

**THERMALITO UNION ELEMENTARY SCHOOL DISTRICT**

400 Grand Avenue  
Oroville, CA 95965

DATE: August 7, 2020  
TO: ALL EMPLOYEES  
FROM: Gregory Blake, Superintendent  
SUBJECT: **ANNUAL NOTICE TO EMPLOYEES**

To conform with state and federal guidelines, the Thermalito Union Elementary School District (TUESD) annually disseminates the following policy reminders to all employees:

**CHILD ABUSE REPORTING REQUIREMENTS**

Employees shall be knowledgeable about the issues and reporting requirements of child abuse. New and substitute employees shall be provided a copy of Section 11166 et seq. of the Penal Code and sign the appropriate verification.

Section 11166 of the Penal Code requires any child care custodian, medical practitioner, non-medical practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

Section 11172(d) of the California Penal Code states, "Any person who fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist, as required by this article, is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than one thousand dollars (\$1,000) or by both."

Not only is child abuse unlawful, it is not tolerated at TUESD. If you suspect child abuse, please report it immediately to your supervisor or the Superintendent.

**DRUG and ALCHOL-FREE WORKPLACE**

The Governing Board believes that the maintenance of a drug- and alcohol-free workplace is essential to staff and student safety and to help ensure a productive and safe work and learning environment.

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance while on duty, on district property, or at a school-related activity or event. (Government Code 8355; 41 USC 701)

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For purposes of this policy, on duty means while an employee is on duty during both instructional and noninstructional time in the classroom or workplace, at extracurricular or cocurricular activities, or while transporting students or otherwise supervising them. Under the influence means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform his/her job.

In addition, an employee shall not use or be under the influence of any alcoholic beverage or controlled substance, as defined in 21 USC 812, while on duty, on district property, or at a district-related activity or event. The Superintendent or designee shall notify employees of the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 701) An employee shall abide by the terms of this policy and shall notify the district, within five days, of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 701) The Superintendent or designee shall notify the appropriate federal granting or contracting agency within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701) In accordance with law and the district's collective bargaining agreements, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local health or law enforcement agency or other appropriate agency.

## **TOBACCO-FREE SCHOOLS/WORKPLACE**

All individuals on TUESD premises share in the responsibility of adhering to this policy and informing appropriate school officials of any violations. Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes. Exceptions may be made for the use or possession of prescription nicotine products. Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. (Health and Safety Code 104495) The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083) This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

## **NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES**

The Governing Board is committed to equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on 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 expression, or genetic information; 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. Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, application form, or other recruitment materials distributed to these groups. The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand and, when required by law, in a language other than English.

### **Access for Individuals with Disabilities**

District programs and facilities, viewed in their entirety, and shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations. The Superintendent or designee shall ensure that the district provides auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large print materials. Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

## **UNIFORM COMPLAINT PROCEDURE**

Effective June 24, 2019

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying in accordance with the uniform complaint procedures.

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in district programs and activities based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical

education and training programs, child care and development programs, child nutrition programs, and special education programs.

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant. The Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with the uniform complaint procedures, 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. In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate for any complaint alleging discrimination, harassment, intimidation, or bullying, 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 district's Williams uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff
3. Teacher vacancies and misassignments

### **REGULATIONS REGARDING UNIFORM COMPLAINT PROCEDURES**

Effective June 24, 2019

Except as the Governing Board may otherwise specifically provide in other Board policies, the uniform complaint procedures shall be used only to investigate and resolve complaints alleging violations of federal or state laws or regulations governing specific educational programs, the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities, and unlawful discrimination, harassment, intimidation, or bullying, as specified in accompanying Board policy. The district's uniform complaint procedures policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning uniform complaint procedures shall be translated into that language. (Education Code 234.1, 48985)

#### **Compliance Officer**

The following compliance officer(s) shall receive and investigate complaints and shall ensure district compliance with law:

Gregory Blake, Superintendent  
400 Grand Avenue  
Oroville, CA 95965  
530-538-2900

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

#### **Notifications**

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013; 5 CCR 4622)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable

3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
  - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.
  - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
  - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
  - f. Copies of the district's uniform complaint procedures are available free of charge.

### Procedures

All complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631) Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633. 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.

