



## GREENFIELD UNION SCHOOL DISTRICT

493 El Camino Real, Greenfield, CA 93927

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[www.greenfield.k12.ca.us](http://www.greenfield.k12.ca.us)



October 22, 2024

Via Email only to: [tsanchez@greenfield.k12.ca.us](mailto:tsanchez@greenfield.k12.ca.us)

Javier Sanchez

Re: 24-Hour Notice of Closed Session Discussion/Action

Dear Mr. Sanchez,

Government Code section 54957 provides that employees be notified at least 24 hours in advance of a closed session Board discussion of "complaints or charges" regarding an employee. To the extent it applies, this is to inform you that the Governing Board of the Greenfield Union School District ("District") will hold a meeting on **October 24, 2024, at 6:00 p.m.** (or thereafter, until the meeting is adjourned), in which the Board will discuss "complaints or charges" against you.

The meeting will be held at the District Board Room, 493 El Camino Real, Greenfield, California 93927. Please notify me no later than **1:00 p.m. on October 23, 2024**, if you wish to have this matter heard in open session. If you do not exercise this right, the Board will consider this matter during its closed session.

Sincerely,

Tina Martinez

Director of Human Resources

Laura Cortez, *Interim Superintendent*

Denise Jaime, *Board President* ■ Juergen Smith, *Board Vice President* ■ Jose Madrid, *Board Clerk*

David Kong, *Board Trustee* ■ Sonia Heredia, *Board Trustee*

Tina Martinez  
Human Resources Director  
Greenfield Union School District

Dear Director Martinez,

I am writing to formally provide an explanation regarding the derogatory information recently added to my personnel file as per Education Code 44031.

To provide some context, I would like to begin by providing some background information. Toward the end of the school year in June 2024, a couple of colleagues and I, who serve as principals, collectively drafted a letter of no confidence concerning our [REDACTED] due to [REDACTED] conduct that affected all of the administrative team. This letter, sent to the Board President and Human Resources, was submitted anonymously due to the vindictive nature of [REDACTED] and our concerns about potential retaliation.

Following the submission of the anonymous letter of no confidence, on July 5, 2024, I received an email from Human Resources indicating that I was to be investigated for misconduct. Once I became the subject of the investigation, I became aware that [REDACTED] was actively seeking to discover the authors of the letter by inquiring at various schools in Greenfield. Unfortunately, this led to rumors and speculation that I was the primary author, despite the fact that most of the content originated from my fellow administrators.

Furthermore, I learned that shortly after this letter was submitted, one of our board members ran into [REDACTED] at the airport while waiting for their luggage. The board member shared that [REDACTED], who brought the allegations against me, expressed anger over the letter and declared [REDACTED] knew who wrote the letter and indicated [REDACTED] intent to retaliate against the author. It should also be noted that [REDACTED] is notably the best friend of [REDACTED]—a relationship that was openly acknowledged by [REDACTED] in a conversation with a board member.

I ask myself, how did [REDACTED] find out about the anonymous letter of no confidence? Clearly, you can deduce that [REDACTED] shared the information with [REDACTED] best friend. The confidentiality of the no-confidence letter should have been upheld, and it is perplexing and concerning that its existence was disclosed. This breach raises questions about the motives behind the current allegations against me, which I strongly contest as false.

Approximately one month later, on August 2nd, during a meeting designed to prepare for the new school year with the administrative team, the former superintendent, and cabinet members present, I was notified by Human Resources that I would be placed on administrative leave pending the investigation's outcome.

Subsequently, on the following day, one of the other principals within the Greenfield Union School District initiated contact via text message with all the principals, proposing a meeting to

discuss drafting another letter of no confidence due to [REDACTED] actions during the previous week. We convened on August 5, 2024 to address concerns impacting our schools and individual principals, acknowledging the significant issues arising from [REDACTED] leadership that were affecting the district profoundly.

During this meeting, the administrative team, perceiving undue intimidation and acknowledging the widespread challenges across the district, collectively decided to draft a new letter of no confidence. This letter was subsequently delivered to Human Resources and distributed via email to every board member to ensure transparency and document our collective concerns.

I trust this detailed account provides clarity on the circumstances surrounding these allegations and the motivations driving the false allegations against me. I will now clarify the false allegations brought forth by [REDACTED] and will address each claim specifically.

One of the primary allegations suggests that I failed to provide appropriate lactation accommodations for three teachers. I categorically state that this is untrue. During my tenure at Oak Avenue Elementary School, I diligently supported all teachers requiring lactation accommodations.

My approach was to align these accommodations with existing breaks, such as recess, prep time, and lunch, ensuring minimal disruption to the teachers' schedules. If a teacher required more time beyond their standard breaks, I implemented a system to provide the necessary coverage. This often involved:

1. Coordinating with yard duty staff to cover classrooms or extend recess time, allowing teachers adequate time for their needs.
2. Utilizing team members such as counselors to step in and provide classroom coverage.
3. Engaging classroom aides from our intervention team or special education staff to assist as needed.

We even implemented a contingency plan for unforeseen circumstances, allowing teachers to contact the front office or reach out to me directly for immediate assistance. Despite this structured support system, one teacher mentioned feeling uncomfortable texting me and deciding not to inform me of her lapse in coverage, indicating a personal choice and not a lapse in my responsibilities or readiness to assist.

The systems I implemented ensured continuous support, and I always communicated that teachers could reach out directly if needed. This demonstrates my commitment to creating a supportive and accommodating environment for all staff members.

To further address this allegation, it is important to emphasize that our contingency plan required teachers to text me or contact the front office if any issues arose. One teacher's claim that she did not text me because she feared I wouldn't respond indicates a deviation from the established protocol, undermining her claim of unmet needs.

Moreover, my job was to establish and oversee these support systems. Without being notified of any lapses, addressing unreported issues became impossible. I firmly believe that the investigation into these allegations lacked thoroughness and impartiality.

As someone with prior experience conducting investigations, the methodology employed was concerning. An unbiased approach, aiming to understand the full context and hear both parties, was not evident. The investigator appeared to rely heavily on negative statements without seeking out corroborative evidence or understanding the systems I implemented.

For instance, I cited a witness who could confirm the accommodations and support systems we had in place. However, the investigator's report claimed the witness was not always available, misrepresenting the context as we employed various strategies involving counselors, aides, and even the vice principal to ensure adequate support.

Furthermore, testimony from only the three teachers and their friends was relied upon, seemingly disregarding additional evidence and witnesses who could validate my consistent efforts and the effectiveness of our accommodations. If credibility were the central concern, the investigator neglected multiple sources and individuals who could have provided comprehensive insight into the accommodations provided.

Continuing with my letter of explanation regarding the second false allegation, I would like to address the claim that I engaged in inappropriate conduct with female teachers. This allegation is unequivocally false.

The two teachers in question have not been employed in Greenfield for the past several years, and the credibility of the witness cited in this allegation is highly questionable. This individual has a history of unprofessional conduct, including being written up for negative speech and dishonesty, arriving at work under the influence of substances due to personal issues, and violating several board policies through inappropriate behavior at staff gatherings. Despite these concerns, this person serves as the sole witness relied upon by the investigator in relation to this allegation.

Additionally, this claim directly contravenes Education Code 44944, which stipulates that no allegations should be brought against an employee based on incidents occurring more than four years prior. One accuser mentioned an alleged incident at an after-work gathering just before the pandemic led to school closures in March 2020, placing this incident beyond the permissible time frame for such allegations. Another accuser referenced an incident following a Mathletics event and subsequent wine tasting in Monterey County in 2019, which also exceeds the four-year limitation.

Furthermore, these alleged incidents did not occur during school events or working hours, but rather during personal time, further rendering these accusations irrelevant to my professional conduct and responsibilities.



In light of these points, it is evident that this allegation lacks basis and should not impugn my professional record.

Continuing with my letter of explanation regarding the third allegation, I would like to address the claim that I treated pregnant employees or employees on maternity leave differently. This allegation is unfounded and stems from a misunderstanding involving a [REDACTED] at Oak Avenue Elementary School.

