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TO: All Employees DATE: March 3, 2015

FROM Kathy Hollis, Assistant Superintendent, Educational Services

:

RE: **Annual Notification of:**  
**1. Uniform Complaint Procedures**                      **2. Williams Complaint Procedures**  
**3. Sexual Harassment**                                      **4. Tobacco-Free Environment**  
**5. Drug and Alcohol-Free Workplace**              **6. Non-Discrimination in Employment**  
**7. Child Abuse Reporting**                                **8. Non-Discrimination - Students**

In compliance with the California Code of Regulations Title V, Title VII of the Civil Rights Act of 1964, the California Government Code, Equal Employment and Housing Act, California Education Code, California Health & Safety Code, California Fair Employment and Housing Act, Child Abuse and Neglect Reporting Act (Penal Code), and various provision of federal and state law, all employees are to receive notification of the applicable Board Policy and Administrative Regulations adopted by SBCEO. You will find attached the following documents:

<u>Description</u>	<u>Board Policy</u>	<u>Administrative Regulations</u>
Uniform Complaint Procedures	BP 2006	AR 2006
Williams Uniform Complaint Procedures	BP 2006.1	AR 2006.1
Sexual Harassment	BP 5006	AR 5006
Tobacco-Free Environment	BP 4011	NA
Drug and Alcohol-Free Workplace	BP 5004	AR 5004
Non-Discrimination in Employment	BP 5001	AR 5001
Child Abuse Reporting	BP 5002	AR 5002
Non-Discrimination – Students	BP 6020	Refer to AR 2006

The Santa Barbara County Office of Education operates numerous programs for which a uniform complaint procedure has been established. The County Superintendent of Schools has designated the following compliance officer to receive and investigate complaints and to ensure compliance with the law:

<u>Program</u>	<u>Compliance Officer</u>
Child Care and Development	Trudy Adair-Verbais, Director, Child Development
Special Education	Cathy Breen, Assistant Superintendent, Special Education
Migrant Education	Maria Garcia-Cacique, Director, Migrant Education
Regional Occupational Programs/ Career Technology Education	Tony Bauer, Director, Regional Occupational Program/Career Technology Education
Section 504	Kathy Hollis, Assistant Superintendent, Educational Services
State & Federal Aid	Kathy Hollis, Assistant Superintendent, Educational Services
Other state and federally-funded programs	Susan Salcido, Deputy Superintendent or Kathy Hollis, Assistant Superintendent, Educational Services

**If a complainant needs help in preparing a written statement, the Santa Barbara County Education Office will provide assistance.**

## COMMUNITY RELATIONS

### **POLICY – UNIFORM COMPLAINT PROCEDURE**

BP 2006

The County Board of Education recognizes that the County Education Office is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs.

The County Superintendent of Schools shall establish and implement as specified in Title 5, Section 3080-4671, procedures to ensure the investigation and resolution of complaints regarding alleged failure to comply with or violations by the County Education Office of federal or state law or regulations governing the following educational programs, including, but not limited to, allegations of unlawful discrimination, harassment, intimidation, and bullying on the basis of actual or perceived characteristics such as sex, sexual orientation, gender, gender identity, gender expression, genetic information, ethnic group identification, race or ethnicity, ancestry, nationality, national origin, religion, marital or parental status, color, mental or physical disability, age, any other characteristics identified in state and federal law, or based on a person's association with a person or group with one or more of these actual or perceived characteristics in any program.

The Uniform complaint procedures shall also be used to address any complaint alleging the failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in education activities, and the requirement for the development and adoption of a school safety plan.

Programs to which this policy shall apply are:

- Consolidated Categorical Aid
- Child Care and Development
- Special Education
- Migrant Education
- Child Nutrition
- Regional Occupational Programs/ Career Technical Education & Training
- Any other program or activity of the County Education Office that receives state or federal funds

Excluded from this policy are complaints relating to allegations of child abuse, health and safety issues in a Child Development program, employment discrimination, or fraud. Procedures for resolution of any such complaints are addressed in other administrative rules and regulations.

