

MODESTO CITY SCHOOLS

Human Resources

426 Locust Street, Modesto, California 95351-2699
(209) 576-4147 • www.monet.k12.ca.us

TO: All District Employees

FROM: Craig Rydquist, Associate Superintendent, Human Resources

SUBJECT: Drug-Free Workplace Act of 1988

The Federal Drug-Free Workplace Act of 1988 requires recipients of grants from any federal agency to maintain a drug-free workplace. Employees subject to the law are those directly engaged in performing work connected with the federal grant or contract.

The Act specified that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace. As a condition of employment, the Act requires that employees abide by the provisions of the Drug-Free Workplace Act of 1988.

A provision of the Act requires employees who are convicted of any criminal drug statute for a violation occurring in the workplace, to notify the employer within five (5) days after the conviction. In the case of Modesto City Schools, notification will be made to the Deputy Superintendent, Chief Human Resources Official. The appropriate federal agency must be notified of the conviction within ten (10) days of receiving the notice from the employee. The Act requires that within thirty (30) days of receiving such notification, the employer must initiate appropriate personnel action against the employee which could be up to and including termination or required the employee to satisfactorily participate in an approved drug rehabilitation program.

The "Facts About Drug Abuse (Including Alcohol)" information is attached. It contains information on drugs, including effects caused by use. The information also contains a listing of community resource available for assistance. In addition to those listed, the District provides a confidential Employee Assistance Program for all employees.

CR/az
Attachment

FACTS ABOUT DRUG* ABUSE **(*Including Alcohol)**

An overview to commonly available drugs and their effects in our community. . . .

Drug or Substance: ALCOHOL

Slang or "Street Names": BEER, WINE, WINE COOLERS, DISTILLED SPIRITS (GIN, SCOTCH, VODKA, ETC.)

How Used: Oral ingestion.

Effects: Alcohol moves quickly to the stomach and is absorbed directly into the bloodstream. The bloodstream carries the alcohol to every part of the body within minutes.

The exact effects of alcohol on a young person's body are not known - it is known that the drug interferes significantly with judgment and learning.

Alcohol is a depressant drug. It slows down the central nervous system - every brain function from balance to breathing. It produces a surge in the flow of digestive acids which irritate the stomach lining.

In small amounts, some people may feel more relaxed and "sociable." If a person continues to drink (3 or more drinks in one hour) the drugs effects are stronger. Speech is slurred and balance is affected. Judging distance is difficult and vision may be blurred - a dangerous condition if a person is driving.

Alcohol is a complex drug that is both fat and water soluble and affects all the organs and tissues of the body. It should never be mixed with other drugs. Alcohol-drug combinations are the #1 cause of drug-related deaths in the United States.

The best way to minimize potential problems with alcohol is to be responsible for drinking (or choosing not to drink). BE AWARE THAT ALCOHOL IS A POWERFUL DRUG AND TREAT IT LIKE ONE.

* * * * *

Drug or Substance: BARBITURATES

Slang or "Street Names": BARBS, DOWNERS, SLEEPING PILLS

How Used: Taken orally - in tablet form. Barbiturates are often obtained from the family medicine cabinet as prescription drugs.

Drug or Substance: BARBITURATES (continued)

Effects: (continued) In 4-24 hours: Dilated pupils, bloodshot eyes, "drunken" behavior without the odor of alcohol, slurred speech, disorientation, mild impairment of thought and coordination, relaxing of inhibitions. High doses can result in physical and psychological dependence that is difficult to overcome and life threatening. Alcohol mixed with barbiturates produces a much deeper level of intoxication and a greater depressant effect on the heart and lungs - sometimes resulting in death.

* * * * *

Drug or Substance: COCAINE

Slang or "Street Names": COKE, SNOW, BLOW, TOOT, FLAKE, NOSE CANDY and SPEEDBALL (when mixed with heroin)

How Used: A white, crystalline water-soluble powder, cocaine is usually sniffed, snorted, or injected. "Crack" or "Rock": Extremely potent, highly addictive cocaine that is smoked. Sold as pellet-size chips called "rocks." Use results in an intense, brief high, leading to the need to repeat, resulting in addiction.

Paraphernalia: Mirrors, razor blades, inhaling tubes, syringes, drinking straws.

Effects: In 30-90 minutes (or for "rock/crack" 10 to 50 minutes): Feelings of excitement, talkativeness, dramatic increase in blood pressure and heart rate, insomnia, loss of appetite, dramatic mood shifts, runny nose, hallucinations.

Continued use can result in addiction that is hard to overcome. Can cause death from heart or respiratory failure. Threat of AIDS through use of hypodermic needles.

* * * * *

Drug or Substance: HEROIN

Slang or "Street Names": BLACK, BLACK TAR

How Used: A white-to-dark brown powder, heroin is snorted, smoked or injected.

Paraphernalia: Syringes, spoons, bottle caps.

Effects: In 3-6 hours: pinpoint pupil constriction; nausea followed by feelings of well-being; drowsiness, nodding head; respiratory depression; excessive perspiration.

Highly addictive. Risk of death through overdose because of the wide fluctuations in drug purity. Addiction can occur in short time. Heroin's pain-relieving properties may conceal symptoms of real physical illness, such as pneumonia, and delay treatment. Risk of AIDS because of use of hypodermic needles.

* * * * *

Drug or Substance: INHALANTS

Slang or "Street Names": GLUE, PAINT, GASOLINE, TYPEWRITER CORRECTION FLUID, HAIRSPRAY

How Used: Inhalants are the most instantly damaging substances when inhaled.

Effects: In 1-3 hours: Disorganized mental state, violent actions, dilated pupils, loss of balance, slurred speech. Instant and generally permanent brain damage, severe mental disorders, death...when abused.

* * * * *

Drug or Substance: LOOK-ALIKE DRUGS (DRUGS THAT APPEAR TO BE AMPHETAMINES, STIMULANTS AND RELATED COMPOUNDS)

Slang or "Street Names": BEANS, MINI-BENNIES, UPPERS, CROSS TOPS, BIRD EGGS, BLACK BEAUTIES, DEXIES

How Used: Look-alike drugs are produced in unauthorized labs and made to look like prescription drugs. They are taken orally and contain substances such as caffeine and antihistamine.

Effects: In 2-6 hours: Increased heart rate and blood pressure, insomnia, loss of appetite, confusion, sweating, restlessness, hyperactivity, paranoia, addiction.

Threat of accidental poisoning, drug overdose or death because drugs are produced in secret labs and ingredients, and ingredient amounts are unknown.

* * * * *

Drug or Substance: LSD -LYSERGIC ACID DIETHYLAMIDE (HALLUCINOGEN)

Slang or "Street Names": ACID, MICRODOT, BLOTTER ACID, FRY, WINDOWPANE

How Used: Most used LSD formats include small powder pellets ("microdot"), tiny gelatin chips ("windowpane"), and small squares of liquid LSD-soaked paper ("blotters"). Drug is taken orally.

Effects: In 8-16 hours: Nausea, dizziness, dilated pupils, rise in blood pressure and body temperature. High doses scramble perceptual processes and can include confusing visual or auditory hallucinations. Also, extreme mood swings, difficulty in thinking, and a sense of the mind being separate from the body. Users experience an intense "crash" or "come down" that lasts a day or two following use of the drug.

LSD is an extremely unpredictable drug that produces highly individualized drug experiences.

Drug or Substance: LSD -LYSERGIC ACID DIETHYLAMIDE (HALLUCINOGEN)
(continued)

Effects: (continued) Continued use can result in psychological dependence and severe psychological distress - known as a "bad trip." (Bad trip means panic reaction - massive anxiety attack and feeling of losing control - or psychotic reaction - serious breaks with reality and irrational behaviors which can be self-destructive.)

* * * * *

Drug or Substance: MARIJUANA HASHISH

Slang or "Street Names": GRASS, POT, WEED, SINSEMILLA, HASH OIL, HASH

How Used: Usually smoked as hand-rolled cigarette or in small, bowl pipe. Hashish is a marijuana derivative and comes in dark brown chunks. Hash oil is a dark, sticky oil smoked in pipes.

Paraphernalia: "Roach clips" (small alligator clips used to hold "joints"), cigarette papers, small pipes.

Effects: In 2-6 hours: Red, glassy eyes; dry mouth; increased heart rate; increased appetite; talkativeness; irritability; distorted sense of time; feelings of paranoia; inability to concentrate. Continued use can result in addiction. For young people, drug can cause changes in hormones, the internal body chemicals that direct growth and sexual development.