[REDACTED] in question, who planned to leave for a new position in the Bay Area during the December break in 2023, persistently recommended a specific teacher as her replacement. Despite her insistence, I clarified that the hiring process must be conducted properly, which involves forming a diverse panel to interview candidates and selecting the best-qualified individual based on merit. This approach ensures transparency and fairness, contrary to her belief that a principal could simply appoint a replacement without due process.

Soon after this conversation, rumors began circulating that I was resistant to hiring the suggested teacher because she had a newborn. These rumors were baseless, and I made a concerted effort to communicate with the teacher to assure her that she would be considered fairly, based on her qualifications and not on these unfounded claims.

In March 2024, we conducted interviews for [REDACTED] position, forming a panel that evaluated all candidates. Ultimately, we decided to hire a teacher with more experience who performed excellently during the interview process. It's noteworthy that this successful candidate also [REDACTED] demonstrating that family circumstances were not a factor in our hiring decisions.

These facts counter the allegation that I discriminated against pregnant employees or those on maternity leave. Instead, my commitment to fair and equitable hiring practices has always been paramount.

To continue with my response to the third allegation, I'd like to clarify a misunderstanding surrounding training for the teacher our interview panel hired as [REDACTED]. The investigator claimed that I canceled this teacher's "Be GLAD" training sessions, suggesting this was indicative of differential treatment toward an employee on maternity leave.

The reality is more nuanced. Initially, the district provided this training opportunity and asked administrators like myself to nominate teachers. I included this teacher in the list because it promised valuable professional development. However, it was only after scheduling that I realized the training spanned four sessions over two months, coinciding with this teacher's maternity leave. To ensure she could gain the full benefit without missing half of the sessions, I initially canceled her enrollment with the intent to reschedule it for the following year.

Upon discovering that the teacher was still interested in participating in the available sessions despite her leave, I reassured her that I would confirm with the district office about attending two sessions this year and completing the others next year. Fortunately, the district office approved this arrangement, allowing her to attend the training without any disadvantage.

This sequence of events reveals that my actions were guided by fairness, aiming to align the teacher's participation with the attendance requirements and her availability. Contrary to the allegation of discriminatory practices, I actively facilitated her training, adjusting plans to accommodate her leave.

Additionally, part of these accusations included a claim that I did not wish to rehire a probationary teacher for the subsequent school year, which is entirely false since I ultimately did rehire her, further demonstrating my commitment to fair treatment for all staff.

These clarifications should illustrate that the allegations lack merit. The investigator's reliance on these misconceptions undermines the integrity of their findings.

To continue my explanation regarding false allegation number four, I would like to address the claim that I failed to support and treat Oak Avenue Elementary staff equitably. This accusation is unfounded and represents a misunderstanding of the responsibilities inherent in my role as an administrator.

The allegations presented stem from personal opinions rather than factual evidence. Many of the statements from teachers appear to correlate with dissatisfaction regarding my leadership decisions, which were undertaken in my capacity as the school leader. For instance, one teacher criticized my efforts to address her frequent absences, which averaged [REDACTED]

[REDACTED] It is important to note that this was not a casual discussion; rather, her absences created significant challenges for our students and the school as a whole.

When this teacher did not inform us of her absences ahead of time, it left students outside without supervision, particularly concerning during cold weather. We often found ourselves needing to investigate her whereabouts, as she would not communicate her absences. This pattern persisted for three years, during which I maintained regular communication with Human Resources regarding the situation.

Due to the severity of the issue, I documented her absences on multiple occasions and was advised by HR to issue write-ups. On one occasion, her unexplained disappearance led us to [REDACTED] as we were genuinely concerned about her safety.

In our discussions, I encouraged her to provide medical documentation to assist with an appropriate response from HR, which would have enabled us to support her better. However, she never submitted such documentation, indicating a lack of any formalized medical condition to justify her frequent absences.

On another occasion, this supposed credible teacher took bereavement leave due to her cat passing away, which is a complete violation of board policy.

As you can see, my actions were completely aligned with my duty to ensure the safety and well-being of our students and to hold staff accountable to their professional responsibilities. If I failed to address these concerns, it would have constituted negligence in my role as a principal.

Furthermore, in regards to allegation number four, I would like to address another claim made by a group of teachers asserting that I selectively choose certain teachers to attend conferences, which is not only false but has also been taken out of context.

At the beginning of each academic year, the district provides a calendar of available conferences, and each site is permitted to send approximately four teachers, along with an administrator, to these events. I have consistently communicated this opportunity to all staff during staff meetings, encouraging anyone interested to express their desire to attend.

Despite my ongoing efforts and reminders in morning announcements, weekly bulletins, and staff meetings, I often found that only a few teachers would sign up. Many of these conferences are out of state and require a commitment of three to four days, which understandably makes participation more challenging for some staff members.

In instances where insufficient teachers volunteered, I was directed by the district to invite those who had previously attended conferences to ensure representation from our school, which is why it may seem that the same individuals were chosen repeatedly. This approach was necessary to meet the district's requirements and ensure our school was adequately represented at these important professional development opportunities.

I have always strived to make participation equitable and inclusive; every teacher was invited to sign up for conferences, and I made significant efforts to facilitate attendance. It is perplexing and disappointing that some colleagues would misconstrue this process as favoritism or inequality when, in practice, numerous opportunities were extended to all staff.

To continue addressing false allegation number four, I would like to address another claim made by a teacher who stated that I documented classroom visits in an unproductive manner. This observation is particularly perplexing, as the documentation of my classroom visits is inherently confidential and not accessible to the teachers involved.

As an administrator, my role involves gathering information to assess teaching best practices and to inform professional development initiatives. I routinely visit classrooms to observe and take notes on effective instructional strategies, areas that may require additional support, and the implementation of specific curricula based on the teaching schedule. This includes noting whether math instruction, number talks, and blended learning activities are being executed effectively.

The purpose of this documentation is to collect data that is essential for analyzing instructional practices across our school. For example, if my observations reveal that a significant majority of teachers are struggling with a particular strategy or practice, I can respond appropriately by designing targeted professional development sessions to address those needs.

It is disheartening that this teacher has construed my diligent note-taking as "unproductive." On the contrary, my goal has always been to support all teachers in their professional growth based on sound data.

Additionally, another teacher claimed that I spent more time with newer teachers, suggesting that this was inappropriate. However, supporting our new teachers is a critical aspect of my role. They often lack the experience possessed by their veteran counterparts, making it essential for me to provide them with the guidance and resources necessary to thrive in the classroom. By investing time in our new staff, I aim to help them navigate challenges and prevent undue stress, thereby enhancing the learning environment for our students.

To continue, I want to address another claim made by a teacher who suggested that I unfairly spent more time with certain [REDACTED] teachers, specifically our [REDACTED]. This accusation is rooted in misunderstanding rather than fact.

As an administrator, one of my primary responsibilities is to support the transition of new staff members and ensure they feel equipped to succeed. Both the vice principal and the academic coach were hired mid-March, just before the end of the school year. Consequently, I dedicated significant time to guiding them during April, May, and June, ensuring they were fully prepared to hit the ground running for the upcoming school year. It was crucial for me to ensure they were familiar with our school's initiatives, discipline practices, Positive Behavioral Interventions and Supports (PBIS), and various programs, as maintaining our momentum was essential for our students' success.

Additionally, I had been mentoring [REDACTED] throughout the school year as part of her administrative credential program at CSU Monterey Bay. She, along with another teacher, had specifically requested my mentorship. I met with them regularly to discuss leadership strategies and support their professional growth. However, many teachers were unaware of this mentorship arrangement, leading them to believe that my focus on these individuals was unwarranted.

This allegation highlights how my efforts to ensure a successful transition for newly appointed staff have been misconstrued. It is essential to acknowledge that providing dedicated support to new leaders is not only part of my responsibilities but also a critical investment in the overall effectiveness of our school.