#### **Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of the district's alleged noncompliance with federal or state laws or regulations governing educational programs. (5 CCR 4630) A complaint concerning unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges that he/she 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 it. The complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred, or six months from the date 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 90 calendar days. (5 CCR 4630) 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. (Education Code 49013) The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

#### **Step 2: Mediation**

Within three business days of receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. If the parties agree to mediation, the compliance officer shall make all arrangements for this process. Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information. If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint. The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

#### **Step 3: Investigation of Complaint**

Within 10 calendar days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint. A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the

investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631) In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

#### **Step 4: Response**

Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

#### **Step 5: Final Written Decision**

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The district's decision shall be written in English and, when required by Education Code 48985, in the complainant's primary language.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state law shall include a notice that the complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3) If 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 district 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, the district shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them. (Education Code 49013)

#### Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE. (Education Code 49013; 5 CCR 4632) The complainant shall file his/her appeal within 15 calendar days of receiving the district's decision and the appeal shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, 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 district's uniform complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in a complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including when the district has not taken action within 60 calendar days of the date the complaint was filed with the district. (5 CCR 4650)

### Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For complaints alleging discrimination, harassment, intimidation, and bullying based on state law, a complainant shall wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided the district has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law. (Education Code 262.3)

## **INFECTIOUS DISEASE / BLOODBORNE PATHOGENS**

### Definitions

Universal precautions are an approach to infection control. All human blood and certain human body fluids, including but not limited to semen, vaginal secretions and any body fluid that is visibly contaminated with blood, are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), hepatitis C virus (HCV) and other bloodborne pathogens. (8 CCR 5193(b)) Personal protective equipment includes specialized clothing or equipment worn or used for protection against a hazard. General work clothes such as uniforms, pants, shirts or blouses not intended to function as protection against a hazard are not considered to be personal protective equipment. (8 CCR 5193(b)) A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193(b)) Engineered sharps injury protection is a physical attribute built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193(b))

### Universal Precautions

In order to protect employees from contact with potentially infectious blood or other body fluids, the Governing Board requires that universal precautions be observed throughout the district. Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

### Employee Information

The Superintendent or designee shall distribute to employees information provided by the California Department of Education regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B. This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan benefits of the employees. Information shall be distributed at least annually or more frequently if there is new information supplied by the California Department of Education. (Health and Safety Code 120875, 120880)

The Superintendent or designee shall ensure that the worksite is effectively maintained in a clean and sanitary condition, and shall implement an appropriate written schedule for cleaning and decontamination of the worksite. (8 CCR 5193(d)) Where occupational exposure remains after the institution of engineering and work practice controls, the Superintendent or designee shall provide appropriate personal protective equipment at no cost to the employee. Such equipment may include gloves, gowns, masks, eye protection, and other devices that do not permit blood or other potentially infectious materials to pass through or reach the employee's clothes, skin, eyes, mouth or other mucous membranes under normal conditions of use. The Superintendent or designee shall maintain, repair, make accessible and require employees to use and properly handle protective equipment. (8 CCR 5193(d))

The Superintendent or designee shall provide hand washing facilities which are readily accessible to employees. When provision of hand washing facilities is not feasible, the Superintendent or designee shall provide an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. (8 CCR 5193(d))

For the prevention of infectious disease, employees shall routinely: (8 CCR 5193(d))

1. Perform all procedures involving blood or other potentially infectious materials in such a manner as to minimize splashing, spraying, spattering, and generating droplets of these substances.
2. Use personal protective equipment as appropriate.
  - a. Appropriate clothing, including but not limited to, gowns, aprons, lab coats, clinic jackets or similar outer garments, shall be worn in occupational exposure situations.

If a garment becomes penetrated by blood or other potentially infectious materials, the employee shall remove the garment immediately or as soon as feasible. All personal protective equipment shall be removed prior to leaving the work area. When removed, it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.

- b. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes and nonintact skin, and when handling or touching contaminated items or surfaces.

Disposable gloves shall be replaced as soon as practical when contaminated, or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. They shall not be washed or decontaminated for reuse. Utility gloves may be decontaminated for reuse if the integrity of the gloves is not compromised, but must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

- c. Masks in combination with eye protection devices or face shields shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.
3. Wash hands and other skin surfaces thoroughly with soap and running water:
  - a. Immediately or as soon as feasible following contact of hands or any other skin or mucous membranes with blood or other potentially infectious materials
  - b. Immediately after removing gloves or other personal protective equipment

When hand washing facilities are not available, the employee shall use antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. In such instances, hands shall be washed with soap and running water as soon as feasible.

4. Refrain from eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses in work areas with a reasonable likelihood of occupational exposure.
5. Clean and decontaminate all equipment and environmental and work surfaces after contact with blood or other potentially infectious material, no later than the end of the shift or more frequently as required by state regulations.
6. Rather than using the hands directly, use mechanical means such as a brush and dust pan, tongs or forceps to clean up broken glassware which may be contaminated.
7. Use effective patient-handling techniques and other methods designed to minimize the risk of a sharps injury in all procedures involving the use of sharps in patient care.
  - a. Needleless systems shall be used to administer medication or fluids, withdraw body fluids after initial venous or arterial access is established, and conduct any other procedure involving the potential for an exposure incident for which a needleless system is available as an alternative to the use of needle devices. If needleless systems are not used, needles or non-needle sharps with engineered sharps injury protection shall be used.
  - b. Contaminated needles or other sharps shall not be broken, bent, recapped, removed from devices, or stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.
  - c. Disposable sharps shall not be reused.
8. Handle, store, treat and dispose of regulated waste in accordance with Health and Safety Code 117600-118360 and other applicable state and federal regulations.
  - a. Immediately or as soon as possible after use, contaminated sharps shall be placed in containers meeting the requirements of 8 CCR 5193(d) (3) (D). Containers shall be easily accessible, maintained upright throughout use where feasible, and replaced as necessary to avoid overfilling.
  - b. Specimens of blood or other potentially infectious material shall be placed in a container which prevents

leakage during collection, handling, processing, storage, transport or shipping.

