

**COMMUNITY RELATIONS**

**Classroom Volunteers**

The Superintendent recognizes the wealth of experience available in the community. Community members are a resource that should be used in appropriate ways to enrich the educational programs offered through the County Office of Education and strengthen relationships with families, businesses, public agencies, and private institutions. By their presence, volunteers can also make school environments safer and more closely supervised. The Superintendent encourages parents/guardians and other members of the community to share their time, knowledge, and abilities with students.

The Superintendent or designee authorizes the use of volunteers following established procedures to ensure the safety of both students and volunteers. The Superintendent or designee shall require tuberculosis testing and fingerprinting of volunteers and may request criminal records checks as authorized by law.

Volunteers shall act in accordance with County Office of Education policies, regulations and school rules. Further, the Superintendent directs that the appropriate department administrator establish and oversee the use of volunteers in the County Office of Education programs under her/his direction.

The Superintendent prohibits harassment of any volunteer on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

The Superintendent or designee shall establish procedures for determining whether volunteers possess the qualifications, if any, required by law and administrative regulation for the types of duties they will perform.

Program administrators who supervise volunteers may ask any volunteer who violates school rules to leave the campus. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

Legal References on next page.

Legal References:

EDUCATION CODE

- 35021 Volunteer aides
- 35021.1 Automated records check
- 44010 Sex offense; definition
- 44227.5 Classroom participation by college-level teaching methodology faculty
- 44814 Duty-free lunch periods
- 44815 Noncertificated supervision
- 45125 Fingerprinting requirements
- 45344.5 Instructional aide; proficiency in basic skills
- 45347 Instructional aides as classified employees
- 45349 Volunteers
- 48981 Parental notifications
- 49406 Examination for tuberculosis

GOVERNMENT CODE

- 3100-3109 Oath or affirmation of allegiance
- 3543.5 Prohibited interference with employees' rights
- 12940 Prohibited discrimination and harassment
- 96100-96114 Academic Volunteer and Mentor Service Act of 1992

HEALTH AND SAFETY CODE

- 1596.7995 Immunization requirements for volunteers in child care center or preschool
- 1596.871 Fingerprints of individuals in contact with child day care facility clients

LABOR CODE

- 3364.5 Persons performing voluntary services for school districts

Legal Reference continued next page

PENAL CODE

- 290 Information re: sex offenders
- 290.4 Information regarding sex offenders
- 290.95 Disclosure by person required to register by sex offender
- 626.2 Unauthorized campus entry
- 626.81 Sex offender; permission to volunteer at school

CODE OF REGULATIONS, TITLE 5

- 101170 Criminal record clearancd
- 101216 Health screening; volunteers in child care centers
- 18168 Personnel duties with infants and toddlers

CODE OF REGULATIONS, TITLE 22

- 101170 Criminal record clearance
- 62 Ops. Cal. Atty. Gen. 325 (1979)

Whisman Elementary School District, 15 Public Employee Reporter for California, Section 22043

**COMMUNITY RELATIONS**

**Volunteers**

**Criminal Background Check**

The Superintendent or designee shall require volunteers to obtain a criminal background check through the Department of Justice and Federal Bureau of Investigation.

The Superintendent or designee may require all volunteers to disclose whether they are a registered sex offender and/or to provide the EDCOE with sufficient information in order to allow verification of this status on the Department of Justice's Megan's Law web site.

The principal or program manager may grant a registered sex offender, who is not the parent/guardian of a student at the school, permission to come into a school building or upon school grounds to volunteer at the school. At least 14 days prior to the first date for which permission has been granted, the principal or designee shall notify the parent/guardian of each student at the school, using one of the methods specified in Education Code 48981, that a person who is required to register as a sex offender pursuant to Penal Code 290 has been granted permission to come into a school building or upon school grounds, the date(s) and times for which permission has been granted, and the parent/guardian's right to obtain information regarding the person from a designated law enforcement agency.

**Tuberculosis Assessment/Examination**

Upon initial volunteer assignment, a volunteer shall have on file with the EDCOE a certificate showing that he/she has submitted to a tuberculosis risk assessment and, if tuberculosis risk factors were identified, was examined and found to be free of infectious tuberculosis.

The Superintendent or designee may exempt from the tuberculosis risk assessment and/or examination those volunteers whose functions do not require frequent or prolonged contact with students.