In conclusion, I hope that my detailed explanations have shed further light on the reality of the situation surrounding the false allegations made against me by certain teachers. I believe these

claims stem from retaliation due to my stand against [REDACTED] and my commitment to doing what is right for our school and community.

Having deep roots in Greenfield, with my family living in the area, I cannot fathom jeopardizing my integrity or the well-being of the community I care about so deeply. My commitment to the students and staff of Greenfield has always been unwavering.

As someone familiar with the investigation process from my previous career, I am disappointed by the handling of this situation. Much of the investigator's report is grounded in opinions and rumors rather than factual evidence. The credibility of the witnesses cited is questionable, and several statements made by teachers in the report are inherently contradictory. For instance, one teacher claimed I was indifferent to the law and I didn't care to follow it, while another stated that I only follow and abide union contract, which implies I follow the law. This contradictory information should have been part of the analysis of these claims. Another example has a teacher mention that I micromanage all things related to the site while another teacher contradicts that by stating that I don't do anything. This inconsistency reflects a lack of thorough analysis on the part of the investigator, who seemed to focus solely on negative comments without seeking a balanced assessment of the circumstances.

Additionally, I have learned that during the investigatory interviews of several staff members, the investigator exhibited bias against me, focusing her questions to elicit negative statements instead of taking a neutral approach.

Despite my intent to follow through and appeal any decisions brought forth by the board, present witness statements and evidence to clear my name, I was disheartened by the collective decision of some teachers to raise these false allegations. It has weighed heavily on my heart and contributed to my desire to move on from Greenfield. However, I remain confident that, given the opportunity, I could have demonstrated that these allegations are baseless.

Furthermore, many colleagues across our district attempted to dissuade me from moving on from Greenfield and were willing to come forward and show their overwhelming support. They have seen my strong work ethic, integrity and commitment to our school district and know the true nature of these allegations. My record speaks for itself. For the past 15 years with GUSD, I have never received a complaint. My evaluations have consistently been stellar. When considering the overall context, it seems implausible that individuals from several years ago, who never filed complaints, are now part of these allegations. Notably, the person bringing these allegations forward is a [REDACTED], who was not in that position when some of the alleged incidents occurred. It raises questions about the timing and motivation behind these allegations, especially following a letter of no confidence from administrators.

Thank you for your time and consideration of my account in this matter. These clarifications should underscore that the allegations lack a factual basis and reflect a misunderstanding of the situation. I trust that this explanation clarifies my position and demonstrates my unwavering

commitment to equitable treatment and support for all staff members while ensuring a safe and productive environment for our students.

I kindly request that this letter of explanation be included in my personnel file to clarify my stance and the context surrounding these developments. I am committed to maintaining the integrity and professionalism expected within our educational community.

Sincerely,

T. Javier Sanchez



## Investigation Evidence

There was a question asking about lactation accommodations for our teachers. Below I have included some items that show I have provided accommodations to all of our teachers.

- This is the initial lactation accommodation schedule for [REDACTED]
  - This is the agreed upon time based upon our initial meeting that took place on [REDACTED]
  - It was agreed upon that she would have [REDACTED]
    - Per policy 4033, lactation accommodations, [REDACTED]
      - I have attached a copy of the policy below for your reference

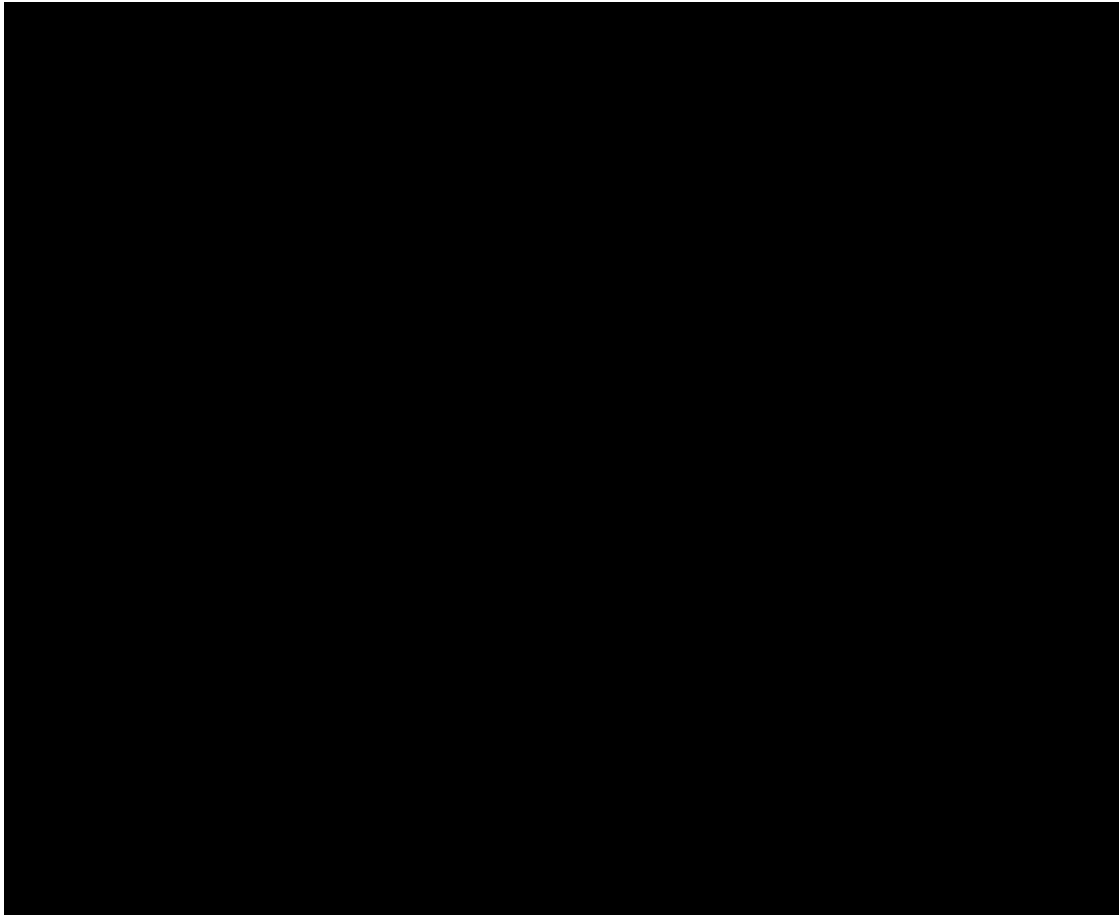


## GREENFIELD UNION SCHOOL DISTRICT

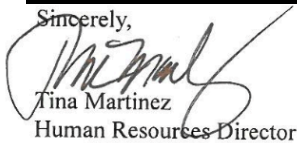
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Sincerely,

  
Tina Martinez  
Human Resources Director

cc: *Javier Sanchez, Site Principal*  
*Mayra Villagomez, Assistant Principal*

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Zandra Jo Galván, *Superintendent*

David Kong, *Board President* ■ Sonia Heredia, *Board Clerk* ■ Jose Madrid, *Board Trustee*  
Denise Jaime, *Board Trustee* ■ Dee Heckman, *Board Trustee*

#### Board Policy Manual

[\(/Policy/PolicyPrintGenerator.aspx?S=36030772&revid=aXqNOixO6KK2suGOFaX6Q=\)](#)

[> \(/Policy/ViewPolicy.aspx?S=36030772&revid=3SMw2oplus0CXdgEvslshdCvzvQA==&ptid=amIgTZiB9plushNjl6WXhfOQ==&PG=6\)](#)

#### Policy 4033: Lactation Accommodation

Status: ADOPTED

Original Adopted Date: 10/10/2019 | Last Revised Date: 08/12/2021 | Last Reviewed Date: 10/10/2019

The Governing Board recognizes the immediate and long-term health benefits of breastfeeding and desires to provide a supportive environment for any district employee to express milk for an infant child upon returning to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee for seeking an accommodation to express breast milk for an infant child while at work.

An employee shall notify the employee's supervisor or other appropriate personnel in advance of the intent to request an accommodation. The supervisor shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.

