may be an occasion when an emergency or unforeseen circumstance may result in a deviation from professional boundaries set out in this policy. In such an event, the adult shall be prepared to provide support and justification for any deviation from the requirements of the Board Policy and this

Administrative Regulation and must demonstrate that he/she has maintained an appropriate relationship with the student.

There may be circumstances where there is an appropriate pre-existing relationship between a staff member and a student's family that exists independently of the staff member's position with the District. For example, an employee's child may be friends with a student. This administrative regulation is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. However, staff members are encouraged to maintain professional boundaries appropriate to the nature of the activity.

It is understood that staff members may be involved in other roles in the community through community groups and organizations whose participants or members may include students. This Administrative Regulation is not intended to interfere with or restrict a staff member's ability to serve in such roles; however, staff members are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.

Duty to Report

All District staff are mandated reporters. Employees are required, by law, to report all known or suspected cases of child abuse or neglect. It is not the responsibility of the mandated reporter to determine whether the allegations are valid. If child abuse or neglect is reasonably suspected or if a student shares information with a mandated reporter leading him/her to reasonably believe abuse or neglect has taken place, the report must be made. No supervisor or administrator can impede or inhibit a report or subject the reporting person to any sanction.

To make a report, an employee must contact an appropriate local law enforcement or county child welfare agency, listed below.

1. A Police or Sheriff's Department (not including a school security department).
2. A County Welfare Department/County Child Protective Services.

This legal obligation is not satisfied by making a report of the incident to a supervisor or to the school. A verbal report must be made as soon as practically possible and followed with a written report within 36 hours. Full information about the duties of Mandated Reporters is found in the Child Abuse Reporting Act, Penal Code section 11165 et seq.

A staff member who observes or has knowledge of another adult or staff member's violation of this Administrative Regulation or related policy addressing appropriate staff interactions with students shall immediately report the information to a site administrator or an administrator in Human Resources. If reported to a site administrator, he/she shall confer with an administrator in Human Resources to appropriately document and investigate the report. If the supervisor is the subject of the report, the staff member will report instead to an administrator in Human Resources.

In addition, any staff to student behavior that may be in violation of this policy and/or District policy relating to sexual harassment shall be reported to the District Title IX Coordinator.

Investigation

Whenever the District receives a report concerning a possible professional standards violation, a report shall be made to the Title IX Coordinator, per related Board Policy and Administrative Regulation, who will determine whether initiation of the Title IX complaint and investigation process is necessary. If necessary, a site supervisor and/or a Human Resources administrator will conduct a prompt investigation. Immediate intervention shall be considered and implemented when necessary to protect student safety and/or the integrity of the investigation.

Disciplinary Action

The District's Professional Standards provide general guidance but are not complete listings or definite guidance for every situation. After investigation, any employee who is found to have engaged in conduct in violation of law or Board Policy, including violation of these Professional Standards may be subject to disciplinary action up to and including dismissal. Determinations regarding whether discipline is appropriate, and the level of discipline, are made on a situation-by-situation basis. In the case of a certificated employee, a violation of this Professional Standards may require a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

A volunteer, student teacher, independent contractor or employee of an independent contractor who violates this policy may be prohibited from working or serving in District schools, programs, or facilities as determined by the Superintendent or designee.

Reporting adults are specifically advised of the following:

1. Reporting adults are neither permitted or responsible for investigating whether conduct is appropriate; and
2. Reporting adults are required to maintain confidentiality about any report they make in relation to this Administrative Regulation.

Confidentiality protects both the student and the adult who is the subject of the report. Failure to maintain confidentiality may impede an investigation and foster untrue or potentially harmful rumors. Nothing in this Administrative Regulation shall prevent a represented employee from consulting with his/her exclusive representative.

Adopted: July 14, 2021

Source URL (modified on 2021-07-15 09:03): <https://iusd.org/about/board-education/board-policies/professional-standards-%E2%80%93-appropriate-staff-interaction-0>

BOARD POLICY

6163.4

TECHNOLOGICAL RESOURCES ACCEPTABLE USE POLICY

The Board of Education (Board) intends that technological resources provided by the District (District Technology) be used in a safe and responsible manner in support of the instructional program and for the advancement of student learning. District Technology includes, but is not limited to, equipment, software, online resources, infrastructure, communication systems, and future technological innovations.

All students, parents and guardians must abide by the terms of this Board Policy and the Acceptable Use Agreement - Student. (Administrative Regulation 6163.4) Expectations related to responsible and safe use of District Technology apply whether accessed on or off campus or through District-owned or personally owned resources.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of District Technology, user obligations and responsibilities, appropriate conduct, and consequences for unauthorized use and/or unlawful activities in accordance with this Board Policy and the District's Acceptable Use Agreement - Student. All students using these resources shall receive instruction annually in their proper and appropriate use.

The Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the internet and prevent students from engaging in unauthorized or unlawful online activities. District staff are expected to review the technological resources and online sites that will be used in the classroom or assigned to students in order to ensure that they are appropriate for the intended purpose and the age of the students.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on the internet and communication platforms. Such instruction shall include, but not be limited to, protecting personal information, building awareness of online risks, and recognizing and responding to inappropriate content, interactions, and cyberbullying.

The Superintendent or designee shall ensure that all District devices with student internet access have a technology protection measure that protects against access to visual depictions that are obscene or harmful to minors and that the operation of such measures is enforced. (20 USC 7131; 47 USC 254; 47 CFR 54.520) Although the District makes its best efforts to filter online content, the District is not responsible for the failure of any technology protection measures.

The District reserves the right to monitor student use of technology within the jurisdiction of the District without advance notice or consent. Records related to student use of District Technology are not private and may be accessed by the District for the purpose of ensuring proper use and safety. Students have no reasonable expectation of privacy in use of District Technology. Students' personally owned devices shall not be searched except when required by law or in cases where there is a reasonable suspicion, based on specific and objective facts, that the search will uncover evidence of a violation of law, District Policy, Administrative Regulation or applicable school rules.

Inappropriate use of District Technology may result in suspension or termination of the student's user privileges or increased supervision of the student's use of District Technology as appropriate. Inappropriate use may also result in disciplinary action, and/or legal action in accordance with law, Board Policy, and Administrative Regulation.

Policy Adopted: October 16, 2001
Policy Revised: August 27, 2002
Policy Revised: May 2, 2023

See Also:

Board Policy 1113 - District Websites

Board Policy 1325 - Advertising and Promotion
Board Policy 4040 - Employee Use of Technology
Board Policy 4119.21: Professional Standards - Appropriate Staff Interaction with Students
Board Policy 5022 - Student and Family Privacy Rights
Board Policy 5125 - Pupil Records
Board Policy 5131.9 Academic Honesty and Integrity
Board Policy 5141.52 Suicide Prevention
Board Policy 5142 Student Safety
Board Policy 5144 Student Conduct

Administrative Regulation 6163.4: Acceptable Use Agreement - Students
Administrative Regulation 6163.41: Mobile Communication Devices

RIGHTS OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING

Your Right to Take Time Off:

- You have the right to take time off from work to get help to protect you and your children's health, safety or welfare. You can take time off to get a restraining order or other court order.
- If your company has 25 or more workers, you can take time off from work to get medical attention or services from a domestic violence shelter, program or rape crisis center, psychological counseling, or receive safety planning related to domestic violence, sexual assault, or stalking.
- You may use available vacation, personal leave, accrued paid sick leave or compensatory time off for your leave unless you are covered by a union agreement that says something different. Even if you don't have paid leave, you still have the right to time off.
- In general, you don't have to give your employer proof to use leave for these reasons.
- If you can, you should tell your employer before you take time off. Even if you cannot tell your employer before, your employer cannot discipline you if you give proof explaining the reason for your absence within a reasonable time. Proof can be a police report, court order or doctor's or counselor's note or similar document.

Your Right to Reasonable Accommodation:

- You have the right to ask your employer for help or changes in your workplace to make sure you are safe at work. Your employer must work with you to see what changes can be made. Changes in the workplace may include putting in locks, changing your shift or phone number, transferring or reassigning you, or help with keeping a record of what happened to you. Your employer can ask you for a signed statement certifying that your request is for a proper purpose, and may also request proof showing your need for an accommodation. Your employer cannot tell your coworkers or anyone else about your request.

Your Right to Be Free from Retaliation and Discrimination:

Your employer cannot treat you differently or fire you because:

- You are a victim of domestic violence, sexual assault, or stalking.
- You asked for leave time to get help.
- You asked your employer for help or changes in the workplace to make sure you are safe at work.

You can file a complaint with the Labor Commissioner's Office against your employer if he/she retaliates or discriminates against you.

For more information, contact the California Labor Commissioner's Office. We can help you by phone at 213-897-6595, or you can find a local office on our website: www.dir.ca.gov/dlse/DistrictOffices.htm. If you do not speak English, we will provide an interpreter in your language at no cost to you. This Notice explains rights contained in California Labor Code sections 230 and 230.1. Employers may use this Notice or one substantially similar in content and clarity.



NOTICE TO ALL EMPLOYEES

FEDERAL FAMILY AND MEDICAL LEAVE ACT OF 1993

Pursuant to Title 2, Code of Regulations, Section 7297.9, and the code of Federal Regulations, Part 825, the District is required to inform all employees of their rights under state and federal law with respect to family leave. The existing California law, previously the California Family Rights Act, now conforms to the federal standards. If you have questions regarding your rights under these laws, please contact the Human Resources Office.

