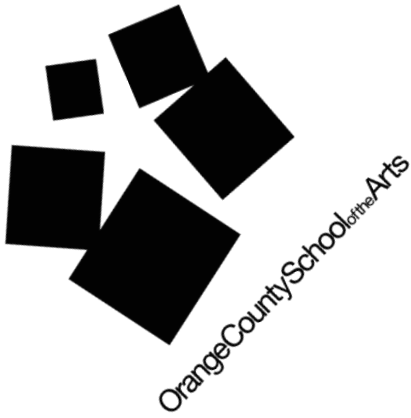




Important Information

Welcome to OCSA! We hope that you enjoy working with us!

Please visit www.ocsarts.net to become familiar with our Employee Handbook and Board Policies.

This document contains annual notices and information that will be helpful to your employment at OCSA

If you have any questions, please feel free to email the HR Helpdesk at hrhelpdesk@ocsarts.net

MEMORANDUM

Term: 2026 -2027 Fiscal Year

To: All Staff

From: Natalia Torres, Director of Human Resources

Subject: Annual Notices



The Orange County School of the Arts is committed to maintaining a safe, healthy, and equitable working environment for all staff. Accordingly, attached are the following to serve as annual notifications to employees:

- Child Abuse Reporting
- Drug and Alcohol-Free Workplace
- Employee Use of Technology – Electronic Resources Use Policy
- Prohibition Against Sexual Harassment
- Social Media Guidelines
- Uniform Complaint Procedures
- Prohibition Against Sex Discrimination
- Non-Discrimination Policy
- Use of School Name and Materials Policy
- Appropriate Staff Interactions with Students Policy

Child Abuse Reporting

California law requires certain employees, called mandated reporters, to report suspected child abuse or neglect. Nearly all OCSA employees are mandated reporters, including teachers, instructional aides, classified employees, administrators, certificated pupil personnel employees, licensed nurses, athletic coaches, and athletic directors.

Your duty to report

If, in your professional capacity or within the scope of your employment, you know of or reasonably suspect that a child has been the victim of abuse or neglect, you must report it yourself. You are required to:

1. Make an initial report by telephone immediately, or as soon as is practicably possible.
2. Prepare and send, fax, or electronically transmit a written follow-up report within 36 hours of receiving the information.

Who to report to

Your report must go to one of the agencies specified in Penal Code section 11165.9:

- Any police department or sheriff's department.
- The county probation department, where the county has designated it to receive mandated reports.
- The county welfare department, commonly known as Child Protective Services.

IMPORTANT A report to a school district police or security department does not satisfy your legal obligation. Penal Code section 11165.9 specifically excludes school district police and security departments from the agencies authorized to receive mandated reports.

Also notify your principal or site administrator

In addition to making your own report, you should notify your principal or site administrator so that the school can provide support and take any steps within its responsibility.

THIS DOES NOT REPLACE YOUR REPORT Notifying a supervisor, principal, or any other administrator does not satisfy your legal obligation and does not transfer it to them. Under Penal Code section 11166(i)(1), your reporting duty is individual, it cannot be delegated, and no supervisor or administrator may impede, inhibit, or delay it. Do not wait for direction or approval before making your report.

What reasonable suspicion means

Reasonable suspicion means it is objectively reasonable for a person to entertain a suspicion, based on facts that could cause a reasonable person in a like position, drawing when appropriate on their training and experience, to suspect child abuse or neglect. You do not need proof, and you are not required to investigate. Certainty is not required, and it is not your role to determine whether abuse occurred.

Your protections

- Immunity. Under Penal Code section 11172(a), you are not civilly or criminally liable for making a required report.
- Confidentiality. Under Penal Code section 11167(d), your identity as the reporter is confidential and is disclosed only as permitted by law.
- No retaliation. No person making a report may be subject to any sanction for making it. OCSA prohibits retaliation against any employee who makes a report in good faith.

Failure to report

A mandated reporter who fails to report suspected child abuse or neglect is guilty of a misdemeanor, punishable by up to six months in county jail, a fine of up to \$1,000, or both. Where the failure to report is willful and results in death or great bodily injury, the penalty increases to up to one year in county jail, a fine of up to \$5,000, or both.

Acknowledgment required by law

Penal Code section 11166.5 requires every mandated reporter, prior to commencing employment, to sign a statement confirming knowledge of the reporting provisions and agreement to comply with them. OCSA furnishes this statement and retains the signed copy. Your signature on the annual acknowledgment satisfies this requirement.

Statutory references

Penal Code sections 11165.7 (definition of mandated reporter), 11165.9 (agencies authorized to receive reports), 11166 (duty to report, timing, and individual nature of the duty), 11166.5 (signed statement), 11167 (confidentiality of the reporter), and 11172 (immunity).

Questions about your obligations as a mandated reporter may be directed to People Services at hrhelpdesk@ocsarts.net or extension 5520. If you are unsure whether a situation requires a report, make the report. The agency receiving it will determine how to proceed.

Drug and Alcohol-Free Workplace

The Drug-Free Workplace Act and Government Code 8350-8357 require OCSA to notify their employees of their policy on this topic and certify that they have adopted a policy, which includes required provisions. The Board of Trustees believes that the maintenance of drug and alcohol-free workplaces is essential to school and OCSA operations. No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations before, during or after school hours at school or in any other OCSA workplace.

The Executive Director or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions.

Note: The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five (5) days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace.

For the purpose of this policy, “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:
 - 2.1 The dangers of drug and alcohol abuse in the workplace;
 - 2.2 OCSA policy of maintaining drug and alcohol-free workplaces;
 - 2.3 Any available drug and alcohol counseling, rehabilitation, and employee assistance programs; and
 - 2.4 The penalties that may be imposed on employees for drug and 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 for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement, and OCSA policy and practices.
5. Make a good faith effort to continue maintaining a drug and alcohol-free workplace through implementation of Board policy. When termination is required by law, the Board

shall require termination in taking disciplinary action. When termination is not required by law, the Board shall either take disciplinary action, up to and including termination, 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, law enforcement or other appropriate agency. The Board's decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements, and OCSA policies and practices.

Employee Use of Technology – Electronic Resources Use Policy

The Orange County School of the Arts provides electronic resources to support its work of teaching and public service. This administrative policy statement establishes the School's policy on use of, access to, and disclosure of electronic mail to assist in ensuring that the School's resources serve those purposes.

Statement of Policy - Privacy, Confidentiality and Public Records Considerations

The Orange County School of the Arts will make reasonable efforts to maintain the integrity and effective operation of its electronic mail systems. Users are advised that those systems should in no way be regarded as a secure medium for the communication of sensitive or confidential information. Because of the nature and technology of electronic communication, the School can assure neither the privacy of an individual user's use of the School's electronic resources nor the confidentiality of particular messages that may be created, transmitted, received, or stored thereby.

Permissible Uses of Electronic Resources

Authorized Users

Only school faculty, staff, students and other persons who have received permission under the appropriate school authority, are authorized users of the School's electronic systems and resources, and who comply with School policy for use of electronic resources.

Purpose of Use

The use of any School resources for electronic communication must be related to School business, including academic pursuits. Incidental and occasional personal use of electronic mail may occur when such use does not generate a direct cost for the School. Personal use of School electronic resources during work time is prohibited. Any such incidental and occasional use of School electronic mail resources for personal purposes is subject to the provisions of this policy.

Prohibited Uses of School Electronic Resources

Prohibited Use

- 1) Personal use that creates a direct cost for the School; personal use during an employee's assigned work hours.
- 2) Used for personal monetary gain or for commercial purposes not directly related to School business.
- 3) Sharing or sending copies of electronic resources in violation of copyright laws.
- 4) Inclusion of the work of others into electronic communications in violation of copyright laws.