Occupational Exposure means "reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties." [Title 8, Section 5193(b)]

Exposure Incident means "a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties." Parenteral contact means "piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions." [Title 8, Section 5193(b)]

### **Hepatitis B Vaccination**

Hepatitis B vaccinations shall be provided at no cost to those employees determined to have occupational exposure to blood and other potentially infectious materials. Employees who decline to accept the vaccination shall sign the hepatitis B waiver statement as required by law. [Title 8, Section 5193(f)]

### **Protective Equipment**

TUESD shall provide appropriate personal protective equipment at no cost to the employee. The TUESD shall maintain, repair, make accessible and require employees to use and properly handle protective equipment. [Title 8, Section 5193(d)]

## **EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS**

As part of its commitment to provide a safe and healthful work environment, the Governing Board recognizes the importance of developing an exposure control plan. The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's exposure control plan, employees having occupational exposure shall be offered the hepatitis B vaccination. The Superintendent or designee may exempt designated first aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations. (8 CCR 5193(f))

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material. Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan or other safety procedures.

## **EMPLOYEE SAFETY**

Safety is every employee's responsibility. The Superintendent expects all employees to use safe work practices and to report and correct any unsafe conditions, which may occur. Supervisors shall constantly promote safety and correct any unsafe work practice through education, training and enforcement. No employee shall be required to work under unsafe or hazardous conditions or to perform tasks that endanger their health, safety, or well being. Working conditions and equipment shall be maintained in compliance with standards prescribed by federal, state, and local laws and regulations. A written Safety Program and Injury and Illness Prevention Program is established by TUESD which includes Right to Know Training. All employees shall be provided a written copy of the program and receive training in safe and healthful work practices upon request.

## **WORKERS' COMPENSATION**

### **GENERAL INFORMATION**

All work-related injuries or illnesses must be reported to your supervisor immediately so that the appropriate actions can be taken. Details of the injury or illness must be provided in a written report and must be filed with the



Superintendent's office on the date of injury or as soon as possible thereafter. Medical treatment will be provided through the Medical Provider Network (MPN) unless you have pre-designated your personal physician to treat you in case of a work-related injury or illness. Pre-designation must be done in writing with the physician's signature and on file in the Payroll Department prior to the injury.

### **LEAVE INFORMATION**

Workers' Compensation benefits only cover doctor-ordered time off from work, not the time taken for medical appointments. Therefore, sick leave will be charged for these hours. It is advised that all medical or therapy appointments be made before or after work hours. All doctor-ordered days off from work are initially charged to available leave. Once the claim is approved, leave hours will be credited back to your account. Be advised that if a claim is reported as "work related" and is denied by our workers compensation carrier, you will be solely responsible for all charges incurred.

**CLASSIFIED & CLASSIFIED MANAGEMENT EMPLOYEES:** The 60-day count of industrial accident leave runs concurrently with sick differential leave.

**CERTIFICATED & CERTIFICATED MANAGEMENT EMPLOYEES:** The 60-day count of industrial accident leave does not run concurrently with sick differential. Once the 60-day industrial accident leave is exhausted, sick differential begins.

**SPECIAL NOTE FOR PERS MEMBERS:** Service credit is earned during time off while on industrial medical leave.

TUESD policy is to accommodate work restrictions whenever feasible. If accommodations cannot be made and you cannot perform your regular duties, you may be temporarily assigned to an alternate duty under TUESD's Return-To-Work Program.

### **ASBESTOS**

The Superintendent shall designate an employee who shall ensure that the district's responsibilities related to asbestos inspection and abatement is implemented in accordance with federal and state regulations. This employee shall receive adequate training to perform these duties, including, as necessary, basic knowledge of the health effects of asbestos; detection, identification, and assessment of asbestos-containing materials; options for controlling asbestos-containing building materials; and relevant federal and state regulations. (40 CFR 763.84)

The designated employee shall ensure that the district complies with the following requirements:

1. School facilities shall be inspected for asbestos-containing materials as necessary in accordance with the following:
  - a. Any school building that is leased or acquired by the district shall be inspected for asbestos-containing materials prior to its use as a school building, unless exempted by federal regulations. (40 CFR 763.85, 763.99)
  - b. At least once every three years, the district shall conduct a re-inspection of all known or assumed asbestos-containing building materials in each school building. (40 CFR 763.85)
  - c. At least once every six months, the district shall conduct a periodic surveillance consisting of a visual inspection of each school building that contains or is assumed to contain asbestos-containing building materials. (40 CFR 763.92)
2. Based on the results of the inspection, an appropriate response, which is sufficient to protect human health and the environment, shall be determined from among the options specified in 40 CFR 763.90. (40 CFR 763.90)