The Family and Medical Leave Act of 1993 requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one (1) year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles of the employer’s location.

REASONS FOR TAKING LEAVE:

Unpaid leave must be granted for any of the following reasons:

- to care for the employee’s child after birth, or placement for adoption or foster care;
- to care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- for a serious health condition that renders the employee unable to perform the employee’s job.

At the employee’s or employer’s option, certain kinds of paid leave may be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION:

The employee may be required to provide advance leave notice and medical certification. The request for leave may be denied if requirements are not met.

- The employee must provide 30 days advance notice when the leave is foreseeable.
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer’s expense) and a fitness-for-duty report to return to work.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan.”
- Upon return from FMLA leave, employees must be restored to their original positions or to positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

ENFORCEMENT:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring civil action against an employer for violations.

FOR ADDITIONAL INFORMATION:

- Contact the Human Resources office, IUSD.
- Contact the nearest office of the Wage & Hour Division, listed in most telephone directories under U.S. Government, Department of Labor

WORKERS' COMPENSATION BENEFITS

WORKERS' COMPENSATION

California's no fault compensation was passed by the State Legislature to guarantee prompt, automatic benefits to employees who sustain on-the-job injuries or illnesses. With few exceptions, almost every employee, public and private, in the State is protected by Workers' Compensation.

The State of California supervises both the amount of benefits available under Workers' Compensation and the distribution of all payments.

YOUR EMPLOYER'S SELF-FUNDED PROGRAM

Rather than purchase an insurance policy, your employer has elected to self-fund Workers' Compensation liability. This means that medical bills and all other benefits are paid direct from your employer's funds.

Keenan & Associates administers the program to insure that all Workers' Compensation benefits are paid to injured employees in accordance with State Regulations.

Your employer wants you to know that its greatest concern is to see that you receive the best possible medical care and attention available so your recovery is rapid and complete and you can return to your job.

HOW TO CLAIM BENEFITS

Immediately report the injury/illness to your supervisor. You will be instructed to call the District's Company Nurse Hotline to report your work related injury/illness. Follow the instructions from the registered nurse. If medical treatment is required, the registered nurse will refer you to one of the District's industrial medical clinics for treatment. In cases of medical emergencies, immediately call 911.

Prompt reporting is the key. Benefits are automatic but cannot be provided until you notify your employer. Insure your right to benefits by reporting every work related injury/illness, no matter how slight. This way your employer will have a record of the incident in case you require medical treatment for it in the future.

WHAT ARE THE BENEFITS

California's Workers' Compensation guarantees injured employees five kinds of benefits:

- Medical care
- Payment to replace lost wages
- Permanent disability
- Rehabilitation services
- Death benefit to eligible dependents

MEDICAL BENEFITS

Your employer will pay for all necessary doctor bills, hospital costs, x-rays, medications, crutches, etc. to cure and relieve the effects of an injury or illness.

If you require treatment in addition to first aid, you will be referred to a doctor with the MPN, Medical Provider Network, unless you have a pre-designated physician on file. The physician will send bills and reports directly to Keenan & Associates. You should never see a medical bill but, in the event one is sent to you, it should be forwarded to Keenan & Associates.

You are entitled to be treated by your own personal physician if you have notified your employer of the doctor's name and address in writing before the injury or illness. "Personal physician" means your regular physician and surgeon who has previously directed your medical treatment and who retains your medical records and history, and the physician must agree in writing to treat you prior to a worker's compensation injury. A chiropractor or acupuncturist cannot be pre-designated as a "personal physician." Form may be found at the following IUSD intranet location: Business Services / Risk Management and Insurance.

If for any reason you want to change doctors, contact Keenan & Associates for the names of other doctors and specialists. If you desire, you can choose your own doctor within the MPN and within a reasonable geographic area. Let Keenan & Associates know of this change in writing as soon as you make it, so your bills will be promptly paid.

HOW MUCH ARE THE PAYMENTS FOR LOST WAGES?

If you are a permanent employee of the District you are entitled to Ed Code benefits along with Worker's Compensation benefits. This means that you can receive up to 60 working days of salary continuation at full pay. If you are still off work due to your injury after 60 days, you will then receive a combination of Temporary Disability and sick leave not to exceed your full salary. You will receive these payments in the form of your usual paycheck. However Keenan and Associates will be sending you letters advising you of your Temporary Disability rate. This rate is generally two-thirds of your average weekly wage with state mandated minimums and maximums and is non-taxable. However, since the Ed Code provides a higher benefit, you receive your full salary via your paycheck but will only be taxed on the amount over your temporary disability rate. Once your Ed Code benefits are exhausted and you are still off work due to your injury, you will receive Temporary Disability at the rate calculated by Keenan and Associates based on your average weekly wage. This amount will be sent to you via a check from Keenan and Associates until you are no longer off work or until you have reached medical maximum improvement. If you are a temporary employee, you are not eligible for salary continuation and you will receive Temporary Disability checks from Keenan and Associates. Temporary Disability checks are sent out every two weeks.