Lactation accommodations shall be granted unless limited circumstances exist as specified in law. (Labor Code 1031, 1032; 29 USC 207)

Before a determination is made to deny lactation accommodations to an employee, the employee's supervisor shall consult with the Superintendent or designee. When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s). (Labor Code 1034)

The district shall include this policy in its employee handbook or in any set of policies that the district makes available to employees. In addition, the Superintendent or designee shall distribute the policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave. (Labor Code 1034)

#### Break Time and Location Requirements

The district shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child. (Labor Code 1030)

To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

The employee shall be provided the use of a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area. The room or location provided shall meet the following requirements: (Labor Code 1031; 29 USC 207)

1. Is shielded from view and free from intrusion while the employee is expressing milk
2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382
3. Contains a place to sit and a surface to place a breast pump and personal items
4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump
5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing milk in close proximity to the employee's workspace

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes. (Labor Code 1031)

#### Dispute Resolution

An employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11035-11051	<a href="https://govt.westlaw.com/calregs/Document/I2B4E0BF485DF412CBA5E0710A10E66F0?viewType=FullText&amp;originationContext=documenttoc&amp;transitionType=CategoryPageItem&amp;contextData=(sc.Default)"><u>Unlawful sex discrimination; pregnancy, childbirth and related medical conditions</u></a>
Civ. Code 43.3	<a href="http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=43.3&amp;lawCode=CIV"><u>Right of mothers to breastfeed in any public or private location</u></a>
Ed. Code 200-262.4	<a href="http://leginfo.ca.gov/faces/codes_displayText.xhtml?division=1&amp;chapter=2&amp;part=1&amp;lawCode=EDC&amp;title=1&amp;article=1"><u>Prohibition of discrimination</u></a>

Here is our 2021-2022 Bell Schedule and PE Schedule for your reference

- This shows [REDACTED] current breaks, which [REDACTED]



**Oak Avenue Elementary School**  
**Bell Schedule**  
**2021 - 2022**



Regular Day	
7:30-8:00	Breakfast ( <i>Optional</i> )
8:07 AM	Students line up for class
8:10 AM	Instruction begins
Recess	
9:20-9:35	TK
9:35-9:50	K & 6th
9:55 -10:10	1st & 2nd
10:15-10:30	3rd & 4th
10:35-10:50	5th & SDC
Lunch	
10:20-11:00	TK
10:40-11:20	K
11:00-11:40	1st
11:20-12:00	2nd
11:40-12:20	3rd
12:00-12:40	6th
12:20-1:00	4th
12:40-1:20	5th
2:35	Dismissal (K-3)
3:10	Dismissal (4-6)



## Oak Avenue Elementary School

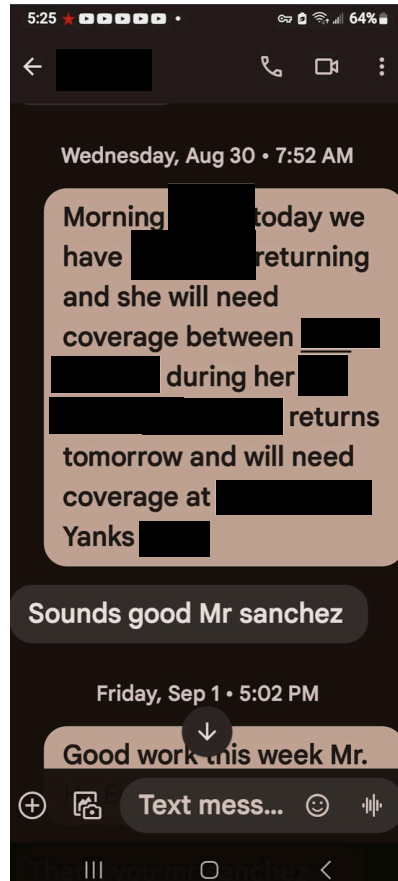
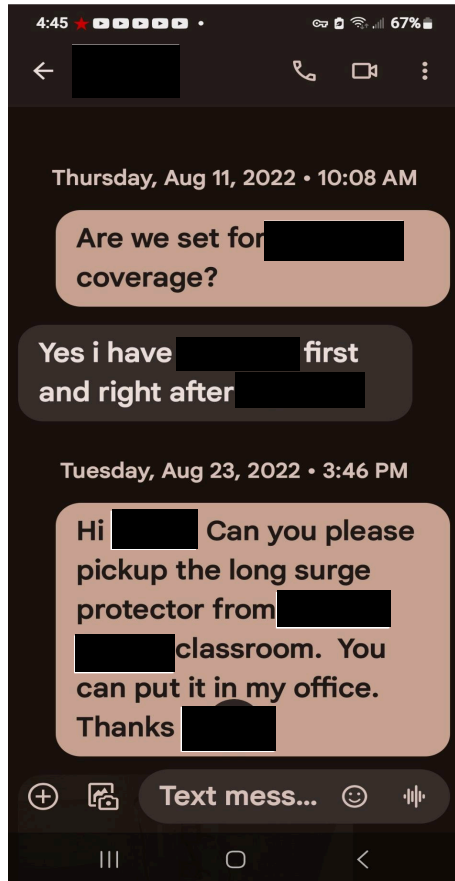
### PE Schedule