* * * * *

Drug or Substance: METHAMPHETAMINES (STIMULANTS)

Slang or "Street Names": SPEED, CRANK, METH, GO, GO-FAST, AMP

How Used: Comes in liquid or powder and is taken orally, inhaled or injected. Often the substance has a foul, rancid odor.

Paraphernalia: Straws, or other inhaling tubes. Syringes and needles. Pocket mirrors and razor blades for preparing "lines" of powder inhaling.

Effects: In 4-24 hours: Loss of appetite, hyperactivity, restlessness, increased heart rate and blood pressure, insomnia, confusion, sweating, paranoia, bad body odor, sores and skin infections.

Continued use can result in addiction, psychosis, death.

* * * * *

Drug or Substance: PCP - PHENCYCLIDINE (HALLUCINOGEN)

Slang or "Street Names": PCP, KRAZY, CRYSTAL, ANGEL DUST, SHERMAN CIGARETTE

Drug or Substance: PCP - PHENCYCLIDINE (HALLUCINOGEN) (continued)

How Used: PCP comes in a yellow oily liquid, a powder, or rock crystalline form. It is smoked, sniffed or taken orally. It is often applied in liquid form to dark colored cigarettes. In its liquid form it is often carried in dark glass bottles like those containing vanilla extract.

Effects: (continued) In 4-6 hours: Wide, staring eyes or rapidly shifting eye movements, distorted perception of time and distance. Drowsiness or hyperactivity, irritability, confusion, anxiety, slurred speech, memory loss, complete insensitivity to pain.

Continued use can cause addiction and psychotic reactions leading to breaks with reality and irrational behaviors -- often self-destructive -- and severe mental disorders.

* * * * *

COMMUNITY RESOURCES

The following community service agencies/resource groups can answer questions and help if you have concerns about drug use, or abuse:

COUNSELING SERVICES

Stanislaus County Department of Mental Health:	525-7423
Stanislaus County Department/Mental Hospital	558-7460
Substance Abuse	541-2121
Alcohol Treatment	541-2121
Emergency Service	558-4600
West Modesto Regional Services	558-7475
Modesto Base Counseling (Sierra Vista) Adult Services	524-6371
Center for Human Services	526-1440
Hutton House Runaway Shelter (24-Hour Crisis Line)	526-5544

(Additional resources may be found in the telephone directory yellow pages under "Marriage, Family, and Child Counselors," "Psychologists," "Psychiatrists," and "Social Workers.")

PARENT EDUCATION WORKSHOPS

Family Partnership Center/Kinship Support Groups	558-8550
Parent Support Group (meets 1-2 times a week) depending on group participation.	

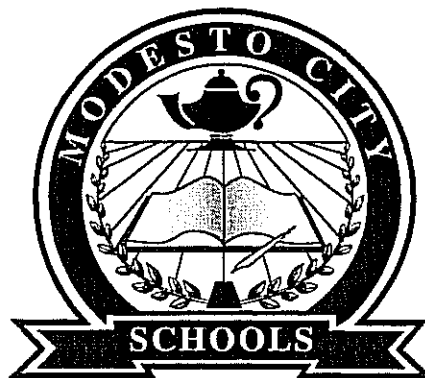
(A complete listing of local self-help groups appears once a month, on the third Wednesday, in THE MODESTO BEE.)

MODESTO CITY SCHOOLS

NONDISCRIMINATION IN EMPLOYMENT

SEXUAL HARASSMENT

POLICIES AND ADMINISTRATIVE REGULATIONS



Human Resources Division

MODESTO CITY SCHOOLS

**Prepared by the Human Resources Office
426 Locust Street
Modesto, CA 95351**

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INTRODUCTION

As a District employee, you have a right to work in an environment that is free of discriminatory harassment. You also have a responsibility not to subject others to discriminatory behavior that has the purpose or effect of unreasonably interfering with their work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

While discriminatory harassment is illegal, it is sometimes difficult to know what is appropriate and what is not, and how to report incidents of discriminatory conduct that occur in the workplace. This pamphlet is designed to inform you of the District's policies and administrative regulations pertaining to discriminatory harassment in general and sexual harassment in particular.

MODESTO CITY SCHOOLS

Board Policy

BP 4030

ALL PERSONNEL

Nondiscrimination in Employment

1. The District shall not unlawfully discriminate against or tolerate the harassment of employees or job applicants on the basis of their sex, race, color, religious creed, national origin, ancestry, age over 40, marital status, pregnancy, physical or mental disability, medical condition, Vietnam era veteran status, or actual or perceived sexual orientation.
2. Equal employment opportunity shall be provided to all employees and applicants. Physically or mentally disabled employees or applicants may request reasonable accommodation.
3. All employees are expected to carry out their responsibilities in a manner that is free from discriminatory statements or conduct. Employees who permit or engage in discrimination and/or harassment may be subject to disciplinary action up to and including dismissal.
4. The Superintendent or designee shall annually publicize this policy and the availability of a grievance procedure.

The Board of Education prohibits discriminatory harassment of District employees or applicants based on the employee or applicant's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age over 40, sexual orientation, or sex in any form, by any person.

The Board expects employees to immediately report incidents of such harassment. Any employee or applicant for employment who believes that he/she or another individual in the District is being harassed in violation of this policy should immediately contact his/her supervisor, site administrator, another District administrator, the Assistant Superintendent, Personnel, or the Superintendent in order to obtain procedures for reporting a complaint. Complaints of discriminatory harassment should be filed in accordance with Administrative Regulation 4031, Complaint Procedure for Discrimination in Employment.

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Nondiscrimination in Employment

Any supervisor, site administrator or other District administrator who receives a discriminatory harassment complaint shall notify the Assistant Superintendent, Personnel, who shall be responsible for overseeing the investigation of the complaint. Each complaint shall be timely investigated in a manner designed to respect the privacy rights of all parties to the complaint (if such complaint is made against the Assistant Superintendent, Personnel, it shall be directed to the Superintendent. If such a complaint is made against the Superintendent, it shall be directed to the President of the Board of Education).

Any employee who engages in such harassment of an employee or applicant may be subject to disciplinary action up to and including dismissal. Any student who engages in such harassment of an employee or applicant may be subject to disciplinary action up to and including expulsion.

The District also prohibits retaliatory conduct against any discriminatory harassment complainant or any participant in the complaint process.

This policy shall be displayed in a prominent location in the Modesto City Schools' administrative building and other District school and work sites. It shall also be provided as part of new employee orientation and shall be provided to current District employees at the beginning of the first quarter/trimester of the 1995-96 school year.

(cf. 4031 - Complaint Procedure for Nondiscrimination in Employment)

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Nondiscrimination in Employment

Legal Reference:

EDUCATION CODE

44100 Legislative intent, affirmative action employment

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

LABOR CODE

1102.1 Employment discrimination: sexual orientation

UNITED STATES CODE, TITLE 20

1683 et seq. Civil Rights Restoration Act

UNITED STATES CODE, TITLE 29

621 et seq. Age Discrimination in Employment Act

791 et seq. Vietnam Era Veterans' Act

UNITED STATES CODE, TITLE 42

12101 et seq. Americans With Disabilities Act

2000d & 2000e et seq. Title VI & Title VII,

Civil Rights Act of 1964 as amended

2000h-2 et seq. Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Designation of responsible employee and adoption
of grievance procedures

CODE OF FEDERAL REGULATIONS, TITLE 29

1630.2(r) Direct threat

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Notifications

ADOPTED: September 11, 1995

MODESTO CITY SCHOOLS

Administrative Regulation

AR 4030

ALL PERSONNEL

Nondiscrimination in Employment

Prohibition of Discriminatory Harassment

Discriminatory Harassment

Prohibited discriminatory harassment includes, but is not limited to, unwelcome acts of physical, verbal or visual harassment based on an employee's or applicant's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age over 40, sexual orientation, or sex, by someone in or from the District.

Examples of Discriminatory Harassment

Examples of prohibited harassment include, but are not limited to, the following:

1. Verbal Harassment: Unwelcome jokes, stories, epithets, threats, verbal abuse, degrading comments or descriptions, derogatory comments or slurs when based upon a person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, age over 40, sexual orientation or sex.
2. Physical Harassment: Unwelcome gestures, assault, impeding or blocking movement when directed at an individual based upon a person's race, religious creed, color, natural origin, ancestry, physical disability, mental disability, marital status, age over 40, sexual orientation or sex.
3. Visual Forms of Harassment: Unwelcome or derogatory posters, cartoons, or drawings based on an individual's race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, age over 40, sexual orientation or sex.