VOCATIONAL REHABILITATION

If, because of your work injury or illness, you are unable to return to your usual job duties, you may be entitled to vocational rehabilitation benefits. Services may include either modifying your old job, finding another job with your same employer, or training you for a new job.

PERMANENT DISABILITY

Additional payments will be made for a permanent disability such as the amputation of a finger or loss of sight, even though you may be able to return to full employment. The number of permanent disability payments is based on a schedule, set by the State, that takes into account factors such as age, occupation at time of injury or illness and the nature of the permanent disability.

Keenan & Associates, on behalf of your employer, will submit all necessary reports to the Division of Workers' Compensation, State of California, who will make a determination of the nature and extent of permanent disability.

DEATH BENEFITS

In the event of a work related death, eligible dependents will be entitled to benefits as determined by the State of California.

WHAT IF THERE ARE QUESTIONS?

Misunderstandings and even errors sometimes do occur, but most can be cleared up by a telephone call. Should you have any questions whatsoever, do not hesitate to call Keenan & Associates' at (310) 212-3344. You may also contact Stephen Bayne, Director of Risk Management and Insurance at the District Office at (949) 936-5021.

For additional information, telephone the nearest office of the State Division of Workers' Compensation, Office of Benefit Assistance and Enforcement. The nearest office is listed in the State Government Offices pages in the front of the white pages of the telephone book under "Industrial Relations Department." Their help is available free of charge to explain your rights, solve problems and provide other information.

If the problem still cannot be resolved, you may file an "Application for Adjudication" with the Workers' Compensation Appeals Board. That is the State agency responsible for handling disputes. The Appeals Board is a court of law. You can represent yourself, of course, or you may want to hire an attorney. If you do, the fee will be deducted from any benefits awarded by the Appeals Board. If it is necessary to go to the Appeals Board to resolve your claim, be sure to do it within one year from the date of the injury or illness, or one year from the date of your last medical treatment. Waiting longer could mean losing your right to benefits.

IRVINE UNIFIED SCHOOL DISTRICT

**INJURY & ILLNESS
PREVENTION POLICY**

The Irvine Unified School District is committed to safety! We strive to provide a healthy environment for all of our employees, students, and school visitors.

Toward that end, the District works actively to incorporate an Injury and Illness Prevention Program. The intent is to prevent and/or minimize the probability of injuries and illness to staff, students and visitors. We are doing this because we value your well-being. State, federal, and local health and safety codes, standards, and regulations also provide direction with which we must comply. Our governing board and leadership team pledge continued support to this program to ensure it remains a viable method of protecting all employees and site occupants.

The Injury and Illness Prevention policy can be found on the IUSD **intranet** under Business Services / Risk Management and Insurance.

**BLOODBORNE PATHOGEN
INFORMATION**

Title 8, California Code of Regulations, Section 5193 and Title 29, Code of Federal Regulations, Part 1910.1030 requires that all employees participate in a training program to eliminate or minimize occupational exposure to bloodborne pathogens. The information and training is required at the time of initial assignment. Employees new to the district and employees in a new assignment involving increased risk of occupational exposure, must complete a series of required training courses after assuming a new assignment or new employment.

DISTRICT SAFETY MANUAL**INTRODUCTION**

The District attempts to maintain a safe work place for its employees consistent with Federal, State, and local safety codes/regulations. However, this does not guarantee freedom from injury. The most important preventative measure lies in the ability of every employee to perform his/her job in the safest possible manner.

It is important that all employees recognize their obligation to comply with occupational safety and health standards and all rules, regulations, and orders that apply to their own actions and conduct in the performance of their specific job assignments.

The purpose of this pamphlet is to acquaint you with the general safety rules of the District. Every employee is responsible for knowing and following these measures on a daily basis.

TO ALL STAFF MEMBERS

This pamphlet contains some suggestions on how to work safely in your everyday work environment.



Accident prevention is everyone's job. All staff members should study these tips in order to help provide a safer and healthier place to work and study.

Horseplay or other acts which tend to have an adverse influence on the safety of employees and students is prohibited and may result in termination.

Some positions require specialized training. This training will be conducted by the supervisor.

**WHEN AN ACCIDENT OCCURS**

1. Report all work-related injuries or occupational illnesses, no matter how minor they may be, to your supervisor or principal without delay.
2. In situations when there is the possibility of exposure to blood of another person, the persons involved must also complete a Report of Occupational Injury form. (An exposure incident is a specific eye, mouth or other mucous membrane, non-intact skin or parenteral contact with blood or other potentially infectious materials.) Report exposure incidents to your supervisor as soon as possible and before leaving work. Next steps are defined in the IUSD Exposure Control Plan.
3. If necessary, the supervisor/principal/principal's representative will arrange for examination/treatment at an approved medical facility.
4. In the event of a serious injury or accident, the supervisor/principal will **immediately** notify the Director of Risk Management and Insurance or his assistant.