2021 - 2022



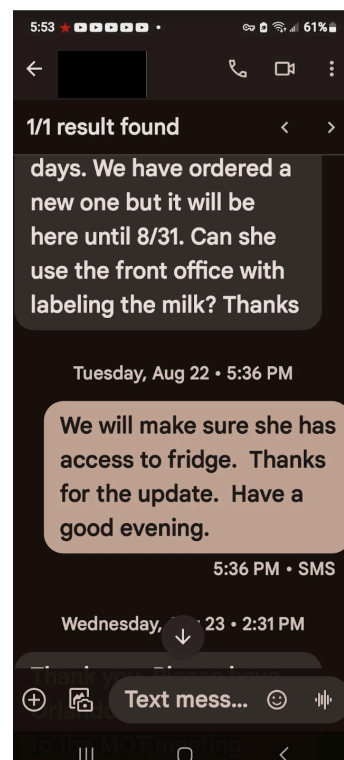
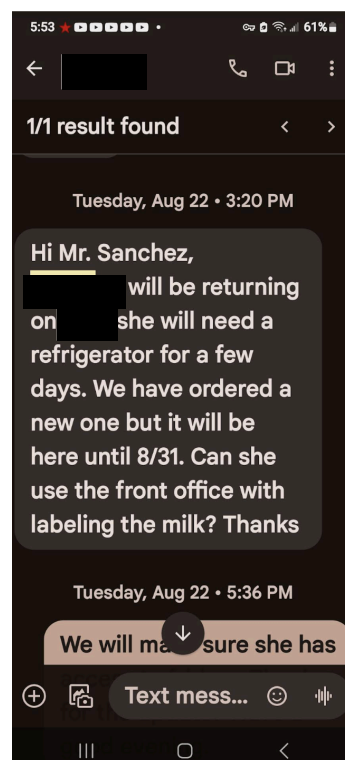
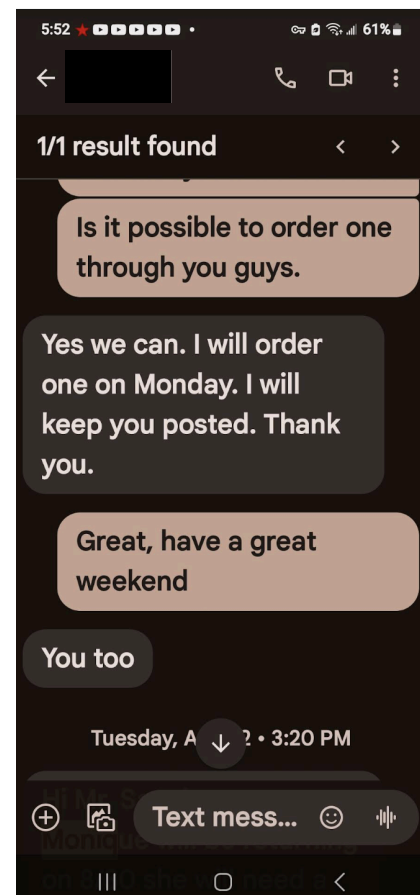
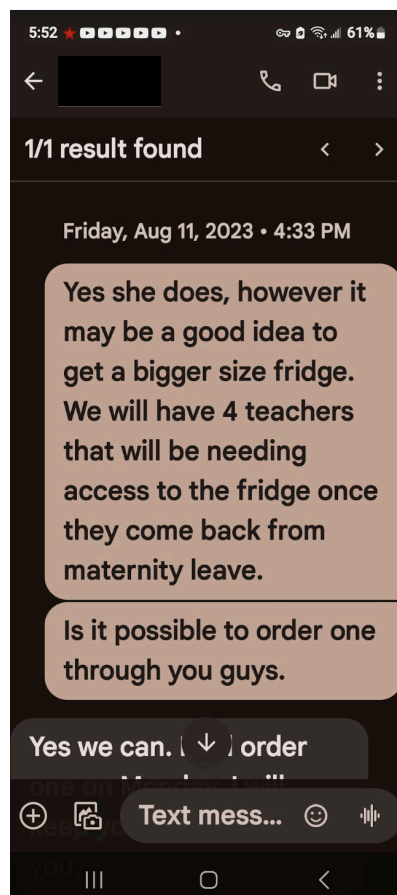
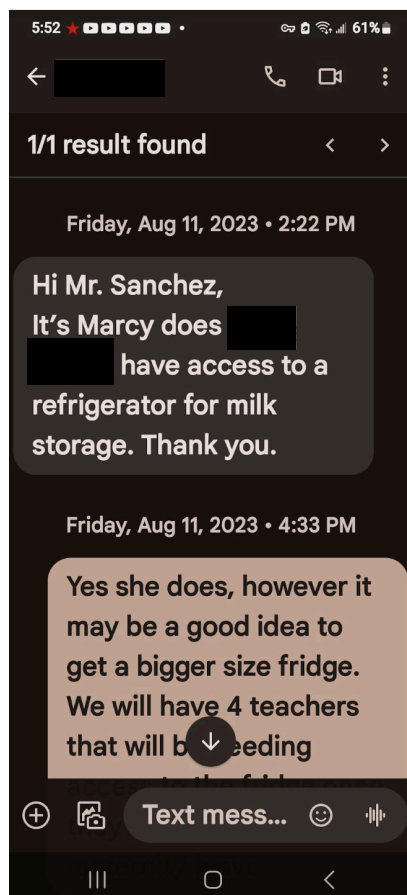
Regular Day Schedule	
TIME	CLASSES
8:10-8:40	
8:40-9:10	
9:10-9:40	
9:45-10:15	
10:15-10:30	
10:30-11:00	
11:00-11:30	
11:30-12:00	
12:00-12:40	
12:45-1:15	
1:20-1:50	
2:00-2:30	
2:40-3:10	

Here are text message exchanges between [REDACTED] and myself asking him if he was set for Coverage for one of our teachers needing lactation accommodations.





Here is a text message exchange between Marcy Jones (HR) and myself trying to get a new and bigger refrigerator for our teachers that are lactating.



Here is an email from one of our teachers who had lactation accommodations for the past year. She was informing us that she no longer needed lactation accommodations. She also indicates that she was very thankful for the support we provided her.

[REDACTED] - email from [REDACTED] indicating no longer needing Accommodations - 1/11/23

- Email also thanks the team for providing the support
- Email confirms that lactation accommodations were provided

No More Lactation Accommodations Needed > Inbox x

[REDACTED]

Good morning everyone,

I hope this email finds you well.

I wanted to inform you that I will no longer be needing lactation accommodations.

Thank you all very much from the bottom of my heart for all you did to ensure I had that time. I greatly appreciate it.

May you all have a wonderful second half of the year,

[REDACTED]

[REDACTED]

Thank you for the update [REDACTED]

[REDACTED]

Good afternoon everyone,

I hope this email finds you well.

Yes, I agree with the accommodation details and my needs are being met. Everything has been great.

Thank you everyone for your time and assistance in this matter.

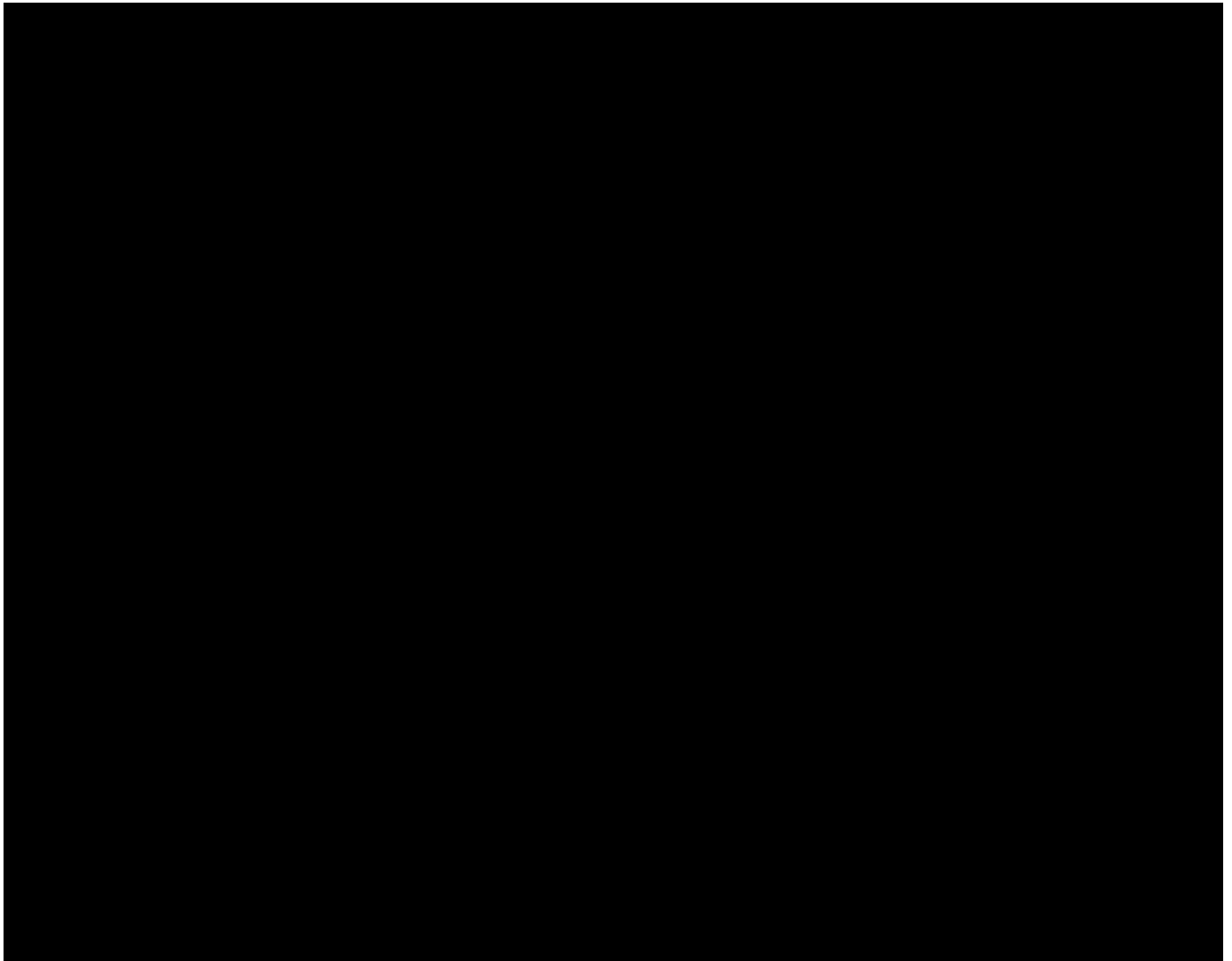
Have a wonderful week,

[REDACTED]

\*\*\*

There was a question regarding taking [REDACTED] out of the BeGLAD training that took place on 9/11/23 - 9/12/23 & 11/6/23 - 11/7/23. This training was a 4 part training that required participants to attend all 4 days.