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Nondiscrimination in Employment

Prohibition of Discriminatory Harassment

Complaints of Discriminatory Harassment

Complaints of discriminatory harassment should be filed in accordance with AR 4031, Complaint Procedures for Discrimination in Employment.

District Employees' Responsibilities

Any employee who believes he or she has been, or is being subjected to discriminatory harassment, or who is aware of the occurrence of such harassment, or who desires counseling about such harassment, should immediately contact his or her immediate supervisor, site administrator, another District administrator, or the Assistant Superintendent, Personnel (any such complaint made against the Assistant Superintendent, Personnel shall be directed to the Superintendent; any such complaint against the Superintendent shall be directed to the President of the Board of Education).

Each site administrator and supervisor has the responsibility of maintaining an environment free of harassment. This responsibility includes discussing the District's policies with his or her students and employees, and assuring them that they are not required to endure prohibited harassment.

REVIEWED: August 21, 1995

MODESTO CITY SCHOOLS

Administrative Regulation

AR 4031

ALL PERSONNEL

Complaint Procedure for Discrimination in Employment

1. **Coordinator for Complaints of Discrimination in Employment**

The Board of Education designates the following person as Coordinator for Complaints of Discrimination in Employment to coordinate receipt and processing of complaints under this policy and procedure, including alleged violations of Title IX and S 504:

Assistant Superintendent, Personnel Services
Modesto City Schools' Administrative Offices
426 Locust Street
Modesto, CA 95351-2699
(209) 576-4147

2. **Definitions**

Complainant: An employee or applicant for employment who files a complaint under this policy.

Respondent: An individual charged with engaging in discrimination in employment as defined in District policy and/or administrative regulations.

Days: As used in this policy and procedure, "days" means days in which the employee is required to work. Timelines may be extended by mutual agreement.

3. **Complaint**

The following procedure shall be followed in discrimination in employment complaints by an employee (for Modesto Teachers Association and California School Employees Association members, a grievance may be filed as an alternative to this procedure). The complainant, the accused, and employee(s) interviewed about the complaint have a right to union representation.

The timelines for the regular grievance procedure are tolled if a Modesto Teacher Association or California School Employees Association member chooses to pursue a complaint through the following District procedure.

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Complaint Procedure for Discrimination in Employment

If a complaint is withdrawn or found to be invalid, the complaint and findings shall not be referred to in the employee's personnel file. There shall be no retaliation against any individual for filing a complaint or providing information regarding a discrimination in employment complaint.

If a complaint is found valid, the District will take corrective action to end the discrimination. The District will inform the complainant in writing of action taken to ensure that the problem is corrected. Otherwise, all information regarding any proposed or actual disciplinary action shall be kept confidential by the District.

4. Informal Complaint Procedure

When an employee has a complaint as defined in this policy, he or she may file an informal complaint with his or her immediate supervisor, site administrator, or other district administrator. (Any such complaint against the Assistant Superintendent, Personnel should be directed to the Superintendent; any such complaint against the Superintendent should be directed to the President of the Board of Education.) An informal complaint must be initiated within thirty (30) working days from the time an employee knew or reasonably should have known of the alleged discrimination in employment event or condition prompting the complaint. The Assistant Superintendent, Personnel should be contacted when the informal complaint concerns an applicant for employment, individuals at more than one work site, or when the immediate supervisor is the subject of or involved in the complainant's allegation of discrimination in employment.

The supervisor, site administrator, or other district administrator will investigate the allegations in the informal complaint in a manner designed to protect the privacy of all parties to the greatest extent practicable. The supervisor, site administrator, or other district administrator will attempt to resolve the matter within thirty (30) days from receipt of the informal complaint.

5. Formal Written Complaint Procedure

Step 1

If the complainant is not satisfied with the resolution of the informal complaint, the complainant may file a formal written complaint with the immediate supervisor of the supervisor or administrator who investigated

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Complaint Procedure for Discrimination in Employment

and attempted to resolve informal complaint. (Any such complaint against the Assistant Superintendent, Personnel should be directed to the Superintendent; any such complaint against the Superintendent should be directed to the President of the Board of Education and the following procedural process should be modified accordingly.) The following procedures must be followed:

- a. The formal complaint must be filed within sixty (60) days of the time the informal attempt was made to settle the complaint.
- b. The formal complaint should be on the District's Discrimination in Employment Complaint Form and contain all the following information known to the complainant:
 - (1) the complainant's name, address, work and home telephone numbers;
 - (2) the name of the person or persons who committed the alleged discrimination in employment act(s);
 - (3) a description of the alleged discrimination in employment act(s);
 - (4) a specific description of the time, place, nature, participants in, and witnesses to the alleged discrimination in employment act(s);
 - (5) other pertinent information which may assist the investigation and resolution of the complaint; and
 - (6) the complainant's suggested remedy for resolution of the complaint.

Step 2

If the complaint is not resolved to the complainant's satisfaction in Step 1, the complainant may appeal that resolution to the Assistant Superintendent, Personnel, using the following procedures:

ALL PERSONNEL

Complaint Procedure for Discrimination in Employment

- a. The complainant must submit his/her written complaint to the Assistant Superintendent, Personnel within ten (10) working days of the complainant's receipt of the Step 1 decision.
- b. The Assistant Superintendent, Personnel/designee, the complainant and the person who investigated the Step 1 complaint and prepared the written response to the complainant, will meet to discuss the complaint,
- c. The Assistant Superintendent, Personnel/designee shall provide a written decision within ten (10) working days of this meeting. Copies of the decision shall be provided to all parties present at the meeting.

6. Appeal to the Board of Education

If the complainant is not satisfied with the decision of the Assistant Superintendent, Personnel/designee, he or she may file a written appeal with the Board of Education. This written appeal must be filed within fifteen (15) working days from the date of the Assistant Superintendent, Personnel/designee's written decision. The Superintendent or designee shall provide the Board with copies of all pertinent documents, including the written complaint and the Assistant Superintendent, Personnel/ designee's written decision.

Consistent with the Board of Education's agenda deadlines and open meeting law requirements, the Board of Education shall meet in closed session to consider the complainant's appeal. At the next regularly scheduled Board meeting, the Board shall issue their decision.

7. Other Options

If the complainant is not satisfied with the Board's decision, the complainant may file a complaint with an appropriate state or federal enforcement agency (e.g. State Department of Education, U.S. Department of Education, State Department of Fair Employment and Housing, Equal Employment Opportunity Commission). Civil law and grievance remedies may be available.

REVIEWED: August 21, 1995

MODESTO CITY SCHOOLS

Exhibit

E 4031

MODESTO CITY SCHOOLS

DISCRIMINATION IN EMPLOYMENT COMPLAINT FORM

Directions: Please provide the information requested.

Name _____
Last Name First Name

Address _____
Street City Zip Code

Home Telephone _____ Work Telephone _____

Name of the person(s) who committed the alleged discrimination in employment act(s) _____

Discrimination in employment was related to:

_____	Recruitment	_____	Selection (Vacancy No. _____)
_____	Promotion	_____	Compensation
_____	Training	_____	Termination

Describe the alleged discrimination in employment act(s)—specify time, place, nature, participants in and witness(es) to the alleged discrimination in employment act(s). Include other pertinent information which may assist in the investigation and resolution of the complaint:

Discrimination in Employment Complaint Form (Page 2)

Complainant's suggested remedy for resolution of the complaint:

Date

Signature

Release Waiver (Optional)

Confidentiality: Use of your name and information in this complaint will be limited to our investigation only. This information will be released to the public at large only if you sign the release.

Release Waiver: I give my permission for my name and information included in this statement to be released to the public.

Date

Signature

MODESTO CITY SCHOOLS

Board Policy

BP 4119.13/4219.13/4319.13

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Sexual Harassment

The Board of Education prohibits sexual harassment of District employees or applicants.

Sexual harassment is as defined in the Education Code and applicable non-discrimination law.* Education Code 212.5 defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

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

*NOTE: Education Code 48900.2 states: For the purposes of this chapter, the conduct described in section 212.5 must be considered to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment.