EMERGENCY RESPONSE PROCEDURE


Emergency response and evacuation procedures are important in that they provide information to employees in the event of an emergency. Examples of emergencies could be any one of a number of events such as fire, earthquake, or an event that is created outside of the normal course of business such as a hazardous material spill next to a school. Each school/department has an emergency plan which includes the following:



1. In the event of an emergency, employees and students know where the nearest exit is located.
2. Employees and students know the evacuation plan and the designated areas in which to meet following an evacuation.
3. Procedures are in place to deal with search and rescue if necessary.
4. Employees have been trained in the District's Emergency Preparedness Plan procedures.

More information on the District's Emergency Management procedures can be found on the IUSD intranet under Emergency Management.

PROPER LIFTING PROCEDURES

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1. **Get a firm footing.** Keep your feet apart for a stable base; point toes out.
 2. **Bend your knees.** Don't bend at the waist. Keep the principles of leverage in mind at all times. Don't do more work than necessary.
 3. **Tighten stomach muscles.** Abdominal muscles support your spine when you lift, offsetting the force of the load. Train muscle groups to work together.
 4. **Lift with your legs.** Let your powerful leg muscles do the work of lifting, not your weaker back muscles.
 5. **Keep load close.** Don't hold the load away from your body. The closer it is to your spine, the less force it exerts on your back.
 6. **Keep you back upright.** Whether lifting or putting down the load, don't add the weight of your body to the load. Avoid twisting; it can cause injury.

HEALTH PROCEDURES

As employees in a school setting, you may be exposed to communicable diseases. This information on universal precautions is to help you protect yourself against these diseases. Health procedures are precautions used in all situations and not limited to use with individuals known to be carrying a specific virus such as HIV or Hepatitis B virus. In the school setting these precautions should include hand washing, using gloves, careful trash disposal, and using disinfectants.

HAND WASHING: Hand washing is the single most important technique for preventing the spread of infectious disease.

Hand washing must be done:

1. Before drinking, eating, or smoking.
2. Before handling clean equipment or utensils.
3. Before and after assisting with feeding.
4. After assisting with toileting or diapering.
5. After contact with any body secretions.
6. After handling soiled diapers, garments, or equipment.
7. After removing disposable gloves.



Technique for washing:

1. Hand washing facilities should include soap, running water, and paper towels.
2. Wet hands with running water.
3. Apply liquid soap and lather well.
4. Wash hands, using a circular motion and friction for at least 10 seconds. Include front and back surfaces of hands, between fingers and knuckles, around nails, and entire wrist.
5. Rinse hands well under running water.
6. Dry hands well with paper towels, turn off water faucet with paper towel, and discard towel.

USING GLOVES: Latex gloves are to be worn by any staff member who administers first aid or handles the body fluid of another person. Appropriate size gloves should be readily accessible to staff and must be disposed of in accordance with OSHA regulations.

Technique for using gloves:

1. Use a clean pair of gloves for each pupil contact or task.
2. If glove(s) become damaged, stop task, remove damaged glove(s) and replace with new.
3. Remove glove(s) by grasping the cuff and strip it off by turning it inside out.
4. Dispose of blood stained gloves in sealed plastic bag.
5. Wash hands after removing gloves.



TRASH DISPOSAL: Trash cans lined with plastic are recommended for disposal of trash. The trash-filled plastic bag should be tied securely and removed from the trash container. Trash containing blood/blood saturated materials must be double bagged before disposal. Copious amount of blood soaked materials must be placed in red Biohazard bag and disposed of according to OSHA regulations. Contact Health Services for directions.

For disposal of sharp objects, use Biohazard sharps containers that cannot be broken or penetrated. These containers are disposed of by the Health Services Department according to OSHA regulations.

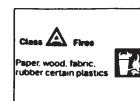
USING DISINFECTANTS: At each school site, appropriate and Environmental Protection Agency (EPA) approved disinfectants are supplied and used. Regular household chlorine bleach diluted 1:10 and mixed daily (or as needed so that the solution is fresh) is an effective disinfectant for destroying the AIDS and Hepatitis B viruses as well as most other disease causing organisms. The custodian or other trained personnel is to be called upon to clean contaminated areas.

FIRE EXTINGUISHERS USAGE

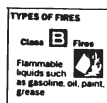
Employees should know where to locate fire extinguishers within their work area. These extinguishers are located in various areas within each building and work location.

In order to use a fire extinguisher effectively, employees should know what type of fire is present as all fire extinguishers will not work on all types of fires. The following guide should enable employees to identify the proper type of fire extinguisher to use:

Class A: This designation is for normal types of fires such as wood, paper, and cotton.