The district may select the least burdensome response, taking into consideration local circumstances, including occupancy and use patterns within the school building and economic concerns such as short-term and long-term costs. (40 CFR 763.90)

3. An asbestos management plan for each school site shall be maintained and regularly updated to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. (15 USC 2643; 40 CFR 763.93)

The asbestos management plan shall be available for inspection in district and school offices during normal business hours and parent/guardian, teacher, and employee organizations are annually informed of the availability of these plans. (40 CFR 763.84)

4. Staff, students, and parents/guardians shall be informed at least once each school year about any inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities, that are planned or in progress. (40 CFR 763.84)
5. Inspections, re-inspections, periodic surveillance, and response actions, including operations and maintenance, shall be conducted in compliance with state and federal regulations for the protection and safety of workers and all other individuals. (40 CFR 763.84; Education Code 49410.5)  
Asbestos inspection and abatement work and any maintenance activities that may disturb asbestos-containing building materials, except for emergency repairs or small-scale, short-duration maintenance activities, shall be completed by state-certified asbestos inspectors or contractors. (15 USC 2646; 40 CFR 763.84, 763.85, 763.91)
6. All custodial and maintenance employees shall be properly trained in accordance with applicable federal and/or state regulations. (40 CFR 763.84)

All district maintenance and custodial staff who may work in a building that contains asbestos-containing building materials, regardless of whether they are required to work with such materials, shall receive at least two hours of related asbestos awareness training. New maintenance and custodial staff shall receive such training within 60 days after beginning employment. Any maintenance or custodial staff who conduct activities that will disturb asbestos-containing materials shall receive 14 hours of additional training. The trainings shall address the topics specified in 40 CFR 763.92. (15 USC 2655; 40 CFR 763.84, 763.92)

7. Short-term workers, such as telephone repair workers, utility workers, or exterminators, who may come in contact with asbestos in a school, shall be provided information regarding the locations of known or suspected asbestos-containing building materials. (40 CFR 763.84)
8. Warning labels shall be posted immediately adjacent to any known or suspected asbestos-containing building material located in routine maintenance areas in accordance with 40 CFR 763.95. (40 CFR 763.84)

The district shall maintain, in both the district and school offices and for a period of three years, records pertaining to each preventive measure and response action taken; staff training; periodic surveillances conducted; cleaning, operations, and maintenance activities; and any fiber release episode. (40 CFR 763.94)

### **INTEGRATED PEST MANAGEMENT (Healthy Schools Act of 2000)**

The TUESD in compliance with the Healthy Schools Act of 2000 utilizes a comprehensive Integrated Pest Management Program (IPM).

#### **Definition**

Integrated Pest Management (IPM) means is a strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using nonchemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment are used only after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. (Food and Agriculture Code 13181)

#### **Procedures**

The Superintendent or designee shall develop, implement, and coordinate an IPM program that incorporates effective, least toxic management practices. The district's program shall include the follow elements:

1. Carefully monitoring and identifying the pest populations levels and identifying practices that could affect pest population. Strategies for managing the pest shall be influenced by the pest species and whether that species poses a threat to people, property or the environment.
2. Setting action threshold levels to determine when pest populations or vegetation at a specific location might cause unacceptable health or economic hazard that would indicate corrective action should be taken.
3. Modifying or eliminating pest habitats to deter pest populations and minimize pest infestations.
4. Consider a full range of possible alternatives. Such alternatives treatments may include taking no action or controlling the pest by physical, horticultural, or biological methods. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents.
5. Selecting nonchemical pest management methods over chemical methods, whenever such methods

are effective in providing the desired control, or when it is determined that chemicals methods must be used, giving preference to those chemicals that pose the least hazard to people and the environment.

6. Ensuring that persons applying pesticides follow label precautions and are trained in the principles and practices of IPM.
7. Limiting pesticide purchases to amounts needed for the year. Pesticides shall be stored at a secure location that is not accessible to students and unauthorized staff, and they shall be stored and disposed of in accordance with state regulations and label directions registered with the U. S. Environmental Protection Agency (EPA) as well as any disposal requirements indicated on the product label..