- 5) Capture and “opening” of electronic communications except as required in order for authorized employees to diagnose and correct delivery problems.
- 6) Use of School electronic resources to harass or intimidate others or to interfere with the ability of others to conduct School business.
- 7) Use of School electronic resources for any purpose restricted or prohibited bylaws or regulations.
- 8) “Spoofing,” i.e., constructing an electronic communication so it appears to be from someone else.
- 9) “Snooping,” i.e., obtaining access to the files or electronic communications of others for any reason other than School business purpose.
- 10) Attempting unauthorized access to electronic communications or attempting to breach any security measures on any electronic communications system, or attempting to intercept any electronic communications transmissions without proper authorization.

An example of a use that does not create a direct cost is sending an email message during an employee’s lunch hour; the School will pay no more for maintaining the email system than it would have paid had the message not been sent. Caution: Such personal use must be infrequent and not on the employee’s assigned work hours. An example of a use that does create a direct cost is printing an email message without reimbursing the School.

School Access and Disclosure

General Provisions

The School reserves the right to access and disclose the contents of faculty, staff, students’, and other users’ electronic communications made or received by using School resources without the consent of the user.

Faculty, staff, and other non-student users are advised that the School’s electronic communications systems is a shared filing system, i.e., with the expectation that communications sent or received on School business or with the use of School resources will be made available for review by any authorized School official for purposes related to School business.

Electronic communications of students may constitute “education records” subject to the Family Educational Rights and Privacy Act of 1974 (FERPA). The School may access, inspect, and disclose such records under conditions that are set forth in law.

Any user of the School’s electronic communications resources who makes use of an encryption device to restrict or inhibit access to his or her electronic mail must provide access to such encrypted communications when directed to do so by the Executive Director/designee.

Monitoring of Communications

The School will periodically monitor electronic communications without further notice to users as the School deems necessary for purposes of maintaining the integrity and effective operation of the School's electronic communications systems.

Inspection and Disclosure of Communications

The School reserves the right to inspect and disclose the contents of electronic communications:

- in the course of an investigation triggered by indications of misconduct or misuse;
- as needed to protect health and safety;
- as needed to prevent interference with the academic mission; or
- as needed to locate substantive information required for School business.

The School will inspect and disclose the contents of electronic communications when such action is necessary to respond to legal processes and to fulfill the School's obligations to third parties.

The contents of electronic communications may be disclosed without permission of the user.

Disciplinary Action

Appropriate disciplinary action as outlined in the OCSA Employee Handbook and Board Policies will be taken against individuals found to have engaged in prohibited use of the School's electronic resources.

Prohibition Against Sexual Harassment

The Orange County School of the Arts (“OCSA”) is committed to maintaining a learning environment free from harassment, intimidation, or insult on the basis of an individual’s actual or perceived sex, sexual orientation, gender, gender identity, or expression.

Title IX of the Education Amendment Act of 1972 (“Title IX”) prohibits discrimination on the basis of sex, including sexual harassment, in OCSA’s education programs and activities.

Title IX Coordinator

OCSA designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX. OCSA may designate supplemental alternative Title IX Coordinator as necessary. The Title IX Coordinator may be contacted at:

OCSA Dean of Administrative Operations
1010 North Main Street, Santa Ana, CA 92701
(714) 560-0900, ext. 6402
abbe.levine@ocsarts.net

OCSA shall notify students, parents/guardians, employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the Title IX Coordinator. (34 CFR 106.8)

Prohibited Conduct

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 educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual’s employment, academic status, or progress.
2. Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on the individual’s work or academic performance or of creating an intimidating, hostile, or offensive work or educational environment.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through any OCSA program or activity.

Examples of types of conduct which are prohibited by OCSA and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body or overly personal conversation.
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature.
5. Spreading sexual rumors.
6. Massaging, grabbing, fondling, stroking, or brushing the body.
7. Touching an individual's body or clothes in a sexual way.
8. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex.
9. Displaying sexually suggestive objects in the educational or work environment.
10. Sexual assault, sexual battery, or sexual coercion.
11. Electronic communications containing comments, words, or images described above.

Prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of OCSA policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

Notifications

A copy of OCSA's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year. (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of OCSA rules, regulations, procedures, and standards of conduct are posted. (Education Code 231.5)
3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)
4. Be posted in a prominent location on OCSA's website in a manner that is easily accessible to parents/guardians and students. This shall include the name or title, office address, email address, and telephone number of the employee(s) designated as OCSA's Title IX Coordinator. (Education Code 234.6; 34 CFR 106.8)
5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session. (Education Code 231.5)
6. Appear in any OCSA publication that sets forth the school's comprehensive rules, regulations, procedures, and standards of conduct. (Education Code 231.5)
7. Be included in any handbook provided to students, parents/guardians, employees, or employee organizations. (34 CFR 106.8)

Reporting Complaints

A student, parent/guardian, or employee who believes that an individual has been subjected to sexual harassment by a student, employee, or third party is strongly encouraged to report the incident to a teacher, a site administrator, OCSA's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the designated administrator or other school employee shall forward the report to OCSA's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to a site administrator or Title IX Coordinator, regardless of whether the alleged victim files a formal complaint.

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment.

If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student, parent/guardian, or employee of the right to file a formal written complaint in accordance with applicable OCSA complaint procedures.

Title IX Complaint Procedures

Complaints of sexual harassment shall be investigated and resolved in accordance with law and OCSA procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. Complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with OCSA's Title IX Policy for Sexual Harassment. Other sexual harassment complaints shall be investigated and resolved pursuant to OCSA's Uniform Complaint Procedures.

Complaints governed by Title IX allege that a person was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30)

1. An OCSA employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to OCSA's education program or activity.
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.

If the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations.

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by OCSA. (34 CFR 106.30)

The Chief Executive Officer or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such persons receive training in accordance with 34 CFR 106.45.

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)

Emergency Removal from School

On an emergency basis, OCSA may remove a student from OCSA's education program or activity, provided that OCSA conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If an OCSA employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in OCSA's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies OCSA in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by OCSA, or if sufficient Title IX circumstances prevent OCSA from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45)

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to OCSA's Uniform Complaint Procedures as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, OCSA may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. OCSA shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

OCSA may facilitate an informal resolution process provided that OCSA: (34 CFR 106.45)

1. Provides the parties with a written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process.
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Formal Complaint Process

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. OCSA's complaint process, including any informal resolution process.
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, OCSA investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process.
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence.
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process.

During the investigation process, OCSA shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although OCSA may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties.
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate.
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report.
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness.
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response.
9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

Written Decision

The Chief Executive Officer shall normally designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45) As necessary, an outside decision may be discussed.

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, OCSA shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30.
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of OCSA's code of conduct to the facts.
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions OCSA imposes on the respondent, and whether remedies designed to restore or preserve equal access to OCSA's educational program or activity will be provided by OCSA to the complainant.
6. OCSA's procedures and permissible bases for the complainant and respondent to appeal.

Appeals

Either party may appeal OCSA's decision or dismissal of a formal complaint or any allegation in the complaint if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, OCSA shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
4. Issue a written decision describing the result of the appeal and the rationale for the result.
5. Provide the written decision simultaneously to both parties.

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, OCSA shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Corrective / Disciplinary Actions

OCSA shall not impose disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

Discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the designated administrator or Chief Executive Officer shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law.
2. Parent/guardian conference.