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Sexual Harassment

The Board expects employees to immediately report incidents of such sexual harassment. Any employee or applicant for employment who feels that he/she or another individual in the District is being harassed in violation of this policy should immediately contact his/her supervisor, site administrator, another district administrator, the Associate Superintendent, Personnel, or the Superintendent in order to obtain procedures for reporting a complaint. Complaints of sexual harassment should be filed in accordance with AR 4119.14/4219.14/4319.14, Complaint Procedure for Sexual Harassment in Employment.

Any supervisor, site administrator or other district administrator who receives a sexual harassment complaint shall notify the Associate Superintendent, Personnel, who shall be responsible for overseeing the investigation of the complaint. Each complaint shall be timely investigated in a manner designed to respect the privacy rights of all parties to the complaint. (If such complaint is made against the Associate Superintendent, Personnel, it shall be directed to the Superintendent. If such a complaint is made against the Superintendent, it shall be directed to the President of the Board of Education.)

Any employee who engages in such sexual harassment of an employee or applicant, student and/or volunteer during his or her employment may be subject to just cause disciplinary action up to and including dismissal. Any student who engages in such harassment of an employee or applicant may be subject to disciplinary action up to and including expulsion.

The District also prohibits retaliatory conduct against any harassment complainant or any participant in the complaint process.

This policy shall be displayed in a prominent location in the Modesto City Schools' administrative building and other District school and work sites. It shall also be provided as part of new employees orientation.

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Sexual Harassment

(cf. 4119.14/4219.14/4319.14 - Complaint Procedure for Sexual Harassment in Employment)

Legal Reference:

EDUCATION CODE

- 200-240 Prohibition of discrimination on the basis of sex, especially:
- 215.5 Sexual harassment, defined
- 216.6 Sexual harassment policy
- 230 Particular practices prohibited

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

LABOR CODE

- 1101 Political activities of employees
- 1102.1 Discrimination: sexual orientation

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

2000h-2 et seq. Title IX, 1972 Education Act Amendments

Meritor Savings Bank, FSB v. Vinson et al.

86 Daily Journal D.A.R. 2130

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REVISED: February 11, 2003

MODESTO CITY SCHOOLS

Administrative Regulation

AR 4119.13/4219.13/4319.13

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Sexual Harassment

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature made by someone in or from the District when:

1. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, threatening, hostile or offensive work environment or of adversely affecting the student or employee's performance, evaluation, advancement, assigned duties, or any other conditions of education, employment or career development; or submission to, or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding employment, benefits, services, honors, programs or activities available at or through the educational institution.

Examples of Sexual Harassment

Examples of prohibited harassment include, but are not limited to, the following:

1. Verbal sexual harassment: unwelcome jokes, stories, epithets, threats, verbal abuse, sexually degrading comments or descriptions, graphic comments about a person's body, unwelcome sexual flirtations or propositions, derogatory comments, or slurs when of a sexual nature.

ALL PERSONNEL

Sexual Harassment

2. Physical harassment: unwelcome gestures, touching a person's body or clothes in a sexual way, assault, impeding or blocking movement, or any physical interference with normal work or movement when of a sexual nature.
3. Visual forms of sexual harassment: unwelcome or derogatory posters, cartoons, or drawings when of a sexual nature.

Complaints of Sexual Harassment

Complaints of sexual harassment should be filed in accordance with AR 4119.14/4219.14/4319.14, Complaint Procedure for Sexual Harassment.

District Employees' Responsibilities

Any employee who believes that he/she has been or is being subjected to sexual harassment, or who is aware of the occurrence of such harassment, or who desires counseling about such harassment, should immediately contact his or her immediate supervisor, the site administrator, another District administrator, or the Associate Superintendent, Personnel (any such complaint made against the Associate Superintendent, Personnel shall be directed to the Superintendent; any such complaint against the Superintendent shall be directed to the President of the Board of Education).

Each site administrator and supervisor has the responsibility of maintaining an educational and work environment free of sexual harassment. This responsibility includes discussing the District's policies with his or her students and employees and assuring them that they are not required to endure prohibited sexual harassment.

REVIEWED: August 21, 1995
January 13, 2003

MODESTO CITY SCHOOLS

Administrative Regulation

AR 4119.14/4219.14/4319.14

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Complaint Procedure for Sexual Harassment in Employment

1. Coordinator for Complaints of Sexual Harassment in Employment

The Board of Education designates the following person as Coordinator for Complaints of Sexual Harassment in Employment to coordinate receipt and processing of complaints under this policy and procedure, including alleged violations of Title IX and S 504.

Associate Superintendent, Personnel Services
Modesto City Schools' Administrative Offices
426 Locust Street
Modesto, CA 95351-2699
(209) 576-4147

2. Definitions

Complainant: An employee or applicant for employment who files a complaint under this policy.

Respondent: An individual charged with engaging in sexual harassment as defined in District policy and/or administrative regulation.

Days: As used in this policy and procedure, "days" means days in which the employee is required to work. Timelines may be extended by mutual agreement.

3. Complaint

The following procedure shall be followed in sexual harassment complaints by an employee (for Modesto Teachers Association and California School Employees Association members, a grievance may be filed as an alternative to this procedure). The complainant, the accused, and employee(s) interviewed about the complaint have a right to union representation.

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Complaint Procedure for Sexual Harassment in Employment

The timelines for the regular grievance procedure are tolled if a Modesto Teacher Association or California School Employees Association member chooses to pursue a complaint through the following District procedure.

If a complaint is withdrawn or found to be invalid, the complaint and findings shall not be referred to in the employee's personnel file. There shall be no retaliation against any individual for filing a complaint or providing information regarding a sexual harassment complaint. If a complaint is found valid, the District will take corrective action designed to end the harassment in accordance with the principles of just cause discipline. The District will inform the complainant in writing that it has taken action designed to correct the problem. Otherwise, all information regarding any proposed or actual disciplinary action shall be kept confidential by the District.

4. Informal Complaint Procedure

When an employee has a complaint as defined in this policy, he or she may file an informal complaint with his or her immediate supervisor, site administrator, or other district administrator. (Any such complaint against the Associate Superintendent, Personnel should be directed to the Superintendent; any such complaint against the Superintendent should be directed to the President of the Board of Education.) An informal complaint must be initiated within thirty (30) working days from the time an employee knew or reasonably should have known of the alleged sexual harassment event or condition prompting the complaint. The Associate Superintendent, Personnel should be contacted when the informal complaint is made to any District administrator.

The Associate Superintendent, Personnel, will assign a District administrator to investigate the allegations in the informal complaint in a manner designed to protect the privacy of all parties to the greatest extent practicable. The administrator designated by the Associate Superintendent, Personnel will attempt to resolve the matter within thirty (30) days from receipt of the informal complaint.

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Complaint Procedure for Sexual Harassment in Employment

5. **Formal Written Complaint Procedure**

Step 1

If the complainant is not satisfied with the resolution of the informal complaint, the complainant may file a formal written complaint with the Associate Superintendent, Personnel. The Associate Superintendent, Personnel may designate a District administrator to do the level 1 investigation. (Any such complaint against the Associate Superintendent, Personnel should be directed to the Superintendent; any such complaint against the Superintendent should be directed to the President of the Board of Education and the following procedural processes should be modified accordingly.) The following procedures must be followed:

- a. The formal complaint must be filed within sixty (60) days of the time the informal attempt was made to settle the complaint.
- b. The formal complaint should be on the District's Sexual Harassment Complaint Form and contain all the following information known to the complainant:
 - (1) the complainant's name, address, work and home telephone numbers;
 - (2) the name of the person or persons who committed the alleged sexual harassment act(s);
 - (3) a description of the alleged sexual discriminatory act(s);
 - (4) a specific description of the time, place, nature, participants in, and witnesses to the alleged sexual discriminatory act(s);
 - (5) other pertinent information which may assist the investigation and resolution of the complaint; and
 - (6) the complainant's suggested remedy for resolution of the complaint.

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Complaint Procedure for Sexual Harassment in Employment

Step 2

If the complaint is not resolved to the complainant's satisfaction in Step 1, the complainant may appeal that resolution to the Associate Superintendent, Personnel, using the following procedures:

- a. The complainant must submit his/her written complaint to the Associate Superintendent, Personnel within ten (10) working days of the complainant's receipt of the Step 1 decision.
- b. The Associate Superintendent, Personnel/designee, the complainant, and the person who investigated the Step 1 complaint and prepared the written response to the complainant, will meet to discuss the complaint.
- c. The Associate Superintendent, Personnel/designee shall provide a written decision within ten (10) working days of this meeting. Copies of the decision shall be provided to all parties present at the meeting.