#### Prohibited Pesticides

The IPM Coordinator shall not use a pesticide on a school site if that pesticide has been granted a conditional or interim registration or an experimental use permit by the California Department of Pesticide Regulation (DPR) or if the pesticide is subject to an experimental registration issued by the EPA and either of the following conditions exists: (Education Code 17610.1)

1. The pesticide contains a new active ingredient.
2. The pesticide is for new use.

In addition, the IPM Coordinator shall not use a pesticide on a school site if DPR cancels or suspends registration or requires that the pesticide be phased out from the use. (Education Code 17610.1)

#### Notifications

The IPM Coordinator shall annually notify staff and parents/guardians of students enrolled at a school site, in writing, regarding pesticide products expected to be applied at the school facility in the upcoming year. The notification shall include at least the following: (Education Code 17612)

1. The Internet address (<http://www.schoolipm.info>) used to access information on pesticides and pesticide use reduction developed by the DPR pursuant to Food and Agricultural Code 13184.
2. The name of each pesticide product expected to be applied in the upcoming year and the active ingredient(s) in it.
3. An opportunity for interested persons to register to receive notification of individual pesticide application at the school site. The IPM Coordinator shall notify such registered persons of individual pesticide applications at least 72 hours prior to the application. The notice shall include the product name, the active ingredient(s) in the product, and the intended date of application.
4. Other information deemed necessary by the Superintendent or IPM Coordinator. If a pesticide product not included in the annual notification is subsequently intended for use at the school site, the IPM Coordinator shall provide written notification of its intended use to staff and parents/guardians of students enrolled at the school, at least 72 hours prior to the application. (Education Code 17612)

Whenever the IPM Coordinator deems that the immediate use of a pesticide is necessary to protect the health and safety of students, staff, or other persons at the school site, he/she shall make every effort to provide the required notification prior to the application of the pesticide. (Education Code 17612)

#### Posting of Warning Signs

The IPM Coordinator shall post a warning sign at each area of the school site where pesticides will be applied that shall be visible to all persons entering the treated area. The sign shall be posted at least 24 hours prior to the application and until 72 hours after the application. The warning sign shall display the following: (Education Code 17612)

1. The term "Warning/Pesticide Treated Area"
2. The product name, manufacturer's name, and the EPA's product registration number.
3. Intended areas and dates of applications.
4. Reason for the pesticide application.

When advance posting is not possible due to an emergency condition requiring immediate use of a pesticide, the warning sign shall be posted immediately upon application and shall remain posted until 72 hours after the application. (Education Code 17609, 17612)

#### Records

Each school site shall maintain records of all pesticides use at the school for four years, and shall make the information available to the public, upon request, in accordance with the California Public Records Act. Such records may be maintained by retaining a copy of the warning sign posted for each pesticide application with a recording on that copy of the amount of the pesticide used. (Education Code 17611)

*Under no circumstance shall any TUESD employee apply, use, or store any pesticide (as defined by the Healthy Schools Act) or the like in TUESD facilities.*

### **SEXUAL HARASSMENT**

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

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation and correction of sexual harassment, including but not limited to:

1. Providing periodic training to all staff regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures.
2. Publicizing and disseminating the district's sexual harassment policy to staff.
3. Ensuring prompt, thorough and fair investigation of complaints.
4. Taking timely and appropriate corrective/remedial actions. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments

All complainants and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964) Any district employee or job applicant who feels that he/she has been sexually harassed, or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant, or a student, shall immediately report the incident to his/her supervisor, the principal, district administrator or Superintendent. A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the Superintendent.

Complaints of sexual harassment shall be filed in accordance with AR 4031 – Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint. Complaints involving sexual harassment shall be processed by using the complaint procedures outlined in TUESD Board Policy # 4119.11/4219.11/4319.11.

### **DRESS AND GROOMING**

The Governing Board believes that appropriate dress and grooming by district employees contribute to the productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain a professional standard of dress and grooming that demonstrates their high regard for education, present an image consistent with their job responsibilities and assignment, and not endanger the health and safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

Employees shall report to work dressed in a manner that is appropriate and consistent with their job assignment. No clothing shall be worn which:

1. Creates a safety hazard;
2. Is excessively revealing or provocative;
3. Displays any words, pictures, or designs, which would be considered by reasonable standards, to be vulgar, profane, and inappropriate for the workplace; or otherwise set an inappropriate example to students, parents or other employees.

## **EMPLOYEE USE OF TECHNOLOGY**

### **User Obligations and Responsibilities:**

Employees are authorized to use TUESD's on-line services in accordance with user obligations and responsibilities specified in this TUESD policy.

### Online/Internet Services: User Obligations and Responsibilities

Employees are authorized to use district equipment to access the Internet or other online services in accordance with Board policy, the district's Acceptable Use Agreement, and the user obligations and responsibilities specified below.