3. Education of the student regarding the impact of the conduct on others.
4. Positive behavior support.
5. Referral of the student to a student success team.
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law.

When an employee is found to have committed sexual harassment or retaliation, OCSA shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

The Chief Executive Officer or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

The Chief Executive Officer or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. OCSA shall make such training materials publicly available on its website. (34 CFR 106.45)

Social Media Guidelines

Overview

These Social Media Guidelines have been developed by school administration to help empower Orange County School of the Arts employees, parents, students, alumni and community members to participate in marketing and communications by sharing the School's mission with the community at large and enhancing the Orange County School of the Arts' reputation as one of nation's premier arts schools.

Social media are defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques.

Social media are powerful communications tools that have a significant impact on organizational and professional reputations. The rapid growth of social media technologies combined with their ease of use and pervasiveness make them attractive channels of communication.

However, these tools also hold the possibility of a host of unintended consequences. Because inappropriate use may blur the line between personal voice and institutional voice, Orange County School of the Arts has crafted the following guidelines to enhance and protect personal and professional reputations when participating in social media.

General Guidelines

Sharing Orange County School of the Arts news, events or promoting student, alumni and faculty work through social media tools is an excellent, low-cost way to engage the community and build our brand. Orange County School of the Arts constituents are encouraged to responsibly repost and share information with their family and friends that is available to the public (press releases, press articles, Internet news, etc.). The best way to share school news is to link to the original source. When sharing information that is not a matter of public record, please follow the below guidelines.

Things to Consider When Using Social Media

Applications that allow interaction with others online require careful consideration of the implications of "friending," "linking," "following" or accepting such a request from another person. For example, there is the potential for misinterpretation of the relationship or the potential of sharing protected information. Relationships such as faculty-student, supervisor-subordinate and staff-student merit close consideration of the implications and the nature of the social interaction. OCSA employees shall exercise professionalism and courtesy, and respect the privacy rights of students and coworkers in all public postings. The following are some guidelines to follow in these cases.

Maintain Privacy

Employees shall not post confidential or proprietary information about the Orange County School of the Arts, its students, its alumni or employees. For example, employees shall not post student grades or performance evaluations, parent/student/colleague contact information, fundraising data, etc. Use good ethical judgment and follow school policies and federal requirements, such as the Health Insurance

Portability and Accountability Act (HIPAA) of 1996 and the Family Educational Rights and Privacy Act (FERPA). Do not discuss private information involving named or pictured individuals on a social media site without their permission. As a guideline, do not post anything that you would not present in any public forum.

Understand Your Personal Responsibility

Orange County School of the Arts staff and faculty are personally responsible for the content they publish on blogs, wikis or any other form of user-generated content. Be mindful that what you publish will be public for a long time—protect your privacy and the privacy of your students and colleagues.

Be Aware of Liability

OCSA employees are responsible for what they post on their own sites and on the sites of others. Individual bloggers have been held liable for commentary deemed to be copyright infringement, defamatory, proprietary, libelous, or obscene (as defined by the courts).

Correct Mistakes

If you make a mistake, admit it. Be upfront and be quick with your correction. If you're posting to a blog, you may choose to modify an earlier post—just make it clear that you have done so.

Think Before You Post

There's no such thing as a "private" social media site. Search engines can turn up posts and pictures years after the publication date. Comments can be forwarded or copied.

Archival systems save information even if you delete a post. If you feel angry or passionate about a subject, it's wise to delay posting until you are calm and clear-headed. Post only pictures that you would be comfortable sharing with the general public (current and future peers, employers, etc.).

Social Media Guidelines

OCSA employees who create a social media page/profile for an Orange County School of the Arts program, class, group, or other entity, shall comply with the following guidelines:

- Staff members may create an institutional social media profile, which must be separate from any private profiles. It must be used solely for conducting official school business. Communication with students on topics unrelated to school business is prohibited.
- All institutional pages and groups must have two appointed employees (conservatory director, academic instructor, etc.) who are identified as the page/group administrators. These individuals are responsible for managing content and monitoring the page/group for inappropriate information.
- We strongly recommend that you set up your social media page/group in a way that will allow you to review and approve comments, and/or receive a copy of comments via email.
- If inappropriate information appears on your page/group, you must document/secure evidence of this information, remove said information from the page/group, and submit evidence to an OCSA administrator within a timely manner.
- All institutional pages must be publicly accessible by all constituents. Private pages or groups that limit access to some or all constituents are prohibited.
- The following disclaimer must be included in the "About" section of your group/page:

This group/page is intended for sharing school information only. Any comments posted that are not relevant to this program or class will be removed. As this page is an OCSA sanctioned page designed to communicate official school business, comments, postings and interactions are governed by policies outlined in the OCSA student handbook. Inappropriate communication or behavior will be referred to school administration and is subject to appropriate disciplinary consequences.

Uniform Complaint Procedures

Orange County School of the Arts ("OCSA") complies with applicable federal and state laws and regulations. OCSA is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for compliance and/or conducting investigations shall be knowledgeable about the laws and programs which they are assigned to investigate.

Scope

This complaint procedure is adopted to provide a uniform system of complaint processing ("UCP") for the following types of complaints:

1. Complaints alleging unlawful discrimination, harassment, intimidation or bullying against any protected group on the basis of the actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, immigration status, citizenship, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, marital status, sex, sexual orientation, or any combination of those characteristics, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics or any combination of those characteristics in any OSCA program or activity.¹ Unlawful discrimination includes, but is not limited to, noncompliance with Education Code sections 243(a) or 244.
2. Complaints alleging a violation of state or federal law or regulation governing the following programs:
 - Accommodations for Pregnant, Parenting or Lactating Students;
 - Adult Education Programs;
 - Career Technical and Technical Education and Training Programs;
 - Child Care and Development Programs;
 - Migrant Child Education Programs;
 - Consolidated Categorical Aid Programs;
 - Every Student Succeeds Act;
 - Education or graduation of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a public school, Migratory Children and Children of Military Families;
 - Regional Occupational Centers and Programs; and/or
 - School Safety Plans
3. Complaints alleging that a student enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.
 - a. "Educational activity" means an activity offered by the charter school that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.

¹ In accordance with 5 C.C.R. 4611, employment discrimination complaints are not subject to the UCP.
Updated 7/2026

- b. “Pupil fee” means a fee, deposit or other charge imposed on students, or a student’s parents/guardians, in violation of Education Code section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all students without regard to their families’ ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:
 - i. A fee charged to a student as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory or is for credit.
 - ii. A security deposit, or other payment, that a student is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.
 - iii. A purchase that a student is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.
 - c. Complaints regarding pupil fees, local control and accountability plans (“LCAP”), or noncompliance with Education Code sections 243 or 244 only, may be filed anonymously (without an identifying signature) if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the respective applicable laws.
 - d. If OCSA finds merit in a pupil fees complaint, or the California Department of Education (“CDE”) finds merit in an appeal, OCSA shall provide a remedy to all affected students, parents/guardians that, where applicable, includes reasonable efforts by OCSA to ensure full reimbursement to all affected students and parents/guardians, subject to procedures established through regulations adopted by the state board.
 - e. Nothing in this Policy shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or OCSA and other entities from providing student prizes or other recognition for voluntarily participating in fundraising activities.
4. Complaints alleging noncompliance with the requirements governing the Local Control Funding Formula (“LCFF”) or LCAP under Education Code sections 47606.5 and 47607.3, as applicable. If OCSA adopts a School Plan for Student Achievement in addition to its LCAP, complaints of noncompliance with the requirements of the School Plan for Student Achievement under Education Code sections 64000, 64001, 65000, and 65001 shall also fall under this Policy.