Class B: This designation is for flammable liquids such as gasoline.



Class C: These extinguishers are for electrical fires.



Class D: These are special type extinguishers for flammable metals.

Some extinguishers are designated as multi-type extinguishers such as ABC or BC.

To use a fire extinguisher effectively, you should obtain the proper type of extinguisher, pull the safety pin and aim the nozzle at the base of the fire and squeeze the handle. When doing this, you should spray the contents back and forth until the fire has gone out.

Fire extinguishers are for a small fire only. Don't try to extinguish a large fire. REMEMBER, call 911 for emergency help in dealing with any fire. All fires must be reported to the Fire Department.

GENERAL SAFETY RULES

CLASSROOM SAFETY:

1. Report all work-related injuries or occupational illnesses, no matter how minor they may be, to your supervisor or principal without delay.
2. Never use chairs or desks for climbing or standing. Use ladders only.
3. Report to the principal all broken or cracked glass, including containers and window panes.
4. Wipe up all spills and water accumulations immediately. Remove all debris which could cause slipping or tripping.
5. Keep all storage areas clean, neat, and free of unused materials. All heavy items should be kept on lower shelves. The following should never be stored in classrooms:
 - A. Flammable or other hazardous materials
 - B. Paper cutters
 - C. Laminating machines



6. Maintain adequate walkways between desks, work tables, etc.. **Do not block any exits.**
7. Keep cords (electrical, phone, etc.) Out of walkways.
8. Inspect all electrical apparatus in use in each room to ensure good operating condition. Look for frayed cords, broken plugs, exposed wires, and broken or cracked housings. **Do not use extension cords as permanent wiring.**

HAZARD COMMUNICATION SAFETY RULES



EMPLOYEE RIGHT-TO-KNOW

The District provides information about hazardous materials to all employees who use or who could be exposed to such materials. The data includes information on chemical labeling, material safety data sheets, and employee training on the safe use and handling of materials.

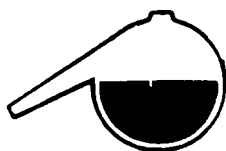
Steps:

1. Know where the written hazard communication program is kept at each site/department for employee access. Read it. The written program clearly outlines the purpose and intent of the hazard communication policy.
2. Use warning labels to identify hazardous materials and the hazards associated with them.
3. Read all labels carefully to determine the recommended safety precautions.



4. Know where the Material Safety Data Sheets (MSDSs) are located. Read and use the MSDSs to understand, determine, and apply the safety precautions, personal protective equipment, and the type of hazards associated with the use and storage of the material.

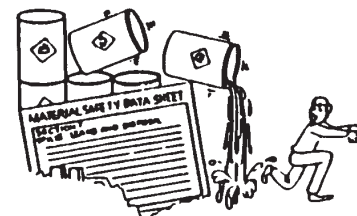
5. Wear all required personal protective equipment when working with hazardous materials.
6. Know how to fit, clean, and store the personal protective equipment.
7. Follow all safe work practices when using or handling hazardous chemicals. If in doubt, ask supervisors for help.
8. Refer to the **Flinn Scientific Chemical Catalog Reference Manual** or the **specific MSDS sheet** distributed to each site principal for further questions regarding specific chemicals.



9. Stay alert for all unusual hazards which could cause injury to students, staff, and visitors. Report them immediately.
10. Science materials, specifically chemicals, should be those purchased by the District. Shelf life dates of chemicals should be disposed of properly. Please refer to the Flinn Scientific Chemical Catalog Reference Manual which has been distributed to each site principal.
11. Employees should use only District-purchased hazardous materials approved for use. The District has all Material Safety Data Sheets (MSDSs) on file for each product used. MSDSs are required for any product which contains a hazardous material warning or caution on the label. (Refer to Hazard Communication Safety Rules).

★ Specific items **not allowed** in classrooms include:

- Bleach
- Any aerosols (lacquer, paint, etc.)
- Any cleaning products having a warning label regarding hazardous materials or potentially harmful results if used
- Custodial or cleaning supplies
- Art and craft supplies other than District-purchased materials
- Rubber cement
- Insecticides and pesticides



**“RIGHT TO KNOW”
WORKING WITH
CHEMICALS/HAZARDOUS SUBSTANCES**

★ Some exceptions to the above guidelines may be made by site principals if certain precautions are followed, including:

- All containers must be labeled as to contents

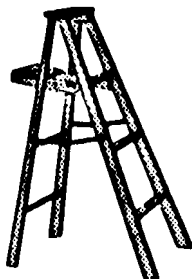
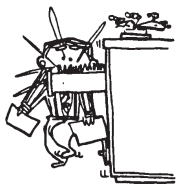
- Manufacturer's MSDS on file in room where product is used or stored, and user is trained on how to interpret information contained in the MSDS
 - Materials are to be used in accordance with manufacturer's guidelines as directed on label
 - Exercise good judgement in the use of these materials
 - Materials are brought on campus only when needed and then removed following use
 - Materials are stored in a locked cabinet or custodian's room when not in use
 - Materials are handled only by adults
 - MATERIALS MUST NOT BE HANDLED BY STUDENTS AT ANY TIME
 - Materials should not be used in classrooms when students are present
12. No insecticides or pesticides of any kind (such as ant spray, ant or roach bait, fly spray, etc.) are to be purchased or used in the classroom. Use of these products will be handled by District maintenance staff who have received specialized training for their use.
 13. Follow proper lifting procedures. (Refer to Proper Lifting Procedures).

OFFICE SAFETY:

1. Report all work-related injuries or occupational illnesses no matter how minor they may be, to your supervisor or principal without delay.
2. Maintain adequate walkways between desks, work tables, etc..



3. Keep cords (electrical, phone, etc.) out of walkways.
 4. Keep file cabinet drawers completely closed when not in use.
 5. Do not overload upper file cabinet drawers. Store heavy items in lower drawers.
6. Keep all storage areas clean, neat, and free of trash.
 7. Do not overload electrical circuits.
 8. Do not use any electrical equipment with frayed cords, exposed wires, or broken or cracked housings.
 9. Do not use chairs or desks for climbing or standing. Use ladders only (ladders are available at each site).
 10. Never store unnecessary hazardous materials in any office area.
 11. Use care in operating electrical office equipment. Follow manufacturers' instructions and precautions.
 12. Follow proper lifting procedures. (See Proper Lifting Procedures).
 13. Stay alert for all unusual hazards which could cause injury to staff, students, and visitors. Report them immediately.



OTHER SAFETY:

1. Report all work-related injuries or occupational illnesses no matter how minor they may be, to your supervisor or principal without delay.
2. Wipe up all spills and water accumulations immediately.
3. Store all heavy items on lower shelves. Break down cases to individual units prior to storage whenever possible.
4. Never use chairs for climbing. Only use ladders provided for that purpose.
5. Keep all machinery guards in place whenever in use.
6. Follow proper lifting procedures. (See Proper Lifting Procedures).
7. Wash sharp utensils individually. Never drop them into the dishwasher.
8. Wash glassware and dishes separately. Never stack glassware in the sink. Drain sinks prior to attempting to remove broken glasses or dishes.
9. Never store unnecessary hazardous materials in any food service area. Only use chemicals for which you have been properly trained.
10. Stay alert for all unusual hazards which may expose students, staff, and visitors to injury.



MAINTENANCE, GROUNDS, AND WAREHOUSE SAFETY:

1. Report all work-related injuries or occupational illnesses no matter how minor they may be, to your supervisor or principal without delay.
2. Wear a face shield or eye goggles whenever engaged in eye hazardous operations (chipping, grinding, trimming, etc.)
3. Wear proper ear plugs while engaged in high noise level operations (mowing lawns, trimming, machinery, etc.).
4. Replace all broken and cracked glass immediately.
5. Wipe up all spills immediately. Remove all accumulations of water from walkways caused by rain, sprinkler systems, etc., by draining, mopping, or sweeping.
6. Do not use any ladders with broken or cracked steps or side rails. Only use ladders with non-skid safety feet.
7. Do not use metal ladders while conducting electrical repairs.
8. Follow proper lifting procedures. (See Proper Lifting Procedures).
9. Only properly trained employees can use pesticides and other hazardous materials. Carefully read all label directions first. Use approved respiratory protection when required.
10. Before using any power equipment, tools, etc., ensure that all belt-drive guards, point-of-operation guards, and all other safety features are in place.
11. Stay alert for all unusual hazards, in all areas, which may expose students, staff, and visitors to injury.



DISTRICT VEHICLE SAFETY



1. Report all work-related injuries or occupational illnesses no matter how minor they may be, to your supervisor or principal without delay.
 2. Do not operate a District vehicle unless authorized by your supervisor/principal. All operators must have a legal operator's permit or license.
3. Every vehicle operator must obey all traffic laws. All accidents must be reported. If you are involved in an accident call the Highway Patrol or local police department and do not discuss accident causes other than with immediate supervisor, Highway Patrol, or police.
4. Drive with caution at all times.
5. Seat belts are required at all times while riding in or operating a District vehicle.
6. Vehicles shall not be refueled with the motor running.
7. Refrain from placing articles on the dashboard of the vehicle such as hair brushes, books, personal items, etc.
8. Follow proper lifting procedures. (See Proper Lifting Procedures).
9. Stay alert for all unusual hazards, in all areas, which may expose students, staff, and visitors to injury.
10. Vehicle operators should not talk on cellular phones while driving District vehicles.