ADOPTED BY COUNTY BOARD:	October 1, 1992
ADOPTED AND REVISED BY COUNTY BOARD:	April 7, 1994
ADOPTED AND REVISED BY COUNTY BOARD:	November 7, 2002
ADOPTED AND REVISED BY COUNTY BOARD:	February 2, 2006
ADOPTED AND REVISED BY COUNTY BOARD:	February 2, 2012
ADOPTED AND REVISED BY COUNTY BOARD:	December 12, 2013

## COMMUNITY RELATIONS

### ADMINISTRATIVE REGULATION – UNIFORM COMPLAINT PROCEDURE

AR 2006

The Santa Barbara County Education Office has the primary responsibility to insure compliance with applicable state and federal laws and regulations. The County Education Office shall investigate complaints alleging violations to comply with these laws and regulations, the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities, and unlawful discrimination, harassment, intimidation, or bullying and will seek to resolve those complaints in accordance with these Uniform Complaint Procedures, which govern the following programs:

- Consolidated Categorical Aid
- Child Care and Development
- Special Education
- Migrant Education
- Child Nutrition
- Regional Occupational Programs/ Career Technical Education & Training
- Any other program or activity of the County Education Office that receives state or federal funds

**excluding** complaints relating to child abuse, health and safety issues in a Child Development program, Title IX, employment discrimination, or fraud. Information regarding procedures for filing complaints not covered by this Administrative Regulation will be provided upon request by the Assistant Superintendent, Human Resources.

All complainants shall be free from retaliation and the identity of the complainant alleging discrimination, harassment, intimidation, or bullying shall remain confidential as appropriate. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The uniform complaint procedures board policy and administrative regulation shall be posted, in English and Spanish, in all SBCEO schools and offices.

#### **Compliance Officers**

The County Superintendent of Schools designates the following compliance officers to receive and investigate complaints and to ensure compliance with law:

#### **Program**

Consolidated Categorical Aid  
Child Care and Development  
Special Education  
Migrant Education  
Regional Occupational Program

#### **Compliance Officer**

Asst. Supt., Categorical & Special Programs  
Director, Child Development  
Asst. Supt., Special Education  
Director, Migrant Education  
Director, ROP/CTE

## COMMUNITY RELATIONS

### ADMINISTRATIVE REGULATION – UNIFORM COMPLAINT PROCEDURE

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Section 504	Asst. Supt., Categorical & Special Programs
Other state or federally-funded programs	Asst. Supt., Instructional Services or Asst. Supt., Categorical & Special Programs

The compliance officers can be contacted at Santa Barbara County Education Office, 4400 Cathedral Oaks Road, Santa Barbara, CA 93110, phone: 805-964-4711.

The County Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible.

The designated compliance officers shall meet the notification requirements of the Code of Regulations, Title 5, section 4622, including the annual dissemination of a written notice of complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education by students, parents or guardians of students, employees, advisory committees, appropriate private school officials or representatives, and other interested parties.

The designated compliance officers shall ensure that complainants understand that they may pursue other remedies, including civil law under state or federal discrimination, harassment, intimidation or bullying laws, other public agencies, or private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

The County Superintendent or designee shall make available copies of the uniform complaint procedures free of charge. Uniform complaint procedures can be obtained on the website [www.sbceo.org](http://www.sbceo.org), choose A-Z index.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

#### **Filing of Complaint**

If a complaint pursuant to Section 504 originates in one of the local school districts, it shall be brought to the attention of the **student's** resident district. The County Education Office has no jurisdiction or appeal structure for district complaints. Each district has an assigned 504 Compliance Officer.

## COMMUNITY RELATIONS

### ADMINISTRATIVE REGULATION – UNIFORM COMPLAINT PROCEDURE

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The County Superintendent of Schools designates the Assistant Superintendent, Human Resources, to serve as the Coordinator of the Uniform Complaint Resolution Process. Written complaints of alleged noncompliance shall be filed with the Coordinator of the Uniform Complaint Resolution Process, who shall submit them to the appropriate compliance officer(s) named above.