Complaints alleging noncompliance regarding child nutrition programs established pursuant to Education Code sections 49490-49590 no longer fall under the UCP. Instead, they are governed by Title 7, Code of Federal Regulations (“C.F.R.”) sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n), and 250.15(d) and Title 5, California Code of Regulations (“C.C.R.”) sections 15580 - 15584.

Complaints alleging noncompliance regarding special education programs established pursuant to Education Code sections 56000-56865 and 59000-59300 no longer fall under the UCP. Instead, they are governed by the procedures set forth in 5 C.C.R. sections 3200-3205 and 34 C.F.R. sections 300.151-300.153.

OCSA acknowledges and respects every individual's right to privacy. Unlawful discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects (to the greatest extent reasonably possible and as permitted by law) confidentiality of the parties, including but not limited to the identity of the complainant, and maintains the integrity of the process. OCSA cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, OCSA will attempt to do so as appropriate. OCSA may find it necessary to disclose information regarding the complaint/complainant to the extent required by law or necessary to carry out the investigation or proceedings, as determined by the OCSA Dean of Administrative Operations or designee on a case-by-case basis. OCSA shall ensure that complainants are protected from retaliation.

Compliance Officer

The Board of Trustees designates the following compliance officer to receive and investigate complaints and to ensure OCSA's compliance with law:

OCSA Dean of Administrative Operations
1010 North Main Street, Santa Ana, CA 92701
714.560.0900 ext. 6402
abbe.levine@ocsarts.net

The OCSA Dean of Administrative Operations or designee shall ensure that the compliance officer designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. The compliance officer may have access to legal counsel as determined by the OCSA Dean of Administrative Operations or designee.

Should a complaint be filed against the OCSA Dean of Administrative Operations, the compliance officer for that case shall be the OCSA Chief Operations Officer.

Notifications

The OCSA Dean of Administrative Operations or designee shall make available copies of this Policy free of charge. The annual notice of this Policy may be made available on OCSA's website.

OCSA shall annually provide written notification of OCSA's UCP to employees, students, parents/guardians, advisory committees, private school officials or representatives, and other interested parties as applicable.

The annual notice shall be in English. When necessary, under Education Code section 48985, if fifteen (15) percent or more of the students enrolled in OCSA speak a single primary language other than English, this annual notice will also be provided to the parent/guardian of any such students in their primary language.

The annual notice shall include the following:

1. A list of the types of complaints that fall under the scope of the UCP and the state and federal provisions that govern complaints regarding child nutrition programs and special education programs.
2. A statement clearly identifying any California State preschool programs that OCSA is operating as exempt from licensing pursuant to Health and Safety Code section 1596.792(o) and corresponding

Title 5 health and safety regulations, and any California State preschool programs that OCSA is operating pursuant to Title 22 licensing requirements.

3. A statement that OCSA is primarily responsible for compliance with federal and state laws and regulations.
4. A statement that a student enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
5. A statement identifying the title of the compliance officer, and the identity(ies) of the person(s) currently occupying that position, if known.
6. A statement that if a UCP complaint is filed directly with the CDE and the CDE determines that it merits direct intervention, the CDE shall complete an investigation and provide a written decision to the complainant within sixty (60) calendar days of receipt of the complaint, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant.
7. A statement that the complainant has a right to appeal OCSA's decision to the CDE by filing a written appeal within thirty (30) calendar days of the date of OCSA's Decision, except if OCSA has used its UCP to address a complaint that is not subject to the UCP requirements.
8. A statement that a complainant who appeals OCSA's decision on a UCP complaint to the CDE shall receive a written appeal decision within sixty (60) calendar days of the CDE's receipt of the appeal, unless extended by written agreement with the complainant or the CDE documents exceptional circumstances and informs the complainant.
9. A statement that if OCSA finds merit in a UCP complaint, or the CDE finds merit in an appeal, OCSA shall take corrective actions consistent with the requirements of existing law that will provide a remedy to the affected student and/or parent/guardian as applicable.
10. A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code section 262.3.
11. A statement that copies of OCSA's UCP shall be available free of charge.

Procedures

The following procedures shall be used to address all complaints which allege that OCSA has violated federal or state laws or regulations enumerated in the section "Scope," above. The compliance officer shall maintain a record of each complaint and subsequent related actions for at least three (3) calendar years.

All parties named 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, including a person's duly authorized representative or an interested third party, public agency, or organization may file a written complaint of alleged noncompliance or unlawful discrimination, harassment, intimidation or bullying pursuant to this Policy.

A complaint of unlawful discrimination, harassment, intimidation or bullying may be filed by an individual who alleges that that individual has personally suffered unlawful discrimination, harassment, intimidation or bullying or by one who believes any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation or bullying, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. An investigation of alleged unlawful discrimination, harassment, intimidation or bullying shall be initiated by filing a complaint no later than six (6) months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying unless the time for filing is extended by the OCSA Dean of Administrative Operations or designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the OCSA Dean of Administrative Operations or designee shall be made in writing. The period for filing may be extended by the OCSA Dean of Administrative Operations or designee for good cause for a period not to exceed ninety (90) calendar days following the expiration of the six-month time period. The OCSA Chief Operations Officer shall respond immediately upon receipt of a request for extension.

All other complaints under this Policy shall be filed not later than one (1) year from the date the alleged violation occurred. For complaints relating to the LCAP, the date of the alleged violation is the date on which the OCSA Board of Trustees approved the LCAP or the annual update was adopted by OCSA.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and date stamp.

Complaints filed pursuant to this Policy must be in writing and signed. A signature may be handwritten, typed (including in an email) or electronically generated. Only complaints regarding pupil fees, LCAP, or noncompliance with Education Code section 243 or 244 may be filed anonymously as set forth in this Policy. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, OCSA staff shall assist the complainant in the filing of the complaint.

- **Step 2: Mediation**

Within three (3) business days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.

Before initiating the mediation of an unlawful discrimination, harassment, intimidation or bullying complaint, 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 complaint to the satisfaction of the complainant, the compliance officer shall proceed with the investigation of the complaint.

The use of mediation shall not extend OCSA's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

- **Step 3: Investigation of Complaint**

The compliance officer is encouraged to hold an investigative meeting within five (5) business days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or the complainant's representative to repeat the complaint orally.

The complainant and/or the complainant's representative shall have an opportunity to present evidence or information leading to evidence to support the allegations in the complaint.

A complainant's refusal to provide the compliance officer with documents or other evidence related to the allegations in the complaint, or a complainant's failure or refusal to cooperate in the investigation or the complainant's 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.

OCSA's refusal to provide the compliance officer with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement 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.

- **Step 4: Final Written Decision**

OCSA shall issue an investigation report (the "Decision") based on the evidence. OCSA's Decision shall be in writing and sent to the complainant within sixty (60) calendar days of OCSA's receipt of the complaint unless the timeframe is extended with the written agreement of the complainant. OCSA's Decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The Decision shall include:

1. The findings of fact based on evidence gathered.
2. The conclusion providing a clear determination for each allegation as to whether OCSA is in compliance with the relevant law.
3. Corrective actions, if OCSA finds merit in the complaint and any are warranted or required by law.
4. Notice of the complainant's right to appeal OCSA's Decision within thirty (30) calendar days to the CDE, except when OCSA has used its UCP to address complaints that are not subject to the UCP requirements.
5. Procedures to be followed for initiating such an appeal.