6. Appeal to the Board of Education

If the complainant is not satisfied with the decision of the Associate Superintendent, Personnel/designee, he or she may file a written appeal with the Board of Education. This written appeal must be filed within fifteen (15) working days from the date of the Associate Superintendent Personnel/designee's written decision. The Superintendent or designee shall provide the Board with copies of all pertinent documents, including the written complaint and the Associate Superintendent, Personnel/designee's written decision.

ALL PERSONNEL

Complaint Procedure for Sexual Harassment in Employment

Consistent with the Board of Education's agenda deadlines and open meeting law requirements, the Board of Education shall meet in closed session to consider the complainant's appeal. At the next regularly scheduled Board meeting, the Board shall issue their decision.

7. Other Options

If the complainant is not satisfied with the Board's decision, the complainant may file a complaint with an appropriate state or federal enforcement agency (e.g. State Department of Education, U.S. Department of Education, State Department of Fair Employment and Housing, Equal Employment Opportunity Commission). Civil law and grievance remedies may be available.

REVIEWED: August 21, 1995
January 13, 2003

MODESTO CITY SCHOOLS

Exhibit

E 4119.14/4219.14/4319.14

MODESTO CITY SCHOOLS

SEXUAL HARASSMENT COMPLAINT FORM

Directions: Please provide the information requested.

Name _____
Last Name First Name

Address _____
Street City Zip Code

Home Telephone _____ Work Telephone _____

Name of the person(s) who committed the alleged sexual harassment act(s)

Describe the alleged sexual harassment act(s)--specify time, place, nature, participants in and witness(es) to the alleged sexual harassment act(s). Include other pertinent information which may assist in the investigation and resolution of the complaint:

Sexual Harassment Complaint Form (Page 2)

Complainant's suggested remedy for resolution of the complaint:

Date

Signature

Release Waiver (Optional)

Confidentiality:

Use of your name and information in this complaint will be limited to our investigation only. This information will be released to the public at large only if you sign the release.

Release Waiver:

I give my permission for my name and information included in this statement to be released to the public.

Date

Signature

CAN FRIENDLY BEHAVIOR BE SEXUAL HARASSMENT?

It can be difficult to determine when behavior goes from friendly to sexually harassing. The following three methods will assist you in recognizing when your behavior is probably okay or probably unwelcome.

1. IS MY INTENT THE SAME AS THE IMPACT?

To determine if your behavior could be unwelcome to another person, remember that "unwelcome" is decided by the recipient of the behavior, not the person doing the behavior. Therefore, it is the **impact** of behavior, not the **intent** of the person who did the behavior, that determines if sexual harassment has occurred.

2. DO I DISPLAY ANY OF THE FOLLOWING BEHAVIORS AT WORK?

VERBAL

- ☐ Referring to an adult as a girl, hunk, doll, babe, or honey
- ☐ Whistling at someone, cat calls
- ☐ Making sexual comments about a person's body
- ☐ Making sexual comments or innuendos
- ☐ Turning work discussions to sexual topics
- ☐ Telling sexual jokes or stories
- ☐ Asking about sexual fantasies, preferences, or history
- ☐ Asking personal questions about social or sexual life
- ☐ Making sexual comments about a person's clothing, anatomy, or looks
- ☐ Repeatedly asking out a person who is not interested
- ☐ Making kissing sounds, howling, and smacking lips
- ☐ Telling lies or spreading rumors about a person's personal sex life

CAN FRIENDLY BEHAVIOR BE SEXUAL HARASSMENT?

(continued)

NON-VERBAL

- ☐ Looking a person up and down (elevator eyes)
- ☐ Staring at someone
- ☐ Blocking a person's path
- ☐ Following the person
- ☐ Giving personal gifts
- ☐ Displaying sexually suggestive visuals
- ☐ Making facial expressions such as winking, throwing kisses, or licking lips
- ☐ Making sexual gestures with hands or through body movements

PHYSICAL

- ☐ Giving a massage around the neck or shoulders
- ☐ Touching the person's clothing, hair, or body
- ☐ Hanging around a person
- ☐ Hugging, kissing, patting, or stroking
- ☐ Touching or rubbing oneself sexually around another person
- ☐ Standing close or brushing up against a person

3. IS MY BEHAVIOR WELCOME?

To determine if your behavior is unwanted, ask yourself the following:

- A. Would I want any of those behaviors to be the subject of a column in my organization's newsletter or to appear on the evening news?
- B. Is there equal power between me and the person that I'm interacting with?
- C. Would I behave the same way if the person I'm in a relationship with were standing next to me?

CAN FRIENDLY BEHAVIOR BE SEXUAL HARASSMENT?

(continued)

- D. Would I want someone else to act this way toward a person that I'm in a relationship with?
- E. Is there equal initiation and participation between me and the person I'm interacting with?

If you answered "no" to A, B, C, and D, your sexual behavior is **probably** unwanted by the recipients of your behavior.

If you answered "no" to E, your sexual behavior is **very likely** unwanted.

HOW TO STOP UNWANTED SEXUAL ATTENTION

If you are receiving unwanted sexual attention, tell the person that such behavior is unwelcome. If that person does not take you seriously, the following methods are suggested for stopping the behavior.

Say it again. Like a broken record, you may have to repeat your objections until the unwelcome behavior stops. Restate your objections. "I understand what you are saying, but I don't want you to" Repeat that statement until the person stops the behavior and takes your request seriously. And you don't have to explain or justify why you want the person to stop.

Record the facts.

- time, date and place where behavior occurred.
- detailed description of the unwelcome behavior.
- statements made by the individual(s) initiating the behavior.
- statement you made to the individual(s) initiating the behavior.
- statements you may have made to the individual(s) to stop the behavior.
- name of witnesses who may have observed the behavior.

Talk to your management supervisor. If it is your supervisor doing the sexual harassment, contact the Assistant Superintendent, Personnel.

"I'VE GOT A FEW QUESTIONS"

We've got both men and women in our work group and we like to tell sexual jokes, make sexual comments, and so on. What if we get a new employee who doesn't go for this behavior? Do we have to change on account of one person?

ANSWER: Sexual harassment is defined as **unwelcome** behavior of a sexual nature. If the workplace behavior is sexual and unwelcome to an employee, that behavior could be sexual harassment.

What's the difference between hazing and sexual harassment?

ANSWER: Hazing focuses on the employee's behavior while sexual harassment often focuses on the employee's sex. The sexual language, comments, jokes, etc., increase when that employee is around and are directed at that employee. If the language and jokes are derogatory of an employee's sex or are about the employee's sex, then that behavior could also be sexual harassment.

What's the big deal about having pictures, cartoons, and calendars around work? Just because they're sexually oriented doesn't mean they're wrong or bad.

ANSWER: Sexually oriented visuals can be used as evidence in sexual harassment court cases. They can contribute toward creating an offensive, intimidating, and hostile work environment. Such visuals portray males and females more as sexual objects than as professionals.

Can an employee be sexually harassed even if people are not doing the behavior directly to him or her?

ANSWER: If unwanted sexual behavior is occurring in your work environment, it is sexual harassment even if it is not directed towards you.

When women wear provocative clothing, aren't they asking men to say things to them?

ANSWER: Regardless of what a woman wears, another employee does not have a right to sexually harass her. Each employee does have a responsibility to dress appropriately for the job.

GUIDELINES FOR BEHAVIOR

To know the difference between behavior that is okay and behavior that constitutes sexual harassment, remember these guidelines:

- Be aware of the difference between the intent of your behavior and the impact of your behavior.
- Ensure that there is equal initiation and participation when you interact with others.
- Treat people as they would like to be treated, not as you think they would like to be treated.

GLOSSARY

Coercion

To directly or indirectly dominate, restrain or control by force. Do something nice with an explicit or implicit understanding that a favor would be bestowed or a reprisal made. A return for a favor.

Conditional Sexual Harassment

Situations in which the sexual harassment results in termination, failure to hire, or the loss of some other tangible job benefit.

Defamation

Damage to a person's reputation or good name through publication of a falsehood to a third party.