- [REDACTED] was going on Maternity Leave between [REDACTED] and she wasn't going to be able to attend all 4 sessions, which is one of the requirements for the training.
- I rescheduled her training for the following year so she would be able to get the most out of the training.
- [REDACTED] then contacted me and asked me why I removed her from the training. I explained the situation and she asked me if it was possible for her to attend the sessions in September.
- I said "YES" and immediately contacted the District to make arrangements and ensure she would attend the training.
- [REDACTED] attended the training and attached below is her absence confirmation.



There was a question implying that I had favorites and I spent more time with the ■■■ grade team. Throughout the year, I would try to keep a log of classroom visits during the week to ensure equitable visits to classrooms. Here are several copies of the logs, which show a pretty equitable distribution and proves I didn't spend most of my time with ■■■ grade. Additionally, common practice at my site is to visit classrooms as equitable as possible, that is the purpose of keeping a log of visits.

**Pak Avenue School  
Teacher Visit Log  
1.22.24 - 2.2.24**

[illegible]

## Oak Avenue School Teacher Visit Log 1.10.24 - 1.19.24

[illegible]



**Oak Avenue School**  
**Teacher Visit Log**  
**10.23.23 - 11.3.23**

Gr.	Rm.	Teacher	10.23.23 - 11.3.23											
			M	T	W	Th	F	M	T	W	Th	F		
K	1	HERNANDEZ, Eliana				X		X	H		X			
K	2	CHAVEZ, Vanessa				X		X	A		X			
Tk	3	GARCIA, Lupe							L					
K	5	MACIAS, Ariana					X	X	L		S			
K	6	ROJAS, Monique (Anna Mendoza)		X				X	O		S			
1	7	HIRACHETA, Jackie				X		X	W			X		
1	8	SERRANO, Ruby				X			E			X		
1	9	PACHECO, Santina				X		X	E			X		
1	33	CAMINO, Corina				X			N			X		
2	10	GUTHRIE, Elizabeth	X				S	S	S	S				
2	11	HERNANDEZ, Roberto	S					X	P	X		X		
2	13	HERRERA, Mariela (Ceci Santos)	X						A			X		
2	14	MORALES, Teresa	X						R			X		
3	19	TRUJILLO, Elliana				X		S	A	X				
3	20	SALAZAR, Daniel		X		X		X	D	X				
3	21	SALINAS, Dalissa		X		X		X	E	X				
3	25	ORELLANA, Daisy		X		X		X		X				
4	22	VALENZUELA, Johana	X				X		&					
4	23	ARROYO, Melissa (Martin Garcia)	X									X		
4	24	ROCHA, Sandra	X				X		C			X		
4	26	QUINTERO, David	X						E			X		
5	27	HERNANDEZ, Mariela	X						L					
5	28	RODRIGUEZ, Jessica	S						E					
5	29	PORTILLA, Joseph	X						B					
6	30	LUCIO, Brandon	S	X			X		R					
6	31	GONZALEZ, Ernesto	X	X			X		A					
6	32	PEREZ, Margarita	X	X	X				T					
6	16	CERVANTES, Alex	S	X	X				I					
SDC	17	MARTINEZ, Esli		X	X				O		X			
P.E.	12	GARCIA, Marry Jo	X						N					
VAPA	36	SMITH, Kymberleigh				X								







There was a question with implications that I would spend time with [REDACTED] and I prepared her for the [REDACTED]. Unfortunately, people make assumptions without knowing the facts. During this last year, I was supporting both [REDACTED] and [REDACTED] with their [REDACTED]. At the start of the year they asked me if I can support them by being their designated admin mentor. I accepted this responsibility and supported them through their [REDACTED]. This required additional meetings with them throughout the year and providing opportunities for them to be part and exposure to admin duties. Attached below are emails from their instructor that prove this was taking place.

- Initial meeting to review program and requirements

Invitation: CSUMB Ed Admin meeting: [REDACTED] @ [REDACTED]  
Thu Nov 16, 2023 10:30am - 11:15am (PST) (tsanchez@greenfield.k12.ca.us)

External > Inbox x



Elisabeth Kim <elkim@csumb.edu>

Oct 31, 2023, 11:07 AM ☆ ↶ ⋮

to me, [REDACTED]

Nov  
16  
Thu

CSUMB Ed Admin meeting: [REDACTED]

[View on Google Calendar](#)

When Thu Nov 16, 2023 10:30am - 11:15am (PST)  
Where Oak Avenue Elementary School, 1239 Oak Ave, Greenfield, CA 93927, USA  
Who [REDACTED] Elisabeth Kim\*

Yes

Maybe

No

More options


Agenda

Thu Nov 16, 2023

8:15am [OAS- Parent Cafe](#)  
[Topic: Natural Di...](#)  
10:15am [Initial IEP Meeting](#)  
[for \[REDACTED\]](#)  
10:30am CSUMB Ed Admin  
meeting: [REDACTED]  
1pm [Continuation Initial](#)  
[IEP for \[REDACTED\]](#)  
2:30pm [Initial IEP/Additional](#)  
[Assessment mee...](#)

- Email from Dr. Kim summarizing the meeting and requesting candidate assessment for both [REDACTED]

**CSUMB** ed admin triad meeting External > Inbox x

 **Elisabeth Kim** <elkim@csumb.edu>  
to me, [REDACTED] ▾

Thu, Nov 16, 2023, 4:28 PM ☆ ↶ ⋮

Dear Mr. Sanchez,

Thank you so much for taking the time to meet with me today and for your continued partnership with the **CSUMB** Educational Administration program. It would be great if you could complete and return the attached candidate assessment for both [REDACTED] at your earliest convenience. Also, attached is a PDF of the brochure about the program for those who may be interested. In addition, I am working on a research study on how the needs of English Learners inform the work of education leaders in our area. If you are interested in participating in a 30 minute Zoom interview at a time that works for you, please let me know.

Thank you!

--

Elisabeth (Betsy) Kim, PhD  
Assistant Professor | Education and Leadership  
Master of Arts in Education Coordinator  
Educational Administration Program Advisor & CalAPA Coordinator  
California **State** University – **Monterey Bay**  
831-582-3472 | [elkim@csumb.edu](mailto:elkim@csumb.edu)  
[California Education Policy Fellow](#)  
<https://www.elisabethkim.com/>  
[Selected works](#)



I was asked a question if I have ever used the phrase, manage professional responsibilities with home life.

- This is not the phrase I have used with teachers. I have used the following phrase, “develop strategies to balance professional responsibilities with personal needs.” This is a phrase directly from the California Commission on Teacher Credentialing and comes directly from CSTP 6. I have attached the standard below for your reference. Additionally, I use this to provide feedback for our teachers based upon classroom observations and since it comes directly from the CCTC, I felt it was appropriate to include this in observation and evaluation reports. I also attached all the information regarding CSTP 6: Developing as a professional educator, which includes evidence of practice that we use when providing feedback to our teachers. You will notice this standard has nothing to do with home life, it's all about practices in the classroom.