Any individual, public agency, or organization may file a written complaint of the alleged noncompliance with federal or state laws or regulations governing education programs.

Complaints alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges that s/he personally suffered unlawful discrimination, harassment, intimidation, or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation, or bullying. Any such complaint must be initiated no later than six (6) months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to ninety (90) calendar days.

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

Once a complaint is filed, no new material may be added by the complainant without the express approval of the Coordinator of the Uniform Complaint Resolution Process. If the complainant has new evidence, s/he may file a new, and separate, complaint.

The Coordinator of the Uniform Complaint Resolution Process shall maintain a log of each complaint received, providing each with a code number and a date stamp, and subsequent related actions, including all information required for compliance with the Code of Regulations, Title 5, Section 4632.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, assistance in filing the complaint will be provided in compliance with the Code of Regulations, Title 5, Section 4600.

#### **Investigation of Complaint**

The Coordinator of the Uniform Complaint Resolution Procedure and/or the appropriate compliance officer shall investigate and resolve all complaints within sixty (60) calendar

## COMMUNITY RELATIONS

### ADMINISTRATIVE REGULATION – UNIFORM COMPLAINT PROCEDURE

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days from receipt of a complaint. This time period may be extended by written agreement of the complainant.

Complaints of discrimination, harassment, intimidation, or bullying shall be investigated in a manner that protects confidentiality of the parties and the facts, and the integrity of the process. The Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

The compliance officer shall provide an opportunity for the complainant and/or the complainant's representative(s) and representative(s) of the County Education Office to present relevant evidence or information, and may include an opportunity for the parties to meet and discuss the issue(s) or question each other or each other's witnesses. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

Whenever all parties to a complaint agree to try resolving the problem through mediation the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation, or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations.

Refusal of the Santa Barbara County Education Office to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation, or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

#### **Assistance for Complainants**

Complainants may seek help from agencies such as legal assistance agencies or local mediation centers, or from private attorneys.

#### **Written Decision**

Within sixty (60) days of receipt of the complaint by the County Education Office, the Coordinator of the Uniform Complaint Resolution Process and/or the appropriate compliance officer shall prepare and send to the complainant a written report of the investigation and decision which shall include the following:

## COMMUNITY RELATIONS

### ADMINISTRATIVE REGULATION – UNIFORM COMPLAINT PROCEDURE

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- The findings of fact based on the evidence gathered.
- The disposition of the complaint.
- Corrective actions, if any.
- Rationale for such disposition.
- Conclusion of law.
- Notice of the complainant's right to appeal to the California Department of Education.
- Procedure for initiating an appeal to the California Department of Education.
- For complaints related to discrimination, harassment, intimidation, or bullying, based on state law, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.

If the investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of the expectations. The report shall not give any further information as to the nature of the disciplinary action.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, a remedy shall be provided to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them.

The report of the decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write the report in the complainant's primary language, a meeting shall be arranged at which a community member will interpret for the complainant.

#### **Appeal to the California Department of Education**

A complainant may appeal the decision of the County Education Office within fifteen (15) days of receipt of the decision by filing a written appeal with the Superintendent of Public Instruction.

When appealing to the California Department of Education, the complainant must specify the reason(s) for the appeal, and must include a copy of the locally filed complaint and the decision of the County Education Office.

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

1. A copy of the original complaint.
2. A copy of the written decision.

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**ADMINISTRATIVE REGULATION – UNIFORM COMPLAINT PROCEDURE**

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3. A summary of the nature and extent of the investigation conducted, if not covered by the decision.
4. A copy of the investigation file including, but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint.
6. A copy of the Uniform Complaint Procedures Board Policy and Administrative Regulations.
7. Other relevant information requested by the CDE.

The Superintendent of Public Instruction may directly intervene in a complaint without waiting for action from the SBCEO when one of the conditions listed in 5 CCR 4650 exists.