Harassment

The cause of action favoring the persistent disturbance or irritation of one individual over another on the basis of race, religion, color, national origin, ancestry, handicap, disability, medical condition, marital status, age or stereotypical assumptions associated with race, religion, color, national origin, ancestry, handicap, disability, medical condition, marital status, sex, sexual orientation or age.

Hostile Environment

One of two types of sexual harassment claims; requires showing of frequent, nontrivial acts of a sexual nature that create the effect of a hostile, offensive, or intimidating working environment. No money damages are required to be shown.

Indirect Harassment

An employee who witnesses sexual harassment can sue the employer claiming that the behavior causes an offensive sexually hostile environment.

Physical Harassment

Includes but not limited to, assault, purposefully impeding blocking an individual's movement, pinching, grabbing, patting, physical interference with normal work or movement when unwelcome and when directed at an individual on the basis of the individual's race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, sexual orientation or age.

GLOSSARY (continued)

Quid Pro Quo Harassment

One of the two types of sexual harassment claims, requires showing of unwelcome activity of a sexual nature in exchange for tangible job benefit, or the loss of tangible job benefit owing to the rejection of such activity. Fundamentally, an abuse of supervisory power.

Reasonable Woman/Victim Standard

A new legal standard, that is applied in cases of sexual harassment holds that consideration, must be given to whether a reasonable woman/victim in similar circumstances would have felt harassed. The standard is applied to determine whether a hostile work environment exists.

Sex Discrimination

The cause of action favoring one individual or group over another on the basis of gender or stereotypical assumptions associated with gender.

Sexism

Sexism is an attitude. It is where a person of one sex thinks he/she is superior to a person of the other sex.

Sexual Favors

Unwelcome and unwanted sexual advances which condition an employment benefit.

Sexual Harassment (Work Environment)

Situations in which the acts of sexual harassment create a hostile, intimidating or offensive working environment, thereby causing the complainant to lose the intangible employment benefit of a discrimination-free workplace.

Unwelcome Conduct

Behavior that is considered offensive or undesirable by its recipient.
Behavior that is not encouraged or incited by its recipient.

GLOSSARY (continued)

Verbal Harassment

Includes, but not limited to, unwelcome actions and/or behavior including spoken or written epitaphs, degrading comments or slurs on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, sexual orientation or age.

Visual Harassment

Includes, but is not limited to, the display of derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, sexual orientation or age.



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



Department of Fair Employment and Housing

such as a lead, supervisor, manager or agent;

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

Filing a Complaint

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

DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes.

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

Remedies include:

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

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

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

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

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



State of California
Department of Fair Employment & Housing

DFEH-185 (11/14)

Sexual Harassment

The Facts About Sexual Harassment

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

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



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

Employers' Obligations

All employers must take the following actions against harassment:

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

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

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

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

Employer Liability

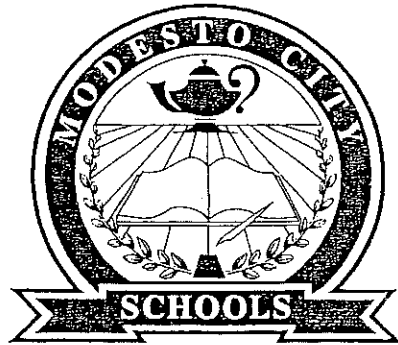
All employers, regardless of the number of employees, are covered by the harassment section of the FEHA. Employers are generally liable for harassment by their supervisors or agents. Harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassing an employee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

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

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

An employer might avoid liability if

- the harasser is not in a position of authority,



MODESTO CITY SCHOOLS

BLOODBORNE PATHOGENS

TRAINING

December 1999
(Revised)

BLOODBORNE PATHOGENS TRAINING PROGRAM

There is a clear national problem related to occupational safety and health for employees exposed to bloodborne pathogens. Concerns about AIDS can make a needlestick or other blood exposure alarming. Yet AIDS isn't the only bloodborne disease you need to worry about. In fact, you are more likely to be infected from a exposure by the hepatitis B virus (HBV), which is just as deadly.

The Occupational Safety and Health Administration (OSHA) issued a standard that, if followed, is designed to protect you. The standard details ways to substantially reduce your risk of contracting a bloodborne disease due to an exposure. The standard applies to those employees that it is reasonably anticipated there could be an exposure to bloodborne pathogens as a result of performing their job duties.

DISEASES IN THE BLOOD

Diseases in the blood that you might be exposed to include: Non A non B hepatitis; Hepatitis B, C, & D; human immunodeficiency virus (HIV); syphilis, and malaria. The two (2) most significant are hepatitis B (HBV) and human immunodeficiency virus (HIV).

Hepatitis

Hepatitis means inflammation of the liver. The Hepatitis B virus is the greatest bloodborne hazard faced at work. Approximately 8,700 healthcare workers are infected each year resulting in more than 200 deaths. If you become infected with HBV:

- . You may have flu-like symptoms. They may be mild or severe.
- . You may not have any indication that you are infected.
- . Your blood, saliva, and other body fluids may be infectious.
- . You may spread the virus to sexual partners, family members, and even unborn infants.

HBV may severely damage the liver, leading to cirrhosis and death.

Human Immunodeficiency Virus

The human immunodeficiency virus (HIV) attacks the body's immune system, causing the disease know as AIDS or Acquired Immune Deficiency Syndrome. Currently, there is no vaccine to prevent infection. A person infected with HIV:

- . May carry the virus without developing symptoms for several years.
- . Will eventually develop AIDS.
- . May suffer from flu-like symptoms, fever, diarrhea, and fatigue.
- . May develop AIDS-related illnesses including neurological problems, cancer, and other opportunistic infections.

BLOODBORNE PATHOGENS TRAINING PROGRAM (continued)

HIV is transmitted primarily through sexual contact, but may also be transmitted through contact with blood and some body fluids. HIV is not transmitted by touching, feeding, or working around people who carry the disease.

HBV, HIV, and other pathogens may be present in:

Body fluids such as:

- Blood
- Saliva
- Semen
- Vaginal Secretions
- Body fluids visibly contaminated with blood.

HOW THE DISEASES CAN BE SPREAD IN THE WORK ENVIRONMENT

Bloodborne pathogens may enter your body and infect you through a variety of means including:

An accidental injury by a sharp object contaminated with infectious material. Sharps include:

Needles	Razor blades
Scalpels	Knives
Broken glass	Scissors

Exposed ends of dental wires (braces)

Anything that can pierce, puncture, or cut your skin.

Open cuts, nicks, and skin abrasions, even dermatitis and acne, as well as the mucous membranes of your mouth, eyes, or nose.

Indirect transmission, such as touching a contaminated object or surface and transferring the infectious material to your mouth, eyes, nose, or open skin.

Contaminated environmental surfaces are a major mode of HBV spread in certain settings. HBV can survive on environmental surfaces dried at room temperatures for at least one week. Surfaces and objects can be heavily contaminated by substances without visible signs.

HOW TO MINIMIZE YOUR RISK

The risks of bloodborne diseases in the workplace are quite serious. You can learn effective ways of minimizing them. A good place to start is with Modesto City Schools' Exposure Control Plan. A copy is available in each school and District department. It covers:

BLOODBORNE PATHOGENS TRAINING PROGRAM (continued)

Identification of employees covered by the standard.

Specific measures that must be taken to minimize your risk of exposure.

Discussion of five (5) major ways to reduce your risks or exposure to bloodborne pathogens on the job:

Engineering controls

Work practice controls

Personal protective equipment

Housekeeping

Hepatitis B vaccine

Procedures to follow if there is an exposure incident.

ENGINEERING CONTROLS

There are physical or mechanical systems provided to eliminate hazards at their source. Some examples are:

Sharps containers at the site of use

Personal protective equipment at the site of use i.e., goggles, gloves, face shields, protective eyewear, etc.

The effectiveness of engineering controls depends on your appropriate use of them.

WORK PRACTICE CONTROLS

There are specific procedures you must follow on the job to reduce your exposure to bloodborne pathogens or infectious materials.

Body Substance Isolation

Body Substance Isolation is based on the assumption that all body substances are potentially infectious. You cannot tell by looking if a person has HIV, HBV, or other infections that can infect you.

Body Substance Isolation requires you to treat all body substances as if they are known to be infected with HIV, HBV, or other bloodborne pathogens.

BLOODBORNE PATHOGENS TRAINING PROGRAM (continued)

Handwashing

If infectious material gets on your hands, the sooner you wash it off, the less chance you have of becoming infected.