If an employee is disciplined as a result of the complaint, the Decision shall simply state that effective action was taken and the employee was informed of OCSA's expectations. The Decision shall not give any further information as to the nature of the disciplinary action except as required by applicable law.

Appeals to the CDE

If dissatisfied with the Decision, the complainant may appeal in writing to the CDE within thirty (30) calendar days of receiving the Decision. The appeal shall be accompanied by a copy of the complaint filed with OCSA and a copy of the Decision. When appealing to the CDE, the complainant must specify and explain the basis for the appeal, including at least one of the following:

1. OCSA failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, OCSA's Decision lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in OCSA's Decision are not supported by substantial evidence.
4. The legal conclusion in OCSA's Decision is inconsistent with the law.
5. In a case in which OCSA's Decision found noncompliance; the corrective actions fail to provide a proper remedy.

Upon notification by the CDE that the complainant has appealed the Decision, the OCSA Dean of Administrative Operations or designee shall forward the following documents to the CDE within ten (10) calendar days of the date of notification:

1. A copy of the original complaint.
2. A copy of the Decision.
3. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties or gathered by the investigator.
4. A report of any action taken to resolve the complaint.
5. A copy of OCSA's complaint procedures.
6. Other relevant information requested by the CDE.

If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to OCSA for resolution as a new complaint. If the CDE notifies OCSA that its Decision failed to address an allegation raised by the complaint and subject to the UCP process, OCSA will investigate and address such allegation(s) in accordance with the UCP requirements and provide the CDE and the appellant with an amended Decision addressing such allegation(s) within twenty (20) calendar days of the CDE's notification. The amended Decision will inform the appellant of the right to separately appeal the amended Decision with respect to the complaint allegation(s) not addressed in the original Decision.

Within thirty (30) calendar days of the date of the CDE's appeal Decision pursuant to 5 C.C.R. section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction ("SSPI") or the SSPI's designee. The request for reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE's appeal Decision. The SSPI will not consider any information not previously submitted to the CDE by a party during the appeal unless such information was unknown to the party at the time of the appeal and, with due diligence, could not have become known to the party. Pending the SSPI's response to a request for reconsideration, the CDE appeal Decision remains in effect and enforceable, unless stayed by a court.

The CDE may directly intervene in the complaint without waiting for action by OCSA when one of the conditions listed in 5 C.C.R. section 4650 exists, including but not limited to cases in which through no fault of the complainant, OCSA has not taken action within sixty (60) calendar days of the date the complaint was filed with OCSA.

Complaints alleging noncompliance with Education Code section 243 or 244 may be filed with the SSPI directly, and the SSPI may directly intervene without waiting for an investigation by OCSA. The complainant shall present the SSPI with evidence that supports the basis for the direct filing and why immediate action is necessary.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of OCSA'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 unlawful discrimination complaints arising under state law, however, a complainant must wait until sixty (60) calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The waiting period does not apply to injunctive relief and is applicable only if OCSA has appropriately, and in a timely manner, apprised the complainant of their right to file a complaint.

UNIFORM COMPLAINT PROCEDURE FORM

Last Name: _____ First Name/MI: _____

Student Name (if applicable): _____ Grade: _____ Date of Birth: _____

Street Address/Apt.#: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Cell Phone: _____ Work Phone: _____

School/Office of Alleged Violation: _____

For allegation(s) of noncompliance, please check the program or activity referred to in your complaint, if applicable:

- | | | |
|--|---|---|
| ☐ Adult Education Programs | ☐ Every Student Succeeds Act | ☐ School Plans for School Achievement |
| ☐ Career Technical and Technical Education and Training | ☐ Local Control Funding Formula/ Local Control and Accountability Plan | ☐ Pupil Fees |
| ☐ Child Care and Development Programs | ☐ Migrant Child Education Programs | ☐ Pregnant, Parenting, or Lactating Students |
| ☐ Consolidated Categorical Aid Programs | ☐ Regional Occupational Centers and Programs | |
| ☐ Education or graduation of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a Public School, Migratory Children and Children of Military Families | | |

For allegation(s) of unlawful discrimination, harassment, intimidation or bullying, please check the basis of the unlawful discrimination, harassment, intimidation or bullying described in your complaint, if applicable:

- | | | |
|---|---|--|
| ☐ Age | ☐ Genetic Information | ☐ Sex (Actual or Perceived) |
| ☐ Ancestry | ☐ Immigration Status/Citizenship | ☐ Sexual Orientation (Actual or Perceived) |
| ☐ Color | ☐ Marital Status | ☐ Based on association with a person or group with one or more of these actual or perceived characteristics |
| ☐ Disability (Mental or Physical) | ☐ Medical Condition | |
| ☐ Ethnic Group Identification | ☐ Nationality / National Origin | |
| ☐ Gender / Gender Expression / Gender Identity | ☐ Race or Ethnicity | |
| | ☐ Religion | |

1. Please give facts about the complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.

2. Have you discussed your complaint or brought your complaint to any OCSA personnel? If you have, to whom did you take the complaint, and what was the result?

3. Please provide copies of any written documents that may be relevant or supportive of your complaint.

I have attached supporting documents.

☐ Yes

☐ No

Signature: _____ Date: _____

Mail complaint and any relevant documents to the Compliance Officer:

OCSA Dean of Administrative Operations
1010 North Main Street, Santa Ana, CA 92701
714.560.0900 ext. 6402
abbe.levine@ocsarts.net

Prohibition Against Sex Discrimination

OCSA expressly prohibits harassment and other discrimination on the basis of sex including, but not limited to, the following practices:

- a) On the basis of sex, exclusion of a person or persons from participation in, denial of the benefits of, or subjection to harassment or other discrimination in, any academic, extracurricular, conservatory, or other program or activity.
- b) On the basis of sex, provision of different amounts or types of student financial aid, limitation of eligibility for student financial aid, or the application of different criteria to applicants for student financial aid or for participation in the provision of student financial aid by others.
- c) On the basis of sex, exclusion from participation in, or denial of equivalent opportunity in, athletic programs.
- d) On the basis of sex, harassment or other discrimination among persons, including, but not limited to, students and nonstudents, or academic and nonacademic personnel, in employment and the conditions thereof, except as it relates to a bona fide occupational qualification.
- e) On the basis of sex, the application of any rule concerning the actual or potential parental, family, or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions.

Complaints regarding allegations of discrimination or harassment in violation of this policy may be submitted in writing to any OCSA management employee, or directed to the OCSA Dean of Administrative Operations, OCSA's Compliance Officer, who shall investigate the complaint and respond to complainant. OCSA will maintain the confidentiality of the parties involved to the extent possible during the investigation process. Contact Information:

OCSA Dean of Administrative Operations
1010 North Main Street, Santa Ana, CA 92701
714.560.0900 ext. 6402
abbe.levine@ocsarts.net

Non-Discrimination Policy

The Orange County School of the Arts (“OCSA”) is committed to providing equal opportunity for all individuals in OCSA programs and activities. OCSA programs, activities, practices, and employment shall be free from unlawful discrimination, including discriminatory harassment, sexual harassment, intimidation, and bullying against an individual or group based the individual’s actual or perceived race, color, ancestry, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression; a perception of one or more of such characteristics; or association with a person or a group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance, and to acts which occur off campus or outside of school-related or school-sponsored activities which may have an impact or create a hostile environment at school.

Unlawful discrimination, including discriminatory harassment, sexual harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, 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.