APPROVED BY COUNTY SUPERINTENDENT:

REVISED & APPROVED BY COUNTY SUPERINTENDENT:

October 1, 1992

April 7, 1994

September 2, 1999

August 7, 2000

August 7, 2001

November 7, 2002

November 23, 2005

March 15, 2006

March 15, 2012

June 14, 2012

November 7, 2013



## COMMUNITY RELATIONS

### POLICY – WILLIAMS & VALENZUELA UNIFORM COMPLAINT PROCEDURES

BP 2006.1

The County Superintendent of Schools shall establish and implement procedures as specified in Education Code Section 35186 to ensure the resolution of complaints regarding alleged violations by the County Education Office of state law or regulations governing the:

1. Sufficiency of instructional materials; or
2. Teacher vacancy or misassignment; or
3. A facility condition that poses an emergency or urgent threat to the health or safety of pupils or staff; or
4. High School exit exam intensive instruction and services provided to pupils who have not passed the exit exam by the end of Grade 12.

This policy shall apply to programs operated by the County Education Office as defined in Education Code Section 35186.

**Excluded** from this policy are complaints other than those regarding areas stated in this policy. Procedures for resolution of any such complaints are addressed in other administrative rules and regulations.

ADOPTED BY COUNTY BOARD:  
REVISED:

April 7, 2005  
MARCH 6, 2008  
February 2, 2012

## COMMUNITY RELATIONS

### ADMINISTRATIVE REGULATION – WILLIAMS & VALENZUELA UNIFORM COMPLAINT PROCEDURES

AR 2006.1

These regulations are established pursuant to the requirements of Education Code 35186, as added and amended by AB 550 (Ch. 900, Statutes of 2004) and AB 2727 (Ch. 903, Statutes of 2004), to provide a uniform complaint procedure for the resolution of complaints regarding deficiencies related to instructional materials, emergency or urgent facilities conditions that post a threat to the health and safety of pupils or staff, teacher vacancy or misassignment, and lack of opportunity to receive high school exit exam intensive instruction.

These administrative regulations shall apply to programs operated by the County Education Office as defined in the Williams Legislation.

#### **Compliance Officers**

The County Superintendent of Schools designates the following compliance officers to receive and investigate complaints and to ensure compliance with law:

##### Compliance Officer

Administrator, Juvenile Court and Community Schools

Director, Regional Occupational Programs/Career Technical Education

Assistant Superintendent, Special Education

Assistant Superintendent, Categorical Programs

The designated compliance officers shall also be responsible for the annual notification of pupils, employees, parents/guardians, advisory committees, and other interested parties of these complaint procedures. The County Superintendent of Schools designates the Assistant Superintendent, Human Resources, to serve as the Coordinator of the Uniform Complaint Resolution Process.

#### **Types of Complaints**

The County Superintendent or designee shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred:

##### **1. Instructional materials**

- a. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials, or state or district-adopted textbooks or other required instructional materials to use in class, after school, or at home.

COMMUNITY RELATIONS

ADMINISTRATIVE REGULATION – WILLIAMS & VALENZUELA UNIFORM  
COMPLAINT PROCEDURES

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- b. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- c. A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

**2. Teacher Vacancy or Misassignment**

*Teacher Vacancy* means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

*Misassignment* means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

- a. A semester begins and a certificated teacher is not assigned to teach the class for the entire year, or for a one-semester course, is not assigned for the entire semester.
- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

**3. Facilities**

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

*Emergency or urgent threat* means structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school, including but not limited to gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered

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ADMINISTRATIVE REGULATION – WILLIAMS & VALENZUELA UNIFORM  
COMPLAINT PROCEDURES

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that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition, or any other condition deemed appropriate.

- b. A school restroom has not been cleaned, or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers.
- c. The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when temporary closing of the restroom is necessary for pupil safety or to make repairs.

**4. High School Exit Examination Intensive Instruction and Services**

A pupil, including an English learner, who has not passed the exit exam by the end of Grade 12, was not provided the opportunity to receive intensive instruction and services after completion of Grade 12 for two consecutive academic years or until the pupil has passed both parts of the exam, whichever comes first.

**Filing of Complaint**

If a complaint pursuant to Education Code Section 35186 originates in a local school district in Santa Barbara County, it shall be brought to the attention of the pupil's resident district.