1. The employee in whose name an online services account is issued is responsible for its proper use at all times. Employees shall keep account information, home addresses, and telephone numbers private. They shall use the system only under the account number to which they have been assigned.
2. Employees shall use the system safely, responsibly, and primarily for work-related purposes.
3. Employees shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.
4. Employees shall not use the system to promote unethical practices or any activity prohibited by law, Board policy, or administrative regulations.
5. Employees shall not use the system to engage in commercial or other for-profit activities without permission of the Superintendent or designee.
6. Copyrighted material shall be posted online only in accordance with applicable copyright laws.
7. Employees shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or forge other users' email.
8. Employees shall not develop any classroom or work-related web sites, blogs, forums, or similar online communications representing the district or using district equipment or resources without permission of the Superintendent or designee. Such sites shall be subject to rules and guidelines established for district online publishing activities including, but not limited to, copyright laws, privacy rights, and prohibitions against obscene, libelous, and slanderous content. Because of the unfiltered nature of blogs, any such site shall include a disclaimer that the district is not responsible for the content of the messages. The district retains the right to delete material on any such online communications.
9. Users shall report any security problem or misuse of the services to the Superintendent or designee.

### **Privileges**

Users do not own accounts on District computers. District owns the accounts and grants user the privilege of using the accounts. Any District employee or students may apply for a user ID to utilize e-mail and Internet services offered by District. Such an application may be granted only if the applicant signs the Computer/Technology Use Agreement.

### **Responsibilities**

As a condition of maintaining the privilege of using District computer/technology resources, each user will be held responsible for his or her own actions which affect such resources. By signing the Computer/Technology Use Agreement, each user acknowledges and agrees to abide by the terms of the Policy. A user who violates the terms of the Policy will be subject to revocation or suspension of the privilege of using the computer/technology resources.

District computer/technology resources are to be used for District-related business, instruction, learning, and administrative activities. Users shall not attempt to modify any system or network or attempt to "crash" or "hack" into District systems. Users shall not tamper with any software protections or restrictions placed on computer applications or files. Unless properly authorized, users shall not attempt to access restricted portions of any operating system or security software. Users shall not attempt to remove existing software or add their own personal software to District computers and systems unless authorized. Users shall not purchase any peripherals nor softwares for any computer/technology system unless authorized. Users shall use only their own designated computer accounts. Users are required to keep all user ID's, passwords, and account information confidential, and shall take responsible precautions to prevent others from obtaining this information. Accounts are not transferable, and users shall not allow others to use their own accounts.

Users shall respect the privacy and personal rights of others, and are prohibited from accessing or copying another user's e-mail, data, or other files without the prior express consent of that user. Users shall send e-mail only from their own personal e-mail address. Users are prohibited from concealing or misrepresenting their identities while using District computer resources.

Users are responsible for using software and electronic materials in accordance with copyright and licensing

restrictions. The copying of software that has not been placed in the public domain is expressly prohibited by the Policy. No Expectation of Privacy: District computer resources and all service accounts are the property of District. There is no right to privacy in the use of the computer resources or user accounts. In addition, users are hereby put on notice as to the lack of privacy afforded by electronic data storage and electronic mail in general, and must apply appropriate security to protect private and confidential information from unintended disclosure. Electronic data, including e-mails, which is transmitted through District computer resources is more analogous to an open postcard than to a letter in a sealed envelope. Under such conditions, the transfer of information which is intended to be confidential should not be sent through District computer resources.

District reserves the right to monitor and access information contained on its computer resources under various circumstances including, but not limited to, the following circumstances:

Under the California Public Records Act. (“CPRA”), electronic files are treated in the same way as paper files. Public documents are subject to inspection through CPRA. In responding to a request for information under the CPRA, District may access and provide such data without the knowledge or consent of the user. District will cooperate with any local, state, or federal officials investigating an alleged crime committed by any person who accesses District computer resources, and may release information to such officials without the knowledge or consent of the users. The contents of electronic messages may be viewed by a system administrator in the course of routine maintenance, or by the system administrator, Superintendent or designee(s) as needed for District administrative purposes, including investigation of possible violations of the Policy or other District policies, and monitoring of on-line activities of minor students. Electronic mail systems store messages in files. These files are copied to back-up tapes in the course of system backups. The contents of these files and the copies on system backup tapes are subject to disclosure as stated in the preceding paragraphs. Receipt of Offensive Material: Due to the open and decentralized design of the Internet and networked computer systems, users are warned that they may occasionally receive materials which may be offensive to them. Users should report all such occurrences to the system administrator.

### **Ethical Standards**

District employees and students must abide by ethical standards of on-line behavior that assure all users equitable, effective and efficient access and use. Such ethical standards include, but are not limited to:

- Honesty.
- Users agree to represent themselves according to their true and accurate identities in all electronic messages, files and transactions at all times.
- While using District computer resources, users agree to act within District standards of conduct including the prohibition on plagiarism.
- Respecting Rights of Others.
- Students and employees.
- Legal and ethical limitations on the use of District computer resources:

In using District computer resources, users must communicate in the same manner as is expected in the classroom or in the office (e.g., users should refrain from profanity and vulgarity). Users shall not use District computer systems in any unlawful manner including, but not limited to, attempting to defraud another person or entity, threatening harm to another person, procuring or distributing obscene material in any form, or unlawfully harassing another person.