Unlawful discrimination also includes disparate treatment of individuals based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

OCSA also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Chief Executive Officer or designee shall facilitate access to OCSA’s educational program by publicizing OCSA’s nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Chief Executive Officer or designee shall post OCSA’s policies prohibiting discrimination, harassment, intimidation, and bullying on OCSA’s web site in a manner that is easily accessible to parents/guardians and students, in accordance with law.

The Chief Executive Officer or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase

the school community's understanding of the requirements of law related to discrimination. The Chief Executive Officer or designee shall regularly review the implementation of OCSA's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in OCSA's educational program. The Chief Executive Officer or designee shall report the findings and recommendations to the Board after each review.

Students who engage in unlawful discrimination, including discriminatory harassment, sexual harassment, intimidation, bullying, or retaliation in violation of law or OCSA policy shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, sexual harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

Process for Initiating and Responding to Complaints

Students who feel that they have been subjected to unlawful discrimination described above or in OCSA policy are strongly encouraged to immediately contact the compliance officer, site administrator, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the compliance officer site administrator, whether or not the alleged victim files a complaint. OCSA's compliance officer may be contacted at:

OCSA Dean of Administrative Operations
1010 North Main Street, Santa Ana, CA 92701
(714) 560-0900, ext. 6402
abbe.levine@ocsarts.net

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or site administrator within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the site administrator or compliance officer, the site administrator or compliance officer shall make a note of the report and encourage the student or parent/guardian to file the complaint in writing, pursuant to the provisions in OCSA's Uniform Complaint Procedures. Once notified verbally or in writing, the site administrator or compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have

access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, sexual harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Any report or complaint alleging of unlawful discrimination by the site administrator, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Chief Executive Officer or designee who shall determine how the complaint will be investigated.

Nondiscrimination in OCSA Programs and Activities

All individuals shall be treated equitably in the receipt of OCSA services. Personally identifiable information collected in the implementation of any OCSA program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Chief Executive Officer or designee authorizes its use for another purpose in accordance with law. Resources and data collected by OCSA shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

The Chief Executive Officer or designee shall annually review OCSA programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing OCSA programs and activities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Chief Executive Officer or designee shall report his/her findings and recommendations to the Board after each review.

All allegations of unlawful discrimination in OCSA programs and activities shall be investigated and resolved in accordance with the procedures specified in OCSA's Uniform Complaint Procedures.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Chief Executive Officer or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about OCSA's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by OCSA. The notification shall also be posted on OCSA's web site and in school,

including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Chief Executive Officer or designee. (Education Code 234.7)

OCSA's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of OCSA's students speak a single primary language other than English, those materials shall be translated into that other language.

Transgender and Gender-Nonconforming Students

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

OCSA prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited by OCSA, and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity.
2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender

identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable.

3. Blocking a student's entry to the restroom that corresponds to his/her gender identity.
4. Taunting a student because the student participates in an activity more typically favored by a student of the other sex.
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent.
6. Using gender-specific slurs.
7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression.

OCSA's Uniform Complaint Procedures shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by OCSA of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and OCSA policy, OCSA shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's transgender or gender-nonconforming status is the student's private information and OCSA shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when OCSA has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, OCSA shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by OCSA pursuant to 34 CFR 99.31. Any OCSA employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to an OCSA employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this policy, and shall inform the student that honoring the student's request may limit OCSA's ability to meet the student's needs related to the student's status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-

nonconformity status or gender identity or gender expression to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. OCSA shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless OCSA personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as a transgender or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.
4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** When OCSA maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in sex-segregated facilities, OCSA shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after other students. However, OCSA shall not require a student to utilize these options because the student is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. When a student presents government-issued documentation of a name and/or gender change or submits a request for a name and/or gender change through the process specified in Education Code 49070, OCSA shall update the student's records. (Education Code 49062.5, 49070)
6. Names and Pronouns: If a student so chooses, OCSA personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official OCSA record. However, inadvertent slips or honest mistakes by OCSA personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this policy.
7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity.

Access for Individuals with Disabilities

OCSA programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing OCSA facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Chief Executive Officer or designee shall develop a transition plan that sets forth the steps for completing the changes.

The Chief Executive Officer or designee shall ensure that OCSA provides appropriate 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, assistive technologies or other modifications to increase accessibility to OCSA web sites, notetakers, written materials, taped text, and Braille or large print materials. Individuals with disabilities shall notify the Chief Executive Officer or site administrator if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

The individual identified in OCSA's Uniform Complaint Procedures as the employee responsible for coordinating OCSA's response to complaints and for complying with state and federal civil rights laws is hereby designated as OCSA's ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to OCSA programs, services, activities, or facilities. The coordinator/compliance officer may be contacted at: (Education Code 234.1; 5 CCR 4621)

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(714) 560-0900, ext. 6402
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Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying of OCSA students and to ensure equal access of all students to the educational program, the Chief Executive Officer or designee shall implement the following measures:

1. Publicize OCSA's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through OCSA-supported communications.
2. Post OCSA's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying in a prominent location on OCSA's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)
3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on OCSA's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)
4. Post in a prominent and conspicuous location on OCSA's web site, in a manner that is easily accessible to parents/guardians and students, information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.61, 234.6)
 - a. The name and contact information of OCSA's Title IX coordinator, including the phone number and email address.
 - b. The rights of students and the public and the responsibilities of OCSA under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR).
 - c. A description of how to file a complaint of noncompliance with Title IX in accordance with OCSA's Uniform Complaint Procedures, which shall include:
 - (1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations.

- (2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site.
 - (3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office.
 - d. A link to the Title IX information included on the California Department of Education's (CDE) web site.
- 5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on OCSA's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)
- 6. Provide to students a handbook that contains age-appropriate information that clearly describes OCSA's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.
- 7. Annually notify all students and parents/guardians of OCSA's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from OCSA's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, OCSA will address any individual student's interests and concerns in private.
- 8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in OCSA's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled speak a single primary language other than English, OCSA's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, OCSA shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

- 9. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding OCSA's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation,

or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines OCSA may use to provide a discrimination-free environment for OCSA students, including transgender and gender-nonconforming students.

10. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

11. At the beginning of each school year, inform OCSA's site administrator or designee of OCSA's responsibility to provide appropriate assistance or resources to protect students from threatening or potentially discriminatory behavior and ensure their privacy rights.

Enforcement of OCSA Policy

The Chief Executive Officer or designee shall take appropriate actions to reinforce OCSA's Nondiscrimination Policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.
2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond.
3. Disseminating and/or summarizing OCSA's policy regarding unlawful discrimination.
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community, the school's response plan to unlawful discrimination or harassment.
5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of OCSA policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true.

Record-Keeping

The Chief Executive Officer or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, sexual harassment, intimidation, or bullying, to enable OCSA to monitor, address, and prevent repetitive prohibited behavior.

Use of School Name and Materials Policy

- a. Intellectual Property Rights/Proprietary Information. As used in this Agreement, “Intellectual Property Rights” mean any and all now known or hereafter existing rights associated with works of authorship or inventions throughout the universe, including but not limited to copyrights, patents, trademarks, and all other intellectual and industrial property and proprietary rights (of every kind and nature throughout the universe and however designated) relating to intangible property.

When Employee is specifically contracted to complete Work Products beyond Duties (section 4) and receives additional compensation from OCSA, OCSA owns all rights in and to said Work Products. The assignment of all rights, titles, and interest in the Work Products to OCSA is a transfer to OCSA of the full ownership in and of the work(s), including all rights of reproduction, distribution, display, and the right to create derivative works. Employee further acknowledges that OCSA may register the copyright for the Work Products or derivative work in its own name or that of any of its designees for the full term of copyright and all renewals and extensions thereof. Alternatively, the Employee owns all Intellectual Property Rights when work is completed within the scope of Duties (Section 4), and Employee grants OCSA a non-exclusive license to use the work in perpetuity.