A complaint alleging any condition(s) specified above in programs affected by this administrative regulation **can** be filed at **any SBCEO site. The complaint shall be immediately delivered to the compliance officer assigned to that program as indicated above.** The program compliance officer shall forward a complaint about problems beyond his/her authority to the County Superintendent or designee within 10 working days.

The program compliance officer shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received.

Complaints may be filed anonymously. If the complainant has requested a response to the complaint, the program compliance officer shall report the resolution of the complaint to him/her within 45 working day of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant indicated

## COMMUNITY RELATIONS

### ADMINISTRATIVE REGULATION – WILLIAMS & VALENZUELA UNIFORM COMPLAINT PROCEDURES

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on the complaint form. The response shall be written in English and in the primary language in which the complaint was filed. At the same time, the program compliance officer shall report the same information to the County Superintendent or designee.

A complainant who is not satisfied with the resolution of the complaint proffered by the program compliance officer or designee may file an appeal to the County Superintendent. If a complainant is not satisfied with the resolution of the complaint proffered by the County Superintendent, the complainant has the right to describe the complaint to the Governing Board at a regularly scheduled meeting.

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3 above, a complainant who is not satisfied with the resolution proffered by the program compliance officer or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the response from the Santa Barbara County Education Office. The complainant shall comply with the appeal requirements.

Complaints and written responses shall be public records.

#### **Reports**

Summarized data on the nature and resolution of all complaints shall be forwarded to the County Superintendent of Schools **and the Board of Education** on a quarterly basis. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting.

#### **Forms and Notices**

The County Superintendent or designee shall ensure that the complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. **The school shall have a complaint form available for such Williams complaints. The complaint form is also available** on the website [www.sbceo.org](http://www.sbceo.org), choose A-Z index, Williams Uniform Complaint Form. Complainants need not use the County Education Office's complaint form in order to file a complaint.

COMMUNITY RELATIONS

**ADMINISTRATIVE REGULATION – WILLIAMS & VALENZUELA UNIFORM  
COMPLAINT PROCEDURES**

AR 2006.1

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

APPROVED BY COUNTY SUPERINTENDENT:

March 3, 2005

REVISED & APPROVED BY COUNTY SUPERINTENDENT:

March 15, 2006

March 6, 2008

July 16, 2009

March 15, 2012

June 14, 2012

## PROVISIONS RELATING TO ALL EMPLOYEES

### POLICY – SEXUAL HARASSMENT

BP5006

The County Board of Education prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation. The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment in accordance with Administrative Regulation 5006.

Any County Office of Education employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment against a County Office employee, job applicant, or student is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

ADOPTED BY COUNTY BOARD:  
REVISED:

February 5, 1987  
May 7, 1992  
April 7, 1994  
April 6, 1995  
February 2, 2012

## PROVISIONS RELATING TO ALL EMPLOYEES

### ADMINISTRATIVE REGULATION – SEXUAL HARASSMENT AR 5006

Disciplinary action up to and including termination will be instituted for behavior described in the definition of harassment set forth below. Any retaliation against an employee for filing a harassment complaint is prohibited. Employees found to be retaliating against another employee for this reason shall be subject to disciplinary action up to and including termination.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when:

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. The conduct is sufficiently severe, persistent, pervasive, or objectively offensive so as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the County Education Office.

Other examples of actions that constitute sexual harassment, whether committed by a supervisor, a co-worker, or a non-employee, in the work or educational setting, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors



## PROVISIONS RELATING TO ALL EMPLOYEES

### ADMINISTRATIVE REGULATION – SEXUAL HARASSMENT AR 5006

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2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Prohibited sexual harassment may also include any act of retaliation against an individual who reports a violation of the County Education Office's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

### COMPLAINT PROCEDURE

An employee who believes he or she has been harassed may make a complaint orally or in writing with any of the following:

1. Immediate supervisor
2. Department head or program manager
3. Director, Classified Human Resources
4. Assistant Superintendent, Human Resources

Any supervisor, department head, or program manager who receives a harassment complaint should immediately notify the Director, Classified Human Resources, or the Assistant Superintendent, Human Resources.