**ALL PERSONNEL**

**Non-Discrimination in Employment**

The County Board of Education and Superintendent are committed to provide El Dorado County Office of Education employees, interns, volunteers, 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 shall apply to all EDCOE employees and, to the extent required by law, to interns, volunteers, and job applicants.

No 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, actual or perceived race, color, age, religious creed, ancestry, national origin, ethnic group identification, marital, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, sexual orientation; or the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Discrimination in employment 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;
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 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 creed discrimination based on an employee's religious belief or observance, including his/her religious dress or grooming practices, or based on the EDCOE's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement;
  - c. Disability discrimination based on an EDCOE 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 EDCOE'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.

Retaliation against any EDCOE employee who opposes any discriminatory employment practice by the EDCOE or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the EDCOE's complaint process pursuant to this policy is prohibited. 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 the administrative regulation.

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 EDCOE coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The EDCOE shall protect any employee who reports such incidents from retaliation.

All necessary actions shall be taken in order to comply with the letter and the spirit of state and federal laws prohibiting discrimination in employment. Employees shall be provided with training and information about how to recognize harassment, discrimination, or other related conduct, how to respond appropriately, and components of the EDCOE's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the EDCOE's employment practices and, as necessary, shall take action to ensure the EDCOE's compliance with the nondiscrimination laws.

In addition, the Superintendent or designee shall post, in a conspicuous place on EDCOE premises, the California Department of Fair Employment and Housing publication on workplace discrimination and harassment issued pursuant to 2 CCR 11013.

The County Superintendent affirms a commitment to equal employment opportunity. All recruitment, promotion/retention/induction, personnel management practices, and collective bargaining agreements shall be administered in a manner which adheres to equal employment opportunity principles.

Any employee who engages in or permits unlawful discrimination or harassment or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action up to and including dismissal.

Legal Reference:

EDUCATION CODE 44100-44105 Affirmative action employment  
GOVERNMENT CODE 12900-12996 Fair Employment and Housing Act  
42 USC § 2000a et seq. Civil Rights Act of 1964  
20 USC § 1681 et seq. Education Act Amendments of 1972 (Title IX)  
20 USC § 1687 Civil Rights Restoration Act  
29 USC § 621 et seq. Age discrimination in Employment Act  
38 USC § 4211 et seq. Vietnam Era Veterans' Readjustment Assistance Act of 1972  
42 USC § 12101 et seq. Americans with Disabilities Act of 1990  
Public Law 107-110 (HRI) No Child Left Behind Act of 2001

**ALL PERSONNEL**

**Nondiscrimination In Employment**

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 El Dorado County Office of Education designates the Executive Director of Personnel Services as its coordinator for nondiscrimination in employment (coordinator) to coordinate the EDCOE's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the EDCOE's nondiscrimination policies.

**Measures to Prevent Discrimination**

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

1. Publicize the EDCOE's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by:
  - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment;
  - b. Posting them in all EDCOE schools and offices, including staff lounges and other prominent locations;
  - c. Posting them on the EDCOE's web site and providing easy access to them through EDCOE-supported social media, when available;
2. Disseminate the EDCOE'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 form;
  - c. Posting the policy on the EDCOE intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies;
  - 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. Provide to employees a handbook that contains information that clearly describes the EDCOE's nondiscrimination policy, procedures for filing a complaint, and resources available to anyone who feels that he/she has been the victim of any discriminatory or harassing behavior;
4. Provide training to employees, volunteers, and interns regarding the EDCOE's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made.

Training for supervisors shall include the requirement to report any complaint of misconduct to the, or Superintendent or designee as a topic in the sexual harassment prevention training required pursuant to 2 CCR 11024 (2 CCR 11023).

5. Periodically review the EDCOE's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure EDCOE compliance with law;
6. For any EDCOE facility where ten (10) percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least ten (10) percent of the workforce.

### **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 complainant may inform his/her direct supervisor, the Executive Director of Personnel Services or the Personnel Services Coordinator.

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.

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 Executive Director of Personnel Services, whether or not the complainant files a written complaint.

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: The Executive Director of Personnel Services shall initiate an impartial investigation of an allegation of discrimination or harassment within five (5) business days of receiving notice of the alleged discriminatory or harassing behavior,

regardless of whether a written complaint has been filed or whether the written complaint is complete.