For the purposes of the Policy, “obscenity” means words, images or sounds which a reasonable person, applying contemporary community standards, when considering the contents as a whole, would conclude that they appeal to prurient sexual/physical interests or violently subordinating behavior rather than an intellectual or communicative purpose, and materials that, taken as a whole regarding their content and their particular usage or application, lack any redeeming literary, scientific, political, artistic or social value.

“Harassing” means to engage in a knowing and willful course of conduct directed at another person which seriously alarms, annoys, or harasses another person, and which serves no legitimate purpose. In addition, “Harassment” also means subjecting another person to unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature as set forth in California Education Code section 212.5.

Users shall respect the integrity and content of electronic documents or records issued or posted on-line by employees or students. Users shall have respect for the access and security procedures and systems established to ensure the security, integrity and operational functionality of District computer resources.

## **Disclosure of Personal Information**

Employees shall not disclose confidential student information through use of computer resources in a manner which violates either the California pupil privacy laws (Education Code section 49060 et. seq.) or the Federal Education Rights Privacy Act (“FERPA”) (20 U.S.C. 1232g).

When accessing the Internet, communicating via e-mail, or interacting in “chat rooms” students shall not reveal personal information about themselves, other students or employees, including but not limited to age, home address, home telephone number, and home e-mail address.

Employees should not disclose personal information about themselves on the Internet or in e-mails as this information may be used by third parties to invade the privacy of the user.

## **APPROPRIATE AND INAPPROPRIATE USES**

District computer resources exist to support the instructional, cultural, research, professional and administrative activities of the District’s community. In general, the same guidelines that apply to the use of all District facilities apply to the use of District computer resources. All users are required to behave in a responsible, ethical and legal manner as defined by the Policy, and other existing District policies and regulations. The following sections define appropriate and inappropriate use of District computer resources:

### **Appropriate Use**

Activities deemed to be appropriate uses of District computer resources include the following:

#### Educational use (students)

Carrying our District course assignments and activities requiring access to and use of computer resources, including: Authorized access to and use of computer programs licensed by District available on stand-alone and networked computing stations. Authorized access to lab and campus networks to perform and complete required course work for District courses in which the user is currently enrolled. Authorized access to District student e-mail accounts. Authorized independent study and research

Users agree to follow any computer use policies established by individual computing labs and network systems and to obey directives issued by authorized District personnel supervising such labs and systems.

#### Instructional use (teachers)

Classroom instruction, assessment (students). Research connected to academic and instructional concerns and interests  
Communication with colleagues and professional organizations and institutions if such communications are related to District educational programs and activities.

#### Administrative use (administrators)

District administrative and business communications and transactions. Communication with colleagues and professional organizations and institutions if such communications are related to the operation of District. Research connected with District concerns and interests. Request to unblock Internet site access by District employees.

In the event that a District employee has a legitimate and job-related need to access material which is otherwise prohibited by the Policy or cannot be accessed because of restrictions placed on the material by an Internet blocking or filtering measure, such employee may submit a written request to the Superintendent or designee requesting permission to access specific sites for the purpose of completing such job-related tasks or research. The employee must submit his or her request to the Superintendent at least ten (10) five (5) work days prior to the need to access such materials.

#### Personal Use (Employees Only)

Employees are permitted to engage in limited personal use of computer resources only during nonduty times of the workday. Such activities shall not interfere with the work efficiency or performance of other users. When engaging in personal use of computer resources, employees shall comply with all other provisions of the Policy.

## **Inappropriate Use**

Use of District computer resources for the purposes other than those identified in Section 4.1 is not permitted. Users who violate this section of the Policy by engaging in inappropriate use of District computer resources will be subject to restrictions, suspension, or revocation of user privileges and may be subject to criminal or civil sanctions if permitted by law. Users are specifically prohibited from using District computer resources in any manner identified in this section.

Accessing material that is obscene, child pornography, or harmful to minors. The District will utilize Internet filtering and/or clocking measures to attempt to prevent user access to such materials. Using District computer resources for personal purposes except as permitted under section 4.1. Destroying or damaging equipment, software, or data belonging to District or others. Disrupting or unauthorized use of District accounts, access codes, or ID numbers.

Using District computer resources to unlawfully harass others. Using District computer resources in ways which intentionally or unintentionally impede the computing activities of others are prohibited. Such activities include, but are not limited to: disrupting another person's use of computer resources by game playing, sending an excessive number of messages or e-mails, making or printing excessive copies of documents, files, data, or programs, or introducing computer viruses onto District computer resources. Using District computer resources to violate copyrights, trademarks, and/or license agreements. Using District computer resources to violate another person's privacy including, but not limited to, accessing or using another user's account, ID number, password, electronic files, data, or e-mail.

Using District computer resources in an effort to violate District's academic policies including, but not limited to, the following types of conduct: Copying a computer file that contains another student's assignment and submitting it as your own work or otherwise committing plagiarism.