Handwashing keeps you from transferring contamination from your hands to other areas of your body or other surfaces you may contact.

Every time you remove your gloves you must wash your hands with non-abrasive soap and running water as soon as you possibly can.

If skin or mucous membranes come in direct contact with blood, wash or flush with water as soon as possible.

If antiseptic hand cleanser towelettes are available, use them as a temporary measure only. You must still wash your hands with soap and running water as soon as you can.

Personal Hygiene

Additional self-protection controls should be followed to protect you:

Do not eat, drink, smoke, apply cosmetics or lip balms or handle contact lenses where you may be exposed to blood or other potentially infectious materials.

Avoid petroleum-based lubricants that may eat through latex gloves. Applying hand cream is OK if you thoroughly wash your hands first.

Don't keep food and drinks in refrigerators, freezers, cabinets, or on shelves, countertops, or bench tops where blood or other potential infectious materials may be present.

Needlesticks

To avoid needlesticks:

Do not bend, hand-recap, shear or break contaminated needles and other sharps. As a general rule do not recap needles by hand. Recap or remove contaminated needles from disposable syringes only when medically necessary. To recap needles, use a mechanical device or a one-handed technique.

Place contaminated sharps in an approved sharps container immediately after use.

Report any sharps containers that are mounted too high or otherwise not easily accessible.

BLOODBORNE PATHOGENS TRAINING PROGRAM (continued)

PERSONAL PROTECTIVE EQUIPMENT

Equipment that protects you from contact with potentially infectious materials may include gloves, masks, gowns, aprons, lab coats, faceshields, protective eyewear, mouthpieces, resuscitation bags, or other ventilation devices.

Under normal work conditions, protective equipment must not allow potentially infectious materials to contact your work clothes, street clothes, undergarments, skin, or mucous membranes. The type of protective equipment appropriate for a given task depends on the degree of exposure you anticipate.

Wear gown, gloves, and eye protection, when splash, spray, splatter, or droplets of a body substance may reasonably be expected (available in Bloodborne Pathogen Emergency Kit).

Wear gown and gloves when clothing or skin may reasonably be exposed to body substance (available in Bloodborne Pathogen Emergency Kit).

Wear gloves, foot covers, mask and eye protection when large amounts of blood may reasonably be encountered (available in Bloodborne Pathogen Emergency Kit).

Use resuscitation devices. Avoid unprotected mouth-to-mouth resuscitation. Pocket masks are available in accessible areas.

Gloves

Gloves act as a barrier between your hands and body substances. Latex or nylon gloves are used for first aid emergencies.

Gloves must be worn when contact with blood, potentially infectious materials, mucous membranes, or non-intact skin is anticipated.

Hypoallergenic gloves are available for documented allergies to rubber or latex.

Cuts should be covered before gloving.

Replace gloves as soon as possible if contaminated, torn, punctured, or damaged in any way. **Never wash or reuse gloves.**

Remove gloves in the following manner to prevent contamination of hands:

Peel one glove off from wrist to fingers and hold it in the gloved hand.

Peel the second glove from the inside, tucking the first glove inside the second.

Dispose of gloves in waste container before leaving area.

BLOODBORNE PATHOGENS TRAINING PROGRAM (continued)

Wash your hands thoroughly after removing gloves.

HOUSEKEEPING

Good housekeeping protects everyone and it is everyone's responsibility.

Equipment and work surfaces are cleaned daily.

Pick up glass with tongs, a brush and dust pan or other equipment to avoid contact with gloved or bare hands.

Place infectious waste in red bags marked with the BIOHAZARD label.

Handle all soiled materials as potentially infectious.

Biohazard

Bags or containers bearing the BIOHAZARD label tell you when the containers hold blood or other potentially infectious material. Warning labels are also used to designate contaminated equipment.

HBV VACCINATION

The Hepatitis B vaccine is available to all employees of Modesto City Schools who may be exposed to blood/body fluids, at no cost to the employee.

The vaccine is a yeast derivative and not made from human serum. It is given over six (6) months in a series of three (3) injections.

The complete series of vaccines is 85-97% effective at protecting you from getting the disease or becoming a carrier. It is effective for nine (9) years or longer.

You should not be vaccinated if:

You have had the vaccine in the past.

Your antibody test reveals you are immune.

You are advised by your personal physician not to get the vaccine for medical reasons.

If you have questions, would like to begin the vaccine series, or have comments regarding this information, contact Shari Lowe, Chairperson, School Nurses, Modesto City Schools.

MODESTO CITY SCHOOLS

SELF TEST

BLOODBORNE PATHOGENS TRAINING PROGRAM

QUIZ

1. True False Hepatitis B virus is easily cured.
2. True False HIV and HBV may be present in body fluids other than blood.
3. True False Broken glass and the exposed ends of dental wires are considered sharps.
4. True False Facial acne is a potential route of entry into the body for bloodborne pathogens.
5. True False Contaminated environmental surfaces are a major mode of HIV spread in certain settings.
6. True False To consult a copy of your employer's Exposure Control Plan, check at your local library.
7. True False Universal precautions means treating the blood and body fluids of anyone aged 18 to 65 as if they were known to be infected with HIV, HBV, or other bloodborne pathogens.
8. True False No single approach to controlling the spread of bloodborne infections is 100 percent effective.
9. True False When recapping needles is allowed, it is important to use two hands.
10. True False Every time you remove your gloves, you must wash your hands with soap and running water as soon as you possibly can.
11. True False Once blood gets on your hands, it's too late to take any preventive measures.
12. True False It's okay to store food next to blood if the food is in a bag or lunchbox.
13. True False The type of protective equipment appropriate for a given task depends on the degree of exposure you anticipate.

SELF TEST
BLOODBORNE PATHOGENS TRAINING PROGRAM
(continued)

- | | | | |
|-----|------|-------|--|
| 14. | True | False | You don't have to wear gloves if you are allergic to latex or nylon. |
| 15. | True | False | You don't have to wear personal protective equipment if it is annoying or uncomfortable. |
| 16. | True | False | If utility gloves are damaged, you should patch any holes before reusing. |
| 17. | True | False | Hepatitis B vaccines used in the U.S. cannot transmit bloodborne diseases. |
| 18. | True | False | Good housekeeping is the sole responsibility of custodial staff. |
| 19. | True | False | Contaminated laundry should be placed in BIOHAZARD bags or containers where it is used. |
| 20. | True | False | If you are exposed, you should report the incident to your supervisor within 14 days. |

TUBERCULOSIS TESTING INFORMATION

California Education Code Section 49406 requires all employees to be free of active tuberculosis to be employed and retain employment in a school district.

Prior to your initial employment with Modesto City Schools, you will need to obtain a TB test/clearance. The fee for this pre-employment requirement will be at your expense.

- You may elect to obtain a TB clearance from a private physician. Prior to your doctor's visit, please confirm that the PPD intradermal tuberculosis skin test is administered. The State of California only recognizes the PPD intradermal tuberculosis skin test or chest x-ray.
- The Stanislaus County Health Department, 820 Scenic Drive, also provides examinations and issues clearances, at approximately \$20 for the skin test. If you choose to go through Public Health, you will need to make an appointment with them (phone 558-7700).

If you already have a valid TB clearance card, please bring the test results to your orientation.

MODESTO CITY SCHOOLS SUSPECTED CHILD ABUSE REPORTING PROCEDURES

<p><u>FIRST HAND KNOWLEDGE</u> (Report from a child alleging child abuse)</p> <p style="text-align: center;"><u>OR</u></p> <p><u>ALLEGATIONS FROM SECOND PARTY</u> Determine if alleged abuse occurred in or out-of-home.</p>	<p><u>SYMPTOMS ONLY</u> (e.g. bruises) (Observation by staff or allegation second party)</p> <p>Conduct preliminary investigation (e.g. ask child how bruises occurred.)</p> <p>If reasonable suspicion of child abuse, attempt to determine if alleged abuse occurred in or out-of-home.</p>
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PROCEED AS FOLLOWS

If in the home:

- A. Call CPS if in the city limits.
- B. Call Sheriff's Department and CPS if in the County.

If out-of-home:

- A. Call MPD in city limits.
- B. Call Sheriff's Department if in the County.

If allegations are against staff:

- A. Ed Miller, Director, Child Welfare and Attendance (576-4000), shall be called regarding child abuse reporting requirements.