Upon notification of a harassment complaint, the Director, Classified Human Resources, or Assistant Superintendent, Human Resources shall take the following steps:

1. Authorize an investigation of the complaint, and supervise and/or conduct the investigation, to include interviews with: the complainant, the accused harasser, and any other person(s) the Director, Classified Human Resources, or Assistant Superintendent, Human Resources has reason to believe has relevant knowledge concerning the complaint.
2. Review factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment; giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual, or sexual conduct and the context in which the alleged incidents occurred.

PROVISIONS RELATING TO ALL EMPLOYEES

ADMINISTRATIVE REGULATION – SEXUAL HARASSMENT

AR 5006

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3. Report the results of the investigation and the determination as to whether harassment occurred to appropriate persons, including the complainant, the alleged harasser, the supervisor, and the program manager. Should discipline be imposed, the discipline will not be communicated to the complainant.
4. If harassment occurred, take and/or recommend to the appropriate Assistant Superintendent and/or the County Superintendent, prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense.
5. Take reasonable steps to protect the victim and other potential victims from further harassment.
6. Take reasonable steps to protect the victim from any retaliation as a result of communicating the complaint.

**CONFIDENTIALITY** -- Effort will be made to protect the privacy of parties involved in a complaint. Files pertaining to complaints handled under this process will be maintained in a confidential manner, and will not be made available to members of the general public.

**TRAINING**

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

The training and education program for supervisory employees shall include information and practical guidance regarding the federal and state laws on the prohibition against and the prevention and correction of sexual harassment, and the remedies available to the victims of sexual harassment in employment. The training shall also include all of the content specified in 2 CCR 7288.0 and practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation.

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding the County Office's sexual harassment policy, particularly the

PROVISIONS RELATING TO ALL EMPLOYEES

ADMINISTRATIVE REGULATION – SEXUAL HARASSMENT

AR 5006

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procedures for filing complaints and employees' duty to use the Office's complaint procedures.

**DISSEMINATION OF POLICY AND ADMINISTRATIVE REGULATION**

A copy of the Board policy and this administrative regulation shall:

1. Be displayed in a prominent location in the main administrative building office, or other areas where notices of County Education Office rules, regulations, procedures, and standards of conduct are posted
2. Be provided to all employees annually or whenever a new employee is hired
3. Appear in any school or County Office publication that sets forth the Office's comprehensive rules, regulations, procedures, and standards of conduct

APPROVED BY COUNTY SUPERINTENDENT:  
REVISED:

February 5, 1987  
May 7, 1992  
April 7, 1994  
February 2, 2012

## BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

### POLICY -- TOBACCO-FREE ENVIRONMENT

BP 4011

In light of substantial research demonstrating the health hazards associated with even second-hand exposure to environmental tobacco smoke, the County Board of Education intends to protect the health and safety of employees, students, clients and visitors by providing a tobacco-free environment.

The use of products containing tobacco and nicotine is prohibited at all times on all property and in all facilities owned, leased, and/or operated by the County Education Office, whether indoors or out of doors, and in all vehicles owned, leased, and/or operated by the County Education Office. This prohibition applies to all employees, students, visitors and other persons in any program or at any meeting or event on any property owned, leased, or operated by or from the County Education Office.

Exceptions may be made by the County Superintendent or designee for the use or possession of prescription nicotine products or other cessation aids such as nicotine patches or nicotine gum. Student use or possession of such products must conform to laws governing student use and possession of medications.

The County Superintendent or designee will inform employees, students, parents/guardians, and the public about this policy. All individuals using premises or vehicles of the County Education Office share in the responsibility of adhering to this policy and informing appropriate officials of any violations.

The County Superintendent or designee will maintain a list of clinics and community resources which may assist employees and/or students who wish to stop using tobacco products.

#### Definition

Tobacco and nicotine products include, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel and nicotine delivery devices, such as electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products.