Working together on an assignment, sharing the computer files or programs involved, and then submitting individual copies of the assignment as your own individual work. Knowingly allowing another student to copy or use one of your computer files and to submit that file, or a modification thereof, as his or her individual work. Transmitting any advertising, promotional materials or other forms of solicitation. Impersonating any person or entity under a false or unauthorized name. Sending or storing messages and/or materials with the intent to defraud, harass, defame, or threaten.

Inappropriate mass mailing, "spamming," or "mail bombing." Mass mailings directed to "All District Employees" or to any large subgroup of District employees shall be approved by the sender's immediate supervisor.

Tampering with any software protections or restrictions placed on computer applications or files. Knowingly or carelessly introducing any invasive or destructive programs (e.g., viruses or worms) into District computer resources. Attempting to circumvent local or network system security measures. Altering or attempting to alter system software or hardware configurations on either network systems or local computing devices. Installing or purchasing unauthorized software programs on District computers or network systems and/or using such programs. Ignoring or disobeying policies and procedures established for specific computer labs or network systems. Copying system files, utilities and applications that expressly belong to District without authorization.

## **Reporting Violations**

### **Student Violations**

Users shall report any suspected violation of the Policy by a student to the Superintendent or designee, who shall refer the matter to the system administrator for review. The system administrator shall then determine whether a violation of the Policy has occurred. If the system administrator determines that a violation has occurred, the system administrator may restrict, suspend, or revoke the user's privileges. In the event a user's privileges are restricted, suspended, or revoked, the system administrator must provide a statement of reasons for the actions taken. The system administrator's determination to restrict, suspend, or revoke a student's user privileges may be appealed to the Superintendent or designee.

### **Employee Violations**

Users shall report any suspected violations of the Policy by a District employee to the employee's supervisor who shall immediately refer the matter to the system administrator and Superintendent for review. The Superintendent shall then determine whether a violation of the Policy has occurred. If the Superintendent determines that a violation has occurred, he or she may take immediate action to restrict, suspend, or revoke the user's privileges. In the event a user's privileges are restricted, suspended, or revoked, the Superintendent must provide the user with written reasons for the actions taken. The Superintendent's determination to restrict, suspend, or revoke an employee's user privileges may be appealed to the Board of Trustees.



The employee in whose name an on-line account is issued is responsible for its proper use at all times. Users shall keep passwords, home addresses and telephone numbers private. They shall use the system only under their own account number.

When sending electronic messages, employees shall not include inappropriate confidential information. TUESD's system shall be used only for purposes related to education. Commercial, political and/or personal use unrelated to an educational purpose is strictly prohibited.

Employees should have no expectation of privacy or confidentiality in the content of electronic communications or other computer files sent and received on the TUESD's computer network or stored in his/her directory. TUESD reserves the right to monitor any on-line communications for improper use. Electronic communications and downloaded material, including files deleted from a user's account, may be monitored or read by TUESD officials.

The use of TUESD's system is a privilege, not a right, and inappropriate use may result in a cancellation of those privileges. Employees are prohibited from accessing, posting, submitting, publishing or displaying harmful matter or material that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religion or political beliefs. Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes in a patently offensive way sexual conduct and which lacks serious literary, artistic, political or scientific value for minors. (Penal Code § 313). Users shall not use the system to encourage the use of drugs, alcohol or tobacco, nor shall they promote unethical practices or any activity prohibited by law or TUESD policy.

Users may download copyrighted material for educational purposes only. Employees shall not use copyrighted material for personal financial gain. Vandalism will result in the cancellation of user privileges and or criminal prosecution. Vandalism includes the intentional uploading, downloading or creating computer viruses and/or any malicious deletion or reconfiguration or data or system performance, malicious attempt to harm or destroy TUESD equipment or materials or the data of any other user. Other than in a supervisory capacity, users shall not read other users' mail or files; they shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to delete, copy, modify or forge other users' mail. Users shall report any security problem or misuse of the services to a supervisor.

The principal, supervisor, or designee shall make all decisions regarding whether or not a user has violated these regulations and may deny, revoke or suspend a user's access at any time. The decision of the supervisor or designee shall be final.

*AS A PUBLIC EMPLOYEE, DID YOU KNOW?*

- Use of TUESD telephones for personal long-distance and toll calls...
- Use of TUESD mail system for personal use...
- Use or removal of TUESD equipment for personal use...
- Use or removal of TUESD supplies for personal use...
- Use of TUESD facilities for personal use...
- Unauthorized absence from the work place during work hours...
- Collecting payment from two employers for the same work time...

*ARE DEFINED AS A "GIFT OF PUBLIC FUNDS" AND SUCH PRACTICES ARE ILLEGAL!*

**QUESTIONS CONCERNING ANY POLICY MAY BE DIRECTED TO THE SUPERINTENDENT'S OFFICE**