

# Division of Human Resources Annual Compliance Training 2019-2020



Uniform Complaint Procedures  
(UCP)



Employee/Student Interaction



Nondiscrimination  
Harassment  
Sexual Harassment



Abusive Conduct





# Uniform Complaint Procedures

## Programs

- Adult Education
- After School Education and Safety
- Agricultural Vocational Education
- American Indian Education Centers and Early Childhood
- Bilingual Education
- California Peer Assistance and Review Program for Teachers
- Career Technical Education
- Child Care and Development (including State Preschool)
- Child Nutrition
- Compensatory Education
- Consolidated Categorical Aid
- Economic Impact Aid
- Every Student Succeeds Act [ESSA]
- Foster, Homeless, and **former Juvenile Court Students**
- Local Control Funding Formula (LCFF) and Local Control and Accountability Plans (LCAP)
- English Learner programs and Migrant Education
- Physical Education: Instructional Minutes
- Pupil Instruction: Course Periods Without Educational Content
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Safety Plans
- Special Education
- State Preschool
- Tobacco-Use Prevention Education
- Unlawful Pupil Fees
- Williams Act – Facilities, Textbooks, Misassignments, and

# UCP-Action Items

1

Post brochures in community areas (i.e. office, library) and in each classroom

2

Post copies of UCP brochures/forms available in the office

3

Present information and brochures to parent/community groups/student leadership groups (JH and HS only)

- Agendize/Sign in Sheet

4

Send complaint form to the Division of Human Resources (HR)

5

HR will log the complaint and direct it to the appropriate department(s)

# Employee/Student Interaction including Sexual Misconduct

BP/AR 4119.26



- Under California law it is a crime for an adult to have a sexual relationship with a minor. Violations of this constitutes an abuse of power and a betrayal of trust
- It is the policy of CVUSD that employees will conduct themselves at all times in a manner that reflects the standards consistent with the law and district policy
- The law requires mandated reporters to report the suspicion or knowledge of abuse or neglect of a minor to CPS or law enforcement (ONLINE TRAINING)

Employees shall seek guidance from BP 4119.26 to expand on the following:

# Employee/ Student Interaction including Employee Sexual Misconduct



- Instruction, counseling, or other administrative tasks which require the presence of students, should be accomplished on school premises during the normal school day
- If it becomes necessary for an employee to meet outside the normal day with a student, school principal and parent/guardian must provide written approval
- Avoid being alone with a single student in a closed room, or out of sight of others
- Refer and adhere to AR 3541.1 regarding personal transportation of students

# Employee/Student Interaction including Employee Sexual Misconduct



## Unacceptable behavior:

- Making or participating in sexually inappropriate comments or jokes, kissing of any kind, sexually oriented stories, inappropriate contact
- Intentionally being alone (whether the door is locked or unlocked) with a student at or away from the site. In these circumstances, doors need to be left open
- Except for extreme emergencies, transporting a student without approval
- Giving gifts, seeking emotional involvement, excessive and non-educational attention toward a particular student
- Allowing students in your home without prior approval of principal and parent/guardian. Even with approval, other responsible adults must be present
- Use of technology and/or social media to send and receive personal messages

# Employee/Student Interaction including Employee Sexual Misconduct

Violating California Law and Board Policy 4119.26 places a district employee, accused of sexual misconduct with a student, at risk of:

- Loss of employment
- Civil lawsuits
- Criminal charges with the possibility of:
  - a prison sentence
  - Loss of some basic citizen's rights, including where you can live
  - Being required to register as a convicted child molester for life



# Nondiscrimination in Employment

- ...on the basis of the person's **actual or perceived** race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics.



# Includes any Adverse Employment Action

Common adverse actions include:

- Termination
- Denial of Promotion
- Training



It is really **denial of any terms, conditions, or privileges** of employment based on any of the **protected categories**.

# Harassment

Common forms of harassment include:

- Verbal comments
- Physical contact
- Visual conduct

It must be based on any of the **protected categories** and that it is so **severe** or **pervasive** that it adversely affects an individual's employment opportunities, has the purpose or effect **unreasonably interfering** with the individual's work performance, or creates an **intimidating / hostile** work environment.



# Sexual Harassment

Employees shall receive training

- Supervisors shall ensure all employees receive training

Information

Practical examples

Notifications – BP/AR 4119.11

Displayed in a prominent location (office, rules/regulations posted, etc...)

School or District publication – student handbook, rules, regulations, etc...



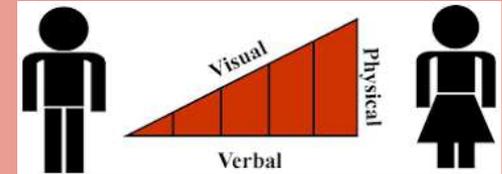
# Sexual Harassment Definition

- Unwelcome sexual advances, requests for sexual favors, or unwanted verbal, visual, or physical conduct of a sexual nature
  - Simple teasing, offhand comments, or isolated incidents can be illegal
  - Severe or pervasive and affects working conditions or creates a hostile work environment
- 
- Does not have to be of a sexual nature, however, it can include offensive remarks about a person's sex
    - For example, making an offensive comments about women/men in general

# “Of A Sexual Nature”

## VISUAL

Drawings, pictures, graffiti, gestures, email, and suggestive objects



## VERBAL

Sexual flirtations/propositions, graphic sexual comments, overly personal conversations/pressure for sexual activity, sexual jokes or stories, sexual slurs, epithets, threats, innuendos, derogatory comments, sexually degrading descriptions, and spreading sexual rumors

## PHYSICAL

Massaging, grabbing, fondling, stroking, brushing the body, touching individual's body or clothes, cornering, blocking, leaning over, and impeding normal movements



## Steps to File a Complaint for Discrimination in Employment and Sexual Harassment

Report it to the supervisor and explain the circumstances

Investigator to follow AR 4031:

Provide interim measures, if needed

Follow investigation timeline (60 working days)

Report of Findings

Final Written Decision

# Retaliation for any Complaint

- No one shall retaliate against you, nor shall you retaliate against anyone who participates in a complaint

# Abusive Conduct in the Workplace

- **Repeated** mistreatment of one employee to another
- Reasonable person would find hostile, offensive, and **unrelated** to an employer's legitimate business
- Can be in the form of:
  - a. Verbal abuse
  - b. Physical conduct that is threatening, intimidating, and humiliating
  - c. Gratuitous sabotage-prevents work from getting done



# How to Handle Abusive Conduct: Complaints Process

- Follow the Complaints Process
- Complaints: Board Policy & Administrative Regulations 4144
  - Step 1: Informal Complaints Process
    - Issue discussed at the local level with supervisor
    - Resolve the complaint informally



# Complaints continued...

- Step 2: Site Level Formal Complaint Process
  - Written complaint to supervisor within sixty (60) days of the event
  - The employee to specify the nature of the problem
  - Within ten (10) days of receiving the complaint, the immediate supervisor shall conduct the necessary investigation and meet with the complainant
  - Within ten (10) days after the meeting, the designee shall prepare and send a written response to the complainant

# Complaints continued...

- Step 3: District Level Appeal
  - Refer to BP/AR 4144
- Step 4: Appeal to the Board
  - Refer to BP/AR 4144





Thank  
Compliance

Thank you for helping us  
stay in compliance!