ADOPTED BY COUNTY BOARD:

June 30, 1994

REVISED AND ADOPTED BY COUNTY BOARD:

December 12, 2013

PROVISIONS RELATING TO ALL EMPLOYEES

POLICY -- DRUG AND ALCOHOL-FREE WORKPLACE

BP 5004

It is the policy of the Santa Barbara County Board of Education that the maintenance of drug and alcohol-free workplaces is essential to the successful operation of the programs of the County Education Office. Employees shall comply with this policy, and with its accompanying regulations established by the County Superintendent of Schools.

ADOPTED BY COUNTY BOARD:  
REVISED:

October, 1989  
May 7, 1992  
April 7, 1994  
April 6, 1995

BP 5004

## PROVISIONS RELATING TO ALL EMPLOYEES

### ADMINISTRATIVE REGULATION -- DRUG AND ALCOHOL-FREE WORKPLACE

AR 5004

To enforce the drug and alcohol-free workplace policy of the Santa Barbara County Education Office, the County Superintendent or designee will:

1. Publish and give to each employee a notification that the unlawful manufacture, distribution, dispensation, possession, or use of any alcoholic beverage, drug, or controlled substance is prohibited in the workplace. The notification shall specify the actions that will be taken against employees who violate this prohibition. The notification shall also state that as a condition of employment, the employee will abide by the terms of this regulation, and will notify his/her supervisor within five (5) days of any criminal drug or alcohol statute conviction which s/he receives for a violation occurring in the workplace.

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

2. Establish a drug and alcohol-free awareness program to inform employees about:

- a. the dangers of drug and alcohol abuse in the workplace;
- b. the policy of maintaining a drug and alcohol-free workplace;
- c. any available drug and alcohol counseling, and rehabilitation programs;
- d. the penalties that will be imposed on employees for drug or alcohol abuse violations.

3. Notify the appropriate federal granting or contracting agencies within ten (10) days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.

4. Initiate disciplinary action within thirty (30) days after receiving notice of a conviction from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, any applicable collective bargaining agreement, and policies, regulations and procedures of the Santa Barbara County Education Office.

5. Make a good faith effort to continue maintaining a drug and alcohol-free workplace through implementation of these regulations.

PROVISIONS RELATING TO ALL EMPLOYEES

ADMINISTRATIVE REGULATION -- DRUG AND ALCOHOL-FREE WORKPLACE

AR 5004

-2-

In taking disciplinary action, the County Superintendent or designee will either require termination or, when termination is not required by law, shall either take disciplinary action, up to and including termination, or require the employee to satisfactorily participate in a drug or alcohol assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency. The County Superintendent or designee's decision will be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements, and policies, regulations and procedures of the Santa Barbara County Education Office.

APPROVED BY COUNTY SUPERINTENDENT:  
REVISED:

May 7, 1992  
April 7, 1994  
April 6, 1995

PROVISIONS RELATING TO ALL EMPLOYEES

**POLICY -- NON-DISCRIMINATION IN EMPLOYMENT**

BP 5001

It is the policy of the Santa Barbara County Education Office to provide equal employment opportunities for all qualified persons and to avoid unlawful discrimination against and/or harassment of employees and job applicants on the basis of actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, gender identity, gender expression, sex, or sexual orientation.

Furthermore, it is the goal of the County Education Office to achieve a racial and ethnic balance among its employees that reflects the composition of the available qualified work force.

Complaints regarding employment discrimination and/or harassment shall be immediately investigated in accordance with the procedures outlined in Administrative Regulation 5001.

ADOPTED BY COUNTY BOARD:

REVISED AND ADOPTED BY COUNTY BOARD:

July 3, 1975  
October 7, 1976  
February 7, 1991  
May 7, 1992  
April 7, 1994  
September 2, 1999  
May 6, 2004  
February 2, 2012  
December 12, 2013



PROVISIONS RELATING TO ALL EMPLOYEES

ADMINISTRATIVE REGULATION -- NON-DISCRIMINATION IN EMPLOYMENT

AR 5001

The County Superintendent has the overall responsibility for ensuring equal employment opportunity in recruitment, assignment, promotion, retention, compensation, and training; and for striving to improve representation among the work force of the County Education Office of minority racial and ethnic groups and women, and other under-represented protected groups. Any complaint alleging a violation of this policy or administrative regulation shall be processed in accordance with the Complaint Procedure contained in Administrative Regulation No. 2005.