The California Standards for the Teaching Profession CSTP (2009) have the standards listed as: I felt it was appropriate to use this document since it comes for Commission on Teacher Credentialing - So I copied and pasted several phrases

6.6 Managing professional responsibilities to maintain motivation and commitment to all students

*As teachers develop, they may ask, “How do I...” or “Why do I...”*

- *challenge myself intellectually and creatively throughout my career?*
- *find support and develop strategies to balance professional responsibilities with my personal needs?*
- *manage stress and maintain a positive attitude with students and colleagues?*
- *address the complications and challenges of teaching?*
- *identify sources of engagement and renewal in my professional work?*

## Standard 6 CSTP: Developing as a Professional Educator

**Evidence of Practice:** Understanding that the levels become increasingly complex and sophisticated while integrating the skills of previous levels, what examples from your teaching practice and students' performance inform your self-assessment? 1) List evidence in the first column 2) Assess level of practice 3) Date

Element	Emerging	Exploring	Applying	Integrating	Innovating
<b>6.6</b> <b>Managing professional responsibilities to maintain motivation and commitment to all students</b> <div> <b>Evidence:</b> </div>	<p>Develops an understanding of professional responsibilities.</p> <p>Seeks to meet required commitments to students.</p>	<p>Maintains professional responsibilities in timely ways and seeks support as needed.</p> <p>Demonstrates commitment by exploring ways to address individual student needs.</p>	<p>Anticipates professional responsibilities and manages time and effort required to meet expectations.</p> <p>Pursues ways to support students' diverse learning needs and maintains belief in students' capacity for achievement.</p>	<p>Integrates the full range of professional responsibilities into advanced planning and prepares for situations that may be challenging.</p> <p>Maintains continual efforts to seek, develop, and refine new and creative methods to ensure individual student learning.</p>	<p>Models professionalism and supports colleagues in meeting and exceeding professional responsibilities effectively.</p> <p>Supports colleagues to maintain the motivation, resiliency, and energy to ensure that all students achieve.</p>



# Greenfield Union School District

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October 18, 2024

**Delivered via Hand-Delivery and E-Mail:** [tsanchez@greenfield.k12.ca.us](mailto:tsanchez@greenfield.k12.ca.us)

Javier Sanchez  
[REDACTED]

**Re: Written Report on Findings and Remedial/Corrective Action**

Dear Mr. Sanchez:

The purpose of this letter is to inform you of the investigation findings regarding allegations brought on behalf of Greenfield Teachers Association ("GTA") members to the Greenfield Union School District ("District") against you, Oak Avenue School ("OAS") Principal ("Respondent").

## **Background and Overview of Allegations**

Initial allegations of misconduct were first brought forth by [REDACTED] on behalf of GTA members. Specifically, earlier this year, an OAS teacher alleged that Respondent discriminated against her due to disability.<sup>1</sup> As part of that investigation, Director of Human Resources ("HR") Tina Martinez was made aware of additional concern regarding Respondent's conduct, which are addressed in this correspondence. In summary the allegations include claims Respondent failed to provide appropriate accommodations, engaged in inappropriate conduct towards female employees, treated pregnant employees or employees on maternity leave differently than others, and failed to support and/or treat OAS staff equitably.

## **Summary of Investigation**

The Complaint was processed in accordance with the District's Nondiscrimination in Employment found Board Policy ("BP") and Administrative Regulation ("AR") 4030, copies of which are enclosed.

The District's legal counsel ("Investigator") investigated the Complaint. During the investigation, the Investigator interviewed a total of ten current OAS staff members, six former OAS employees, four District employees, and Respondent. The Investigator also reviewed relevant documents and where necessary and appropriate, considered corroborating evidence and witness credibility.

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<sup>1</sup> While additional information was collected regarding this allegation during this investigation, that complaint is being handled separately and is not included in this investigation.

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In reaching the factual findings detailed below, the Investigator used a “preponderance of the evidence” standard to determine whether the reported conduct occurred. “Sustained” means that a preponderance of the evidence supports a finding that the reported conduct, more likely than not, occurred. “Not sustained” means there is insufficient evidence to support a finding that the reported conduct, more likely than not, occurred. “Partially sustained” means that a preponderance of the evidence supports a finding that, more than likely than not, part, but not all, of the reported conduct occurred.

## **Findings of Fact**

Below is a summary of factual findings regarding the allegations brought against Respondent.

### **Allegation 1: Respondent failed to provide sufficient lactation accommodations for three OAS teachers.**

#### **Finding 1: Sustained.**

Three female teachers alleged that Respondent, as their supervisor at OAS, failed to provide sufficient lactation accommodations when he failed to ensure they received proper staff coverage for their classes so that they could take their lactation breaks.

One OAS teacher (“Teacher 1”) reported when she was slated to return from maternity leave, Respondent made comments that made her uncomfortable, such as, *“Oh, you just had a baby, so are you going to be coming back at the beginning of the school year?”* and made reference to *“all the appointments”* Teacher 1 would have to attend with a newborn and as someone who just gave birth. Teacher 1 stated that Respondent’s comments made her feel as though it was not okay to be a mother and that she needed to return to work. Teacher 1 also reported that even though a lactation schedule had been developed and agreed upon by HR, Respondent asked her, *“Why can’t you pump during a certain time?”* Teacher 1 felt embarrassed by this and the fact that she had to explain the details of her breastmilk production to Respondent.

Teacher 1 stated that even though a lactation schedule had been developed and agreed upon by HR, she regularly had to call for coverage for her class. Teacher 1 stated that every day, for about a month, she had to reach out to three or four OAS staff members to find coverage for her classroom during her pumping breaks. Teacher 1 reported that she asked Respondent for help, and he stated that he would send someone to cover her class but did not. Teacher 1 raised this issue with HR, and a meeting was held with Teacher 1, Respondent, and HR. After the meeting, Respondent approached Teacher 1 and called her a *“liar”* and said that she *“lied to HR.”* Teacher 1 took stress leave, and attributed Respondent’s behavior and failure to accommodate her as 85% of the reason why she took stress leave.

A second OAS teacher (“Teacher 2”) reported at least four instances where she was left in her class without lactation accommodation coverage, so she had to leave her students with another

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teacher. Teacher 2 stated that even though she had lactation accommodations through HR, Respondent asked if her lactation time could be shortened, to which HR said no. Teacher 2 stated that Respondent told Teacher 2 to text him when she needed coverage. However, given his dismissive behavior towards her in the past and his comment about shortening her lactation time, Teacher 2 believed that even if she had texted him, he would not have provided coverage.<sup>2</sup> As a result, Teacher 2 handled finding lactation coverage for her class on her own.

A third OAS teacher (“Teacher 3”) reported she routinely missed her lactation time because of the lack of coverage for her class. Teacher 3 indicated that she had to use her prep time to pump because there was no coverage available. Teacher 3 reported that Respondent did not attempt to secure coverage for her lactation accommodations and that she felt a lot of pressure to stop lactating due to his lack of support. Teacher 3 stated that not having her lactation accommodations fulfilled was 80-90% of what led her to take stress leave, and that Respondent caused about 50% of that stress due to his failure to secure coverage.

Three credible witnesses corroborated that lactation accommodation coverage issues arose with OAS teachers during Respondent’s tenure as principal. One witness (“Witness 1”) indicated that Respondent told Teacher 1 to just lactate at home, indicating that she should not lactate at work, and recalled that Teacher 3 reported her concerns to GTA.<sup>3</sup>

A second witness (“Witness 2”) stated that Respondent did not fully grasp the concept of lactation accommodations. Witness 2 recalled that Respondent would get flustered by having to manage lactation accommodation schedules and believed that, as a male, Respondent may have thought lactation accommodations were not important. Witness 2 also recalled that Respondent told Witness 2 that he received a complaint from the union regarding lactation issues, including the duty to find a proper space for women to lactate. Witness 2 credibly stated that Respondent understood the legal requirements, but disliked accommodations and did not like following the law.

A third witness (“Witness 3”) stated that Respondent gave Witness 3 the responsibility of securing coverage for teachers who received lactation accommodations, along with the campus supervision team. Witness 3 reported that Respondent told Witness 4 that he was relying on Witness 3 to “*be a leader*” and handle coverage for teachers’ lactation schedules. Witness 3 stated that Respondent did not provide much support – and recalled that Respondent was annoyed that lactating teachers were going to be back at work and was frustrated or annoyed at the coordination required to accommodate their lactation schedules.

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<sup>2</sup> When Teacher 2 was a student teacher, she had a very physical student who would throw rocks at her and engage in other hazardous behavior. When Teacher 2 approached Respondent for support with the student, Teacher 2 stated that Respondent failed to provide strategies or ways to help. Instead, he said, “*these kids don’t change*,” and told Teacher 2 to document the incidents.