REPORTING AN UNSAFE CONDITION OR HAZARD

If you observe an unsafe condition or practice at your work site, you should report it to your supervisor immediately. Forms are available at each school site and department if you wish to report in writing, what appears to you, to be an unsafe condition.



RESPONSIBILITY/DISCIPLINE

It is the responsibility of District Administrators/ Supervisors to interpret and enforce the District's illness and injury policy and safety rules. District employees are to be familiar with District safety and operating rules. Management personnel are committed to enforce all safety rules. Employees who fail to comply with District safety rules may be subject to disciplinary action. Principals/Supervisors will follow normal disciplinary procedures for documented violations.

ASBESTOS MANAGEMENT PLANS (AHERA)

Irvine Unified School District maintains an updated management plan for asbestos-containing materials in school buildings. Records are located in the school site office and the Campus Safety Department and are available for review during business hours. Files may not be removed from school site office. (Code of Federal Records, Title 40, Section 763.93). For questions related to asbestos management plans, please contact Don Grudem at (949) 936-5351.

HEALTHY SCHOOLS ACT

The Healthy Schools Act of 2000 was signed into law in September 2000 and requires that the District provide all parents and employees with an annual written notification of expected pesticide use at their school site or workplace. This notification identifies the product that may be used and its active ingredient(s). Please see the list below for chemicals that may be used in the District. It is also posted on the District website at www.iusd.org.

To find the application dates click on the "A-Z Index" category located on the IUSD main page, then click on "M," then "Maintenance and Operations," then "Healthy Schools Act/IPM Procedures," and choose either the "2021-2022 Grounds Chemical Application Schedule," or the "2021-2022 Custodial Pesticide Schedule."

If you have any questions, please call the IPM coordinator at 949-936-5392.

IUSD 2023-24 Pesticide/Herbicide List

IUSD 2023-24 Pesticide/Herbicide List		
GROUND S		
Name of Herbicide (Organic)	Active Ingredient(s)	Purpose
Halo (25b exempt)	Eugenol and Clove Oil	Weeds
Preem (25b exempt)	Soybean Oil	Weeds
Avenger	d-Limonene	Weeds
Scythe	Pelargonic Acid	Weeds
Suppress Herbicide	Caprylic Acid	Weeds
Fiesta	Iron HEDTA	Broadleaf Weeds
Weed Pharm	Acetic Acid	Weeds
Name of Fungicide (Organic)	Active Ingredient(s)	Purpose
Camelot	Copper Octanoate (copper soap)	Trees
Cease	QST 713 strain of Bacillus subtilis (1.34%)	Trees
Name of Pesticide (Organic)	Active Ingredient(s)	Purpose
Rescue (25b exempt)	Lemongrass and Clove Leaf Oil	Wasps and Bees
ProVerde (25b exempt)	Geranoil	General Pests
Eco Via EC (25b exempt)	Thyme Oil, 2-Phenethyl Propionate	Organic Pests
Entrust SC	Spinosad	Organic Pests
Name of Pesticide	Active Ingredient(s)	Purpose
Gopher X	Carbon Monoxide	Gophers
Sedghammer+Turf	Halosulfuron-methyl	Herbicide
Turflon Ester Ultra	Triclopyr-2-butoxyethyl ester	Herbicide
Grandevo PTO	Chromobacterium	Organic Pests
M-Pede	Potassium Salts of Fatty Acids	Organic Pests
Neemix	Azadirachtin	Organic Pests
CUSTODIAL		
Name of Pesticide (Organic)	Active Ingredient(s)	Purpose
Essentria IC-3 (25b exempt)	Rosemary Oil, Geranoil, Peppermint Oil	General Pests
Naturecide (25b exempt)	Cedarwood Oil, Cinnamon Oil	General Pests
Eco Via EC (25b exempt)	Thyme Oil, 2-Phenethyl Propionate	General Pests
ProVerde (25b exempt)	Geranoil	General Pests
Name of Pesticide	Active Ingredient(s)	Purpose
Advion Bait Station	Indoxacarb	Ants/Roaches
MaxForce Bait Station	Fipronil	Ants/Roaches
Contrac	California Bromethalin Blox	Rodents
Gentrol IGR Concentrate	Hydroperene	Roaches
Precor IGR Concentrate	Methoprene	Fleas
XT-2000 (Orange Oil Plus)	d-Limonene	Termites, Carpenter Ants
Phantom	Chlorfenapyr	Termites, Ants Roaches
Alpine WSG	Dinotefuran	General Pests
Tengard SFR	Permethrin	General Pests
Temprid FX	Imidacloprid	General Pests
Wisdom TC	Bifenthrin	General Pests
Bora-Care	Glycol Borate	Termites
Vikane	Sulfuryl Fluoride	Termites
Termidore	SC Fipronil	Termites
Fastrac	Bromethalin	Rodents