Employee hereby agrees to provide OCSA with reasonable assistance to further evidence and record OCSA’s Intellectual Property Rights, and Employee will make no claim inconsistent with OCSA’s Intellectual Property Rights. All value and goodwill accruing in connection with the Work Products created under this Agreement will inure to the sole benefit of OCSA.

- b. Confidential Information: Employee agrees that all student and OCSA lists, e-mail addresses used by OCSA employees or students, services, products, student records, plans, reports, marketing, expansion, technology, and processes of OCSA are valuable, special and unique assets of OCSA (collectively “Confidential Information”). Employee acknowledges they will have access to and knowledge of Confidential Information and that access to and knowledge of Confidential Information is essential to the performance of duties under this Agreement. In consideration of Employee’s access to this Confidential Information, Employee agrees that except as specifically authorized in writing by OCSA, Employee will not, directly or indirectly, (i) disclose any Confidential Information to any person or entity, (ii) make use of any Confidential Information for their own purposes or for the benefit of any other person or entity, other than OCSA.
- c. Non-Interference Covenant and Compliance: In addition to any other covenants or agreements to which Employee may be subject, Employee will not, directly or indirectly, either as an individual or Employee or as an employee of others, induce, directly or indirectly, the agents, vendors, parents, contractors, dealers, students,

Employees, Program Directors, administrators, or OCSA staff to discontinue its relationship with OCSA.

- d. Prior Approval of Advertising: Any proposal for the use of OCSA names, trademarks, and logos must be submitted to OCSA in writing for written approval prior to such use. OCSA's prior written approval must be obtained for all advertising or promotional media, including newspaper advertisements, audio or videotapes, posters or flyers, and other such promotional means. Employee shall have sole responsibility for obtaining OCSA's prior written approval for every advertisement.
- e. Trademarks and Logos: OCSA corporate names, trademarks, and logos are OCSA's property and may not be used in any manner, including the reproduction of literature or advertising without prior written consent from OCSA.
- f. Copyrighted Material: All OCSA literature and Internet home page files and content are copyrighted and may not be duplicated in any form without express prior written consent of OCSA. This restriction includes but is not limited to photocopies, graphic reproductions, translated verbiage, OCSA product and service photos, student and parent likenesses, and images taken in part or in or out of context.
- g. Recorded Messages: Any recorded message, including voice messages, used in any way that refers to OCSA names, trademarks, or logos must be presented to OCSA in written script form for approval prior to any use.
- h. Return of Materials Upon Termination of Agreement: In the event of termination of the Employee Agreement, Employee shall return any OCSA materials, in the possession of Employee, including but not limited to, keys student information and records, access codes and passwords, computers, software, school and OCSA assets and any other information and materials obtained by Employee in connection with the Employee Agreement. Further, by signing the Employee Agreement and this Agreement, Employee specifically acknowledges that the costs associated with any School property that they maintain upon termination, including all required paperwork and instructional materials, shall be deducted from the final payment for services.

Appropriate Staff Interaction with Students Policy

The Orange County School of the Arts (OCSA) Board of Trustees expects OCSA employees to maintain the highest ethical standards, behave professionally, follow OCSA policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employees shall engage in conduct that enhances the integrity of the school, advances the goals of OCSA's educational programs, and contributes to a positive school climate.

The educational process requires healthy and appropriate relationships between staff and students that promote academic, intellectual, physical, social, and emotional wellbeing. The purpose of this policy is to provide all staff, students, volunteers, and community members with information to increase their awareness of their role in promoting student safety and well-being, and to help staff avoid behaviors that undermine the professional adult/student relationship that can lead to misconduct or the appearance of impropriety.

All OCSA employees have a primary obligation to treat students with dignity and respect. Employees are expected to act in a professional, moral, and ethical manner in their interactions with students and in a way that is conducive to creating an effective and safe learning environment. Employees promote the health, safety and well-being of students by establishing and maintaining age-appropriate verbal, physical, emotional and social boundaries.

Relationships between employees and students should be consistent with the educational mission of the schools. All interactions with students should serve a legitimate educational purpose. For purposes of this policy, the term “legitimate educational purpose” includes matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student’s physical injury or other medical needs, school administration, or other purposes within the scope of the employee’s duties.

The Board of Trustees encourages OCSA employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong. In addition to those standards, staff should be guided by the standards listed below.

1. All staff are expected to observe the individual rights and dignity of students by:
 - Respecting students by taking into account their age, gender, culture, setting, and socioeconomic context;
 - Interacting with students with transparency and in appropriate settings;
 - Communicating with students in a clear, respectful, ethical, and sensitive manner;
 - Avoiding relationships with students that do not have a legitimate educational purpose, or that risk harm to student learning or well-being or decrease educator effectiveness;
 - Engaging in physical contact with students only when there is a clearly defined purpose that benefits the student and continually keeps the safety and well-being of the student in mind;
 - Avoiding interactions, communication, and situations that reasonably suggest

- the perception of inappropriate romantic/sexual adult relations with students or that violate socially acceptable boundaries with them;
 - Considering the ramifications of continuing relationship of any kind with a former student, including but not limited to, any potential harm to the former student, public perception, and the possible impact on the educator's career.
2. All staff shall demonstrate an ethic and obligation of care through:
 - Establishing and maintaining an environment that promotes the emotional, intellectual, and physical, safety of all students.
 - Seeking to understand student educational, academic, personal, and social needs as well as student values, beliefs, and cultural background;
 - Respecting the dignity, worth, and uniqueness of each individual student including, but not limited to, actual and perceived gender, gender expression, gender identity, civil status, family status, sexual orientation, religion, age, disability, race, ethnicity, socio-economic status, and culture;
 - Following all responsibilities of a mandated reporter of suspected child abuse;
 - Immediately reporting to OCSA administrators observed behaviors or behaviors reported to them that reasonably suggest real or perceived inappropriate adult relations between students and staff;
 3. All staff shall model appropriate digital/cyber/electronic citizenship by using technology and electronic means of communication that promote learning, increase access to learning, and keep students safe by:
 - Following all OCSA policies and guidelines for the use of technology, social media, email, texting, messaging, etc.;
 - Using only OCSA sponsored and approved platforms to communicate with students;
 - Communicating with groups of students and individual students in a transparent manner that demonstrably supports the educational mission and serves a legitimate educational purpose;
 - Avoiding one-to-one communication with students to the degree possible that can lead to misconduct and the appearance of impropriety, or that reasonably gives the perception that such communication does not have a legitimate educational purpose directly related to the job duties of the employee;
 - Respecting the privacy of students and the need to protect the privacy of student information obtained in the course of professional practice;
 - Upholding parents'/guardians' legal rights, as well as any legal requirements to reveal information related to legitimate concerns for the well-being of a student;
 - Protecting the confidentiality of student records and releasing personal data in accordance with prescribed state and federal laws and local policies.

OCSA expects its staff to act in a manner that reflects professional, moral, and ethical practices within established boundaries. OCSA staff members are expected to maintain an atmosphere conducive to learning, and interactions with students must be consistent with the educational

mission of OCSA and legitimate educational purpose within the scope of the staff member's employment duties.

This policy addresses a range of behaviors that constitute improper interactions with students, including boundary blurring and grooming behavior that undermine the professional adult/student relationship that can lead to misconduct or the appearance of impropriety.