<sup>3</sup> Witness 1, and another witness, also heard that during a lactation accommodation training, Respondent was observed laughing.

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Further, Witness 3 acknowledged that it was difficult to implement coverage for lactating teachers effectively, especially since Witness 3 had other regular job duties and responsibilities. Witness 3 stated that Respondent did not provide support. Witness 3 provided coverage for teachers to the extent possible, but stated, that there were instances where the campus supervision team was short staffed or had other obligations or emergencies on campus. Witness 3 believed that this, coupled with miscommunication and human error, likely led to teachers not receiving coverage per their schedules. Witness 3 recalled being absent from work during this time due to illness or personal reasons, but did not know if teachers received coverage during his absences.

Another witness (“Witness 4”) recalled that Respondent was irritated because he had to find a location for teachers to pump and was required to rearrange the schedule to find coverage for teachers. Witness 4 recalled Respondent expressed inconvenience and irritation when another teacher returned from maternity leave stating, “*Now I have to redo the schedule.*” Witness 4 reported being called to provide coverage for these teachers and recalled that Respondent inquired as to why the teachers could not just pump during their regularly scheduled breaks or during their students’ scheduled recess. Furthermore, Respondent expressed that he did not want to find a lactation space for teachers.

Respondent stated that since becoming OAS principal, he has had about five OAS teachers that have needed lactation accommodations. Respondent stated that when he received lactation accommodations schedules for teachers, providing lactation accommodations was never a problem, and that the process was “*simple.*” Respondent explained that teachers would coordinate their lactation times with HR and their respective accommodations were always aligned with the teachers’ breaks and/or during their lunch. Respondent stated that he researched lactation accommodations *prior* to his investigatory interview and learned about the legalities of providing lactation accommodations per the employee’s specific schedule. When asked whether he knew of the legal obligation to provide lactation accommodations per an employee’s specific schedule prior to the investigatory interview, Respondent indicated that he did not know he had to provide coverage exactly for the times indicated on their accommodation schedule. Respondent stated that given the accusations against him and his research, he now knows that there are legal requirements.

Respondent denied that any issue or concern regarding lactation accommodations was ever brought to his attention and stated that neither HR nor the union brought up any lactation accommodation issues. Yet, Respondent later recalled that, if there were ever coverage issues, he told instructional aides to provide coverage for teachers, and stated that he told a teacher to text him directly in the event she did not have coverage. Respondent stated that he did not receive any texts from teachers to provide coverage.

Respondent also provided the following documentation, in relevant part:

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- Evidence that Teacher 1's lactation accommodation schedule mostly aligned with her breaks and her lunch<sup>4</sup>;
- Screenshots of text messages between Respondent and Witness 3 asking to secure coverage of Teacher 3;
- Screenshots of text messages between Respondent and HR asking for a refrigerator for breastmilk storage; and
- Screenshot of an email between a teacher thanking Respondent for lactation accommodation support.<sup>5</sup>

Respondent also denied saying *"Oh, you just had a baby, you're going to be busy with appointments,"* and calling anyone a liar after a meeting with HR about lactation accommodation issues. Respondent stated he grew up respecting women and that he would support all changes to accommodation schedules.

## Analysis

The facts and evidence illustrate that Respondent, as OAS principal, failed to provide Teachers 1, 2 and 3 with coverage per their agreed upon lactation accommodations. Not only did these three teachers report that they did not have sufficient coverage, three credible witnesses corroborated that lactation accommodation coverage issues did, in fact, arise while Respondent was principal.

Respondent's blanket denial that no accommodations issues were ever brought to his attention reduced his credibility and was further contradicted by the following evidence:

- By Respondent's own account, he acknowledged that instructional aides were also instructed to provide coverage for teachers if there was an issue, and that he told at least one teacher to text him directly if she did not have coverage. The latter is directly corroborated by Teacher 2 who recalled that Mr. Sanchez told her to text him if she did not have coverage during her lactation times. Respondent's own statements illustrate that he was aware there were at least *some* instances where teachers were not receiving lactation accommodation coverage – and that other OAS staff and support was needed to fulfill the coverage.
- Teachers 1, 2, and 3 vocalized to HR and/or GTA that lactation accommodation issues arose due to Respondent's failure to provide coverage. Witness 1 corroborated that Teachers 1 and 3 brought this to the attention of the union. It is more likely than not that GTA brought to Respondent's attention the issues their lactating members were

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<sup>4</sup> This evidence demonstrated, however, that there were 15 minutes of time outside of Teacher 1's scheduled breaks and lunch. Respondent indicated that the extra time was provided by *"yard duty staff."*

<sup>5</sup> This teacher was not interviewed for this investigation since she did not allege a failure to provide lactation accommodations.

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encountering, especially based upon multiple teachers experiencing the same issues around the same time.

- Respondent initially stated that lactation accommodation breaks were always aligned with the respective teacher's scheduled breaks and/or lunch, and implied that there was no need for extra coverage. Respondent provided documentary evidence that called into question his own statement; Respondent's evidence illustrated that Teacher 1's lactation accommodation included 15 minutes of daily time that was clearly *not* accounted for by her scheduled break, lunch, or students' recess. Respondent himself noted that the extra 15 minutes were covered by "yard duty staff," which contradicts his claim that all lactation breaks fell squarely within teacher breaks or lunch.

Further, Respondent stated that coordinating lactation coverage was "simple" because he delegated the responsibility of securing coverage of lactation accommodation schedules to Witness 3, in an effort to make a "leader" out of Witness 3. As stated above, Witness 3 credibly reported that lactation accommodation coverage was difficult to secure, given competing obligations and other issues – and because Respondent failed to provide adequate support on this issue. The fact that Respondent himself acknowledged that he relied on staff to handle coverage, while deeming coverage coordination "simple," tends to illustrate that Respondent was not actively involved in securing lactation accommodations for at least three OAS teachers – nor did he make it a priority to follow-up with them or Witness 3 to confirm they were receiving their accommodations.

Respondent also stated that he researched lactation accommodations only prior to his investigatory interview and because of the accusations against him. He claimed that he did not know the legal requirements involved with lactation accommodations and specific scheduling until he did this research, despite having at least five lactating teachers at his site. This contradicts Witness 2, who credibly reported that Respondent understood the legal requirements, but disliked accommodations and did not like following the law. In addition, Witness 1 and another teacher made reference to a lactation accommodation training that Respondent attended. While these statements do not invalidate the research Respondent may have done prior to his interview, their statements directly conflict with Respondent's statement that he did not know about his legal obligations surrounding lactation accommodation.

Further, Respondent provided documentary evidence wherein a fourth OAS teacher thanked him for providing lactation support and illustrated that he asked HR to assist with ordering a site refrigerator for storing breastmilk. While this evidence shows that there may have been at least one OAS teacher who did not experience or care to express accommodation coverage issues, and that Respondent successfully coordinated with HR to get a refrigerator for breastmilk storage, these facts are insufficient to negate a failure to provide proper lactation accommodations for Teachers 1, 2, and 3 per their agreed upon schedule.

Moreover, as site principal, Respondent had an obligation to ensure lactation accommodations for these three teachers regardless of whether he: delegated the task of coordinating coverage to

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someone else; was unaware of the legalities regarding lactation accommodation; did not have any issue with one lactating teacher; and requested that HR order a refrigerator for breastmilk storage.

Finally, three credible witnesses stated that Respondent expressed frustration, annoyance, and irritation over having to accommodate teachers' lactation schedules. Though Respondent's personal feelings toward lactation accommodations are not, by themselves, dispositive of a failure to provide accommodations, his outward frustration toward lactation accommodations, together with the above, tends to illustrate that Respondent failed to provide sufficient lactation accommodations for the three teachers at issue as required of him.

Based on the foregoing, and Respondent's overall reduced credibility, this allegation is sustained.

**Allegation 2: While a District