The Executive Director of Personnel Services shall meet with the complainant to describe the EDCOE's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The Executive Director of Personnel Services 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.

If the Executive Director of Personnel Services determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the Executive Director of Personnel Services should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The Executive Director of Personnel Services shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out his/her investigation or to protect employee safety, the Executive Director of Personnel Services may discuss the complaint with the Superintendent or designee, EDCOE legal counsel, or the EDCOE's risk manager.

The Executive Director of Personnel Services 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 Executive Director of Personnel Services shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Remedial/Corrective Action:** No more than twenty (20) business days after receiving the complaint, the Executive Director of Personnel Services shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision 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.

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. Appeal to the County Superintendent: The complainant or the person accused may appeal any findings to the Superintendent within ten (10) business days of receiving the written report of the coordinator's findings. Upon receiving an appeal, the Superintendent shall schedule a hearing as soon as practicable. The Superintendent shall render his/her decision within ten (10) business days.

### **Other Remedies**

In addition to filing a discrimination or harassment complaint with the EDCOE, 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.
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).

Revised: January 17, 2017

**ALL PERSONNEL**

**Harassment Prevention Policy**

**Policy Against Unlawful Harassment**

The Superintendent prohibits sexual harassment of employees. The Superintendent also prohibits retaliatory behavior or action against employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and accompanying administrative regulation. This policy shall apply to all El Dorado County Office of Education employees and, when applicable, to interns, volunteers, and job applicants.

EDCOE is committed to providing a workplace free of unlawful sexual harassment as well as unlawful harassment based on such factors as actual or perceived race, color, age, religious creed, ancestry, national origin, ethnic group identification, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, sexual orientation; or the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by applicable law to the extent protected by applicable law. EDCOE strongly disapproves of and will not tolerate unlawful harassment of employees or contractors by managers, supervisors, contractors or co-workers. EDCOE will also attempt to protect employees and contractors from unlawful harassment by non-employees in the workplace. Harassment creates a negative work environment and affects the work performance of all employees.

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 staff
3. Ensuring prompt, thorough, and fair 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

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions.

Any EDCOE employee who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her supervisor, program manager, Personnel Services Coordinator, or the Executive Director of Personnel Services.

A supervisor, or other program manager who receives a harassment complaint shall promptly notify the Executive Director of Personnel Services or designee.

Complaints of sexual harassment shall be filed in accordance with AR 4110 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

Any EDCOE employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal.

**ALL PERSONNEL**

**Harassment Prevention Policy**

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

**Definitions**

Prohibited 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 made against another person of the same or opposite sex in the work or educational setting when:

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. 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 EDCOE.

Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.

Examples of actions that might constitute sexual harassment 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.

**Training**

The Superintendent or designee shall ensure that all employees receive training regarding the El Dorado County Office of Education's (EDCOE) sexual harassment policies when hired and

periodically thereafter. The training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the EDCOE's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two (2) hours of classroom or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted employees shall receive training within six months of their assumption of the new position.

A supervisory employee is any employee having the authority, in the interest of the EDCOE, 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.

The EDCOE's sexual harassment training and education program for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following:

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential EDCOE and/or individual exposure or liability;
2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources;
3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment;
4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint;
5. The essential elements of the EDCOE's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed;
6. A copy of the EDCOE's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received;
7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance.

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.

### Notifications

A copy of this policy and this administrative regulation shall:

1. Be displayed in a prominent location in the main administrative building, office, or other area of the organization where notices of rules, regulations, procedures, and standards of conduct are posted;
2. Be provided to every employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired;
3. Appear in any school or EDCOE publication that sets forth the EDCOE's comprehensive rules, regulations, procedures, and standards of conduct.

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of EDCOE information sheets that contain, at a minimum, components on:

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 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 EDCOE shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment.

I hereby acknowledge that I have read and had the opportunity to ask questions about the Harassment Prevention Policy (SP 4120). I understand the policy and that any harassing behavior is behavior not in the course and scope of my employment. I will abide by this policy. I have received a copy of this policy and understand the original of this Employee Acknowledgment of SP 4120 will be kept in my personnel file.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Employee's Name Printed

1/2017