Sexual Abuse--There is to be no investigation by school personnel if sexual abuse allegations are made. Call Modesto Police Department (City) or Sheriff's Department (County) to review circumstances and reporting requirements.

Physical Abuse--Conduct preliminary investigation to determine if staff member was exerting physical control reasonably necessary to defend himself, to maintain order, to protect property, to protect the health and safety of the pupil, or to maintain proper and appropriate conditions conducive to learning. (E.C. 44807, 49001, P.C. 11165.4)

If there is reasonable suspicion of child abuse:

- 1. Call MPD in city limits.
- 2. Call Sheriff's Department if in the County.

- B. Craig Rydquist, Deputy Superintendent, Human Resources (550-3301 x5498) shall be called regarding personnel issues.
- C. Advise staff member that law enforcement has been contacted and a report has been filed.

Telephone Numbers

MPD – Non-Emergency	209-552-2470 ext. 0
Sheriff's Dept. Non-Emergency	209-552-2468
Child Protective Services	209-558-3665

SUSPECTED CHILD ABUSE REPORTING PROCEDURES: (Continued)

Conferences with Staff:

When the nature of the allegations against staff are such that it is reasonable to believe they could lead to possible criminal prosecution or disciplinary action by outside agencies, the staff member should be advised of the specific allegations at the outset of the meeting.

It is not the responsibility of the administrator to advise a staff member of the potential consequences or the right to association representation (that is the MTA's/CSEA's job).

If a staff member requests to terminate the meeting until he can secure representation, the request should be granted and the meeting rescheduled after a reasonable interval.

OTHER REQUIREMENTS

1. Questions about child abuse reporting requirements (for children under age of 18 years) should be referred to Ed Miller, Director, Child Welfare and Attendance.
2. Child Protective Services must be contacted **immediately** or as soon as practically possible by telephone as soon as child abuse is known or suspected.
3. Written reports must be submitted to Child Protective Services **within 36 hours**. (See fax number and address below)

Child Protective Services
P.O. Box 42
Modesto, CA 95353
Fax: 209-558-3268

Prepared By:
Ed Miller, Director
Child Welfare and Attendance

CardiacWise / ConcussionWise / HeatWise **Online Courses for Coaches**

Effective the 2018/2019 school year, all athletic coaches (including Cheer Coaches) are required to complete the below courses covering concussions, sudden cardiac arrest and heat illness. Each course takes about 30 minutes to complete and consists of watching a video and taking a multiple-choice test. Please submit the certificate of completion to Human Resources to receive credit for completing the course. These certifications are valid for one calendar year from the date of completion and must be renewed annually.

National Federation of State High School Associations

(Coaches must create an account to access courses)

Sudden Cardiac Arrest

<https://www.nfhslearn.com/courses/61032/sudden-cardiac-arrest>

Concussion in Sports

<https://www.nfhslearn.com/courses/61151/concussion-in-sports>

Heat Illness Prevention

<https://www.nfhslearn.com/courses/61140/heat-illness-prevention>



ASEP COACHING CERTIFICATION 2021-2022



ASEP (American Sport Education Program) Coaching Certification

All coaches in Modesto City Schools are required to complete and pass the ASEP mandated certification program approved by the District prior to their effective date. All coaches, both returning and new-hires, must have both segments of the ASEP training completed prior to coaching. Upon completion of both segments (#1 and #2), these coaches can be re-appointed in any capacity in the future, provided, they have the necessary expertise, complete the “hiring” process, and have all necessary clearance documents on file with Human Resources. Exceptions to the classroom session being completed prior to coaching until the next available class will be made only in rare situation after review and approval by the Senior Director, Human Resources. There will be no exceptions to the online portion.

Modesto City Schools uses a combination of seminars (identified as Segment #1 and Segment #2) and they must be completed in this order. The certificate issued at the conclusion of Segment #1 is your “ticket” into Segment #2. Coaches need to complete both segments before they are certified to coach in Modesto City Schools. This procedure applies to both paid and volunteer coaches.

Segment #1 (Online)

This portion of the certification process will be completed on-line and it will be the responsibility of the individual to complete the class quickly. The online portion takes between 7-10 hours to complete. The course listed below meets the requirements for CIF coaching certification for coaching fundamentals.

Follow all required steps to register and begin the program at: www.nfhs.org.

- Scroll down to the bottom of the website homepage and select **Coaches**.
- Scroll down to the **NFHS Learning Center** section and select **Browse NFHS Courses**.
- Search, select and view course: **Fundamentals of Coaching**. Then choose the state: **California** and select **Order Course**.
Please be sure to select CALIFORNIA as the State.

The course cost is **\$50.00**. (Course pricing may change; check the NFHS website for current cost.) Coaching candidates will be responsible for all costs associated with this on-line class through NATIONAL FEDERATION OF HIGH SCHOOLS PROGRAM (NFHS). **Upon completion, the coach should make several copies of the completion certificate. Give one copy to your Athletic Director, one for your file, and the third copy goes to your instructor, as a “ticket” to take Segment #2. (Without this so-called “ticket,” you will not be able to enroll in Segment #2).**

Segment #2 (In-Person)

This portion will cover/discuss Modesto City Schools philosophy/guidelines, State CIF structure and basic rules. Once segments #1 and #2 are completed, the coach has met the ASEP certification requirement.

CERTIFICATION CLASS SCHEDULE FOR SEGMENT #2

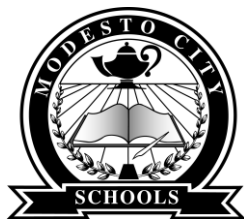
NOTE: Beyer High School is located in Modesto at 1717 Sylvan Avenue.

Day	Date	Location	Time	Class	Instructor
Wednesday	July 14, 2021	Beyer High (I-7)	3:30 – 6:30 PM	ASEP – SEGMENT #2	Cornwell
Wednesday	July 21, 2021	Beyer High (I-7)	3:30 – 6:30 PM	ASEP – SEGMENT #2	Cornwell
Wednesday	August 4, 2021*	Beyer High (I-7)	3:30 – 6:30 PM	ASEP – SEGMENT #2	Cornwell
Wednesday	October 20, 2021	Beyer High (I-7)	3:30 – 6:30 PM	ASEP – SEGMENT #2	Cornwell
Wednesday	October 27, 2021	Beyer High (I-7)	3:30 – 6:30 PM	ASEP – SEGMENT #2	Cornwell
Thursday	November 10, 2021*	Beyer High (I-7)	3:30 – 6:30 PM	ASEP – SEGMENT #2	Cornwell
Wednesday	January 26, 2022	Beyer High (I-7)	3:30 – 6:30 PM	ASEP – SEGMENT #2	Cornwell
Wednesday	February 2, 2022	Beyer High (I-7)	3:30 – 6:30 PM	ASEP – SEGMENT #2	Cornwell
Wednesday	February 16, 2022*	Beyer High (I-7)	3:30 – 6:30 PM	ASEP – SEGMENT #2	Cornwell

*No new coaches can be added after these dates for the respective sports season, except in emergency situations. These emergency situations will need to be discussed with a Senior Director of Human Resources before the addition of coaches will be considered.

Questions regarding ASEP Certification?

Contact your school site’s Athletic Director or MCS Human Resources at 574-1606 and ask to speak with a HR Technician.



MODESTO CITY SCHOOLS

CODE OF SAFE PRACTICES - *Instructional*

Classroom Instruction:

- Use proper lifting techniques
- Locate assistance for moving heavy objects
- Leave isles and exits clear
- Use extension cords for temporary purposes only
- Wear protective equipment, as appropriate, when conducting pupil demonstrations such as technology, science, PE classes, etc.
- Locate immediate assistance as necessary
- Wear protective gloves and utilize proper personal hygiene in dealing with pupil health matters

Handling Emergencies:

- Know location of electrical switches and fire extinguishers
- Know emergency evacuation routes
- Be aware of the bell alarm system
- Know contents of emergency plan

Pupil Activity and Supervision:

- Position properly for effective visual control of grounds
- Don't participate in activities while on duty
- Inspect playground and/or PE equipment prior to pupil demonstrations to verify proper working condition

Material Preparation:

- Do not stand on furniture
- Use only District-owned ladders of the proper height
- Avoid storing materials on top of cabinets or closets
- Observe proper housekeeping techniques
- Designate and use appropriate storage containers for materials such as scissors, butcher paper, rags or bottles
- When using office equipment, follow operating instructions
- Check machines prior to use to verify proper working condition