Therefore, all employees shall:

1. Communicate and interact with students in a manner that respects student rights to a safe and secure environment.
2. Maintain appropriate boundaries with students that are consistent with their role, duties, responsibilities, within accepted norms of behavior for the educational setting, and in a manner that a reasonable person would not interpret as inappropriate. Examples of boundary violations include but are not limited to the following:

- a. Singling or seeking out a specific student which may create excessive emotional attachment for all parties or may be perceived as a "special relationship" or as acting in a "parental" role;
- b. Entering into or attempting to form a flirtatious, romantic or sexual relationship with any student, regardless of the student's age;
- c. Inappropriate physical contact with a student without a legitimate educational purpose, including grabbing, touching, tickling, stroking hair, cuddling, sitting on lap, etc. and or prolonged hugging;

Note that legitimate purposes could include, but are not limited to, the following: assisting an injured student; assisting a student with special needs with toileting or other physical assistance; appropriate coaching instruction; appropriate performing arts instruction; or to protect the safety of students or staff;

- d. Kissing of any kind;
 - e. Showing inappropriate images, photographs, videos or other content to a student;
 - f. Taking photographs or videos of students outside of school sponsored events or activities, or that do not have a specific educational purpose;
 - g. Telling sexual jokes or commenting about the physical attractiveness of students in a sexualized manner;
 - h. Giving or exchanging personal gifts, cards, and letters with an individual student for which it is directly or implicitly suggested that a student is to say or do something in return that does not have a legitimate educational purpose; and
 - i. Using student bathrooms (except when no other facilities are available/near by)
3. Understand that staff should not be alone with a single student and may only be alone with a single student on school premises during the normal school day when:

- a. It is a requirement of the employee's position, role, duties, or responsibilities;
 - b. The employee's supervisor has deemed it educationally necessary and has authorized it in advance; and
 - c. The employee takes reasonable precautions to make sure that the interaction with the student is visible and/or audible to others.
- 4. Employees must obtain written (or verbal in emergency circumstances) approval in advance from their supervisor and the student's parent/guardian to engage in the following conduct:
 - a. Participate in non-school-related extracurricular activities outside of school premises;
 - b. Meet with students outside of the normal school day;
 - c. Visit a student's home;
 - d. Invite students to social events or activities off school premises;
 - e. Transport a student alone in the employee's personal vehicle; and
 - f. Conduct instruction outside of the normal school day or outside of school premises.
- 5. Employees must refrain from unauthorized and inappropriate communications, and avoid appearances of impropriety in communications with students. This restriction applies to all means of communication, including electronic mail, texting and online interactions.

Factors that may be considered in determining whether communication is inappropriate include but are not limited to:

- a. Use of the employee's personal social media or communication platforms to communicate with students, including "friending" or "following" OCSA students, even if they are adult students;
- b. The subject, content, purpose, authorization, timing, and frequency of communications;
- c. If the content of communication is sexual in nature or sexually explicit;
- d. Use of a platform that automatically erases communications or provides features that are intended to hide or alter communication history;
- e. Actions taken by the employee intended to delete or alter records of the interaction(s) with the student; and
- f. If the communication is not related to homework, school work, or some other legitimate school business.

OCSA employees should use appropriate discretion when using social networks and communication platforms for personal communications and should limit this activity to off-duty hours and the use of their personal electronic communication devices. Information posted online, despite privacy protections, can be exposed to unintended recipients. To avoid jeopardizing their professional effectiveness, employees are encouraged to familiarize

themselves with the privacy policies, settings, and protections on any social networking websites or communication platforms to which they choose to subscribe.

Exceptions

There may be an occasion when an emergency or unforeseen circumstance may result in a deviation from professional boundaries set out in this policy. In such an event, the adult shall be prepared to provide support and justification for any deviation from the requirements of the OCSA Policy and must demonstrate that he/she has maintained an appropriate relationship with the student.

There may be circumstances where there is an appropriate pre-existing relationship between a staff member and a student's family that exists independently of the staff member's position with OCSA. For example, an employee's child may be friends with a student. This policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. However, staff members are encouraged to maintain professional boundaries appropriate to the nature of the activity.

It is understood that staff members may be involved in other roles in the community through community groups and organizations whose participants or members may include students. This policy is not intended to interfere with or restrict a staff member's ability to serve in such roles; however, staff members are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.

Duty to Report

All OCSA staff are mandated reporters. Employees are required, by law, to report all known or suspected cases of child abuse or neglect. It is not the responsibility of the mandated reporter to determine whether the allegations are valid. If child abuse or neglect is reasonably suspected or if a student shares information with a mandated reporter leading him/her to reasonably believe abuse or neglect has taken place, the report must be made. No supervisor or administrator can impede or inhibit a report or subject the reporting person to any sanction.

To make a report, an employee must contact an appropriate local law enforcement or county child welfare agency, listed below.

1. A Police or Sheriff's Department (not including a school security department).
2. A County Welfare Department/County Child Protective Services.

This legal obligation is not satisfied by making a report of the incident to a supervisor or to the school. A verbal report must be made as soon as practically possible and followed with a written report within 36 hours. Full information about the duties of Mandated Reporters is found in the Child Abuse Reporting Act, Penal Code section 11165 et seq.

A staff member who observes or has knowledge of another adult or staff member's violation of this policy or related procedures addressing appropriate staff interactions with students shall immediately report the information to a site administrator or an administrator in Human Resources. If reported to a site administrator, he/she shall confer with an administrator in Human Resources to appropriately document and investigate the report. If the supervisor is the subject of the report, the staff member will report instead to an administrator in Human Resources.

In addition, any staff to student behavior that may be in violation of this policy and/or OCSA policy relating to sexual harassment shall be reported to the OCSA Title IX Coordinator.

Investigation

Whenever OCSA receives a report concerning a possible professional standards violation, a report shall be made to the Title IX Coordinator, per related OCSA policy who will determine whether initiation of the Title IX complaint and investigation process is necessary. If necessary, a site supervisor and/or a Human Resources administrator will conduct a prompt investigation.

Immediate intervention shall be considered and implemented when necessary to protect student safety and/or the integrity of the investigation.

Disciplinary Action

OCSA's Professional Standards provide general guidance but are not complete listings or definite guidance for every situation. After investigation, any employee who is found to have engaged in conduct in violation of law or OCSA policy, including violation of these Professional Standards may be subject to disciplinary action up to and including dismissal. Determinations regarding whether discipline is appropriate, and the level of discipline, are made on a

situation-by-situation basis. In the case of a certificated employee, a violation of this Professional Standards may require a report to the Commission on Teacher Credentialing. The Executive Director or designee shall notify local law enforcement as appropriate.

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

A volunteer, student teacher, independent contractor or employee of an independent contractor who violates this policy may be prohibited from working or serving in OCSA programs, or facilities as determined by the Executive Director or designee.

Reporting adults are specifically advised of the following:

1. Reporting adults are neither permitted or responsible for investigating whether conduct is appropriate; and
2. Reporting adults are required to maintain confidentiality about any report they make in relation to this Administrative Regulation.

Confidentiality protects both the student and the adult who is the subject of the report. Failure to maintain confidentiality may impede an investigation and foster untrue or potentially harmful rumors. Nothing in this policy shall prevent a represented employee from consulting with his/her exclusive representative.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

44050 Employee code of conduct; interaction with students

44242.5 Reports and review of alleged misconduct

48980 Parental notifications

PENAL CODE

11164-11174.4 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for alleged misconduct

80331-80338 Rules of conduct for professional educators

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Professional Standards for Educational Leaders