

SUBSTITUTE LEGAL MANDATES

Sexual Harassment

Sexual harassment of or by any employee shall not be tolerated.

Pursuant to Education Code 212.5, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite gender, in the work or educational setting constitute sexual harassment when:

1. Submission to the conduct is made either expressly or by implication, a term or condition of the other's employment status.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee.
3. The conduct has the purpose or effect of unreasonably interfering with the other individual's work or academic performance by creating an intimidating, hostile, or offensive work or educational environment.
4. Submission to, or rejection of, the conduct is the basis for any decision affecting benefits, services, honors, programs or other available activities.

Employees shall be encouraged to immediately report incidents of sexual harassment to his or her immediate supervisor or the Human Resources/Personnel Director without fear of reprisal. The Human Resources/Personnel Director shall be informed of all sexual harassment complaints and shall assist in the investigation and resolution of all such complaints.

Complaints involving sexual harassment shall be processed by using the complaint procedures outlined in policy 1010, but shall not require any action that would cause the employee to resolve the complaint directly with the offending person.

Legal Reference:

EDUCATION CODE

200 et al. Prohibition of discrimination on the basis of sex

212.5 Definition of sexual harassment

230 Particular practices prohibited, including sexual harassment

TITLE VII, CIVIL RIGHTS ACT as amended by Title IX, Equal Employment Opportunity Act

Merritor Savings Bank, FSB v. Vinson et al.

86 Daily Journal D.A.R. 2130

Adopted by the Board: 9/14/05

Employee Safety

Employee safety is a primary concern and a high priority of the Nevada County Board of Education and the County Superintendent. The obligation of the County Superintendent is to provide and maintain safe working conditions and equipment at all times, to comply with standards prescribed by applicable state and local laws and regulations affecting employee safety, and to conduct regular and frequent education and training to develop safe attitudes and practices. Concern for safety must be a part of any function or work.

Violence-Free Workplace

The Nevada County Superintendent of Schools and the County Board of Education have adopted a zero tolerance policy for workplace violence. Workplace violence is a growing nationwide problem which needs to be addressed by all employers and employees. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect employees or which occur on county or district property will not be tolerated.

Acts or threats of violence include conduct which is sufficiently severe, offensive or intimidating to alter the employment conditions or to create a hostile, abusive, or intimidating work environment. This prohibition against threats and acts of violence applies to all persons involved in county operation, including but not limited to personnel, contract, and temporary workers and anyone else on county property.

Drug Free Work Environment

The Nevada County Office of Education shall provide and make a good faith effort to continue to maintain a drug free work environment. To that end, a statement shall be published and prominently displayed stating that it is unlawful to manufacture, dispense, distribute, possess, use, or be under the influence of a controlled substance during business or after school hours at school or in any other district work place.

Tobacco Free Work Environment

Tobacco use is prohibited in all facilities owned and/or operated by the Nevada County Office of Education, including indoors, outdoors, and in all County Office of Education vehicles, whether located on or off the premises. Included in this prohibition is tobacco use in privately owned vehicles located on County Office of Education owned and/or operated property. This policy applies to employees, students, and the general public.

Legal Reference: E.C. §§ 1042, 35160-35160.2; L.C. § 6404.5 Federal Drug-Free Work Place Act of 1988, 20 U.S.C. 6083; 41 U.S.C. 701 et seq., 45 C.F.R. 76.100 et seq., 45 C.F.R. 76.630

Adopted by the Board: 12/10/03

Child Abuse Reporting Requirements

All teachers, substitute teachers, instructional aides, teacher's aide or teacher's assistant, classified employee of any public school, employee of a county office of education, special education teachers, staff, and volunteers are mandated reporters and required by law to report child abuse. For a full list of mandated reporters: <http://mandatedreporterca.com/who/who.htm>

What Must be Reported: Any of the below acts involving anyone under the age of 18:

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Neglect

The mandated reporter must only have *reasonable suspicion* that a child has been mistreated; no evidence or proof is required prior to making a report.

The case will be further investigated by law enforcement and/or child welfare services.

How to Report: call 911 for immediate, life threatening child endangerment or any of the following agencies:

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| • Nevada County Child Protective Services (CPS) | 273-4291 |
| • Child Abuse Prevention Council of Western Nevada County | 913-0270 |
| • Nevada County Sheriff's Department | 265-7880 |
| • Grass Valley Police Department | 477-4600 |
| • Nevada City Police Department | 265-2626 |

In Writing: Within 36 hours, a written report must be sent, faxed or submitted electronically. The suspected child abuse report should be completed on a state form called form 8572, which can be downloaded at

http://ag.ca.gov/childabuse/pdf/ss_8572.pdf

Other information:

- Safeguards for Mandated Reporters:
 - The Child Abuse and Neglect Reporting Act (CANRA) states that the name of the mandated reporter is strictly confidential, although it is provided to investigative parties working on the case.
 - Under state law, mandated reporters cannot be held liable in civil or criminal court when reporting as required; however, under federal law mandated reporters only have immunity for reports made in good faith.
- Failure to report:
 - Failure to report concerns of child abuse or neglect is considered a misdemeanor and is punishable in California by six months in jail and/or up to a \$1,000 fine.
- For the complete law and a list of mandated reporters refer to California Penal Codes [11164-11174.3](#)

This document and Mandated Reporting information can be found at: www.mandatedreporterca.com