The Assistant Superintendent, Human Resources is designated as the Non-Discrimination Compliance Officer for the County Education Office, with the following responsibilities and duties:

1. To ensure that recruitment, hiring, promotions, transfers, assignments, and other personnel procedures are carried out in keeping with legal requirements and the non-discrimination in employment policy;
2. To develop procedures designed to identify and eliminate any underutilization of lawfully protected groups which may exist;
3. To provide guidance to all administrative and supervisory staff on matters relating to the implementation of a non-discrimination program;
4. To ensure that all selection procedures are job-related and do not adversely affect the opportunities of persons with disabilities, or other lawfully protected groups;
5. To maintain an active file of information on training institutions as possible recruitment resources for persons with disabilities, and other lawfully protected groups;
6. To provide the County Superintendent with periodic reports regarding the non-discrimination program, including statistics detailing the ethnic and gender composition of County Education Office employees by job classification.

APPROVED BY COUNTY SUPERINTENDENT:

REVISED:

July 3, 1975

October 7, 1976

February 7, 1991

May 7, 1992

April 7, 1994

September 2, 1999

March 19, 2004

PROVISIONS RELATING TO ALL EMPLOYEES

POLICY -- CHILD ABUSE REPORTING

BP 5002

All employees of the Santa Barbara County Education Office in positions as “mandated reporters,” as defined by Penal Code Section 11165.7, shall report known or suspected instances of child abuse, as required by Penal Code Sections 11165 *et. seq.*, and in accordance with procedures established by the County Superintendent of Schools and Administrative Regulation 5002. Failure to comply with the terms of this policy may result in disciplinary proceedings.

ADOPTED BY COUNTY BOARD:	October 5, 1989
REVISED:	May 7, 1992
	April 7, 1994
	February 2, 2012

PROVISIONS RELATING TO ALL EMPLOYEES

ADMINISTRATIVE REGULATION -- CHILD ABUSE REPORTING

AR 5002

Upon initial employment, all employees of the Santa Barbara County Education Office in positions as "mandated reporters" shall be advised by the Human Resources Department of their legal responsibilities to report known or suspected instances of child abuse. "Mandated Reporters" include, but are not limited to, all certificated employee positions, instructional/teaching assistants, and others who work directly with students.

Each such employee shall sign a statement acknowledging his/her awareness of the legal requirements, and stating that s/he will comply with the provisions of law related to the reporting of known or suspected instances of child abuse.

Each such employee shall complete annually within six weeks of his/her respective calendar start date an approved "Mandated Reporter" training.

Each new such employee shall complete within six weeks of his/her respective hire date an approved "Mandated Reporter" training.

In compliance with Penal Code Section 11165.5, the County Superintendent or designee shall:

assure that the provisions of this Administrative Regulation are carried out in accordance with the law;

provide training and/or approved training resources in the duties of child abuse reporting to instructional and teacher aides, teacher assistants, and other employees in positions as "mandated reporters."

APPROVED BY COUNTY SUPERINTENDENT: May 7, 1992

REVISED:

April 7, 1994

February 2, 2012

March 2, 2015

## PROVISION RELATING TO STUDENTS

### POLICY – NON-DISCRIMINATION AND HARASSMENT

BP 6020

The County Board of Education desires to provide a safe school environment that allows all students equal access and opportunities in the academic and other educational support programs, services, and activities of SBCEO. The Board prohibits, at any school or school activity, unlawful discrimination, harassment, intimidation, bullying, causing bodily injury to, or committing hate violence against any student based on, but not limited to, the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, written, or other means of conduct based on one of the categories listed above that is so severe or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

The County Board of Education and County Superintendent prohibit retaliatory behavior against any complainant, or any participant in the complaint process, who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

Details regarding the implementation of this policy are specified in its accompanying administrative regulation.

ADOPTED BY COUNTY BOARD:

March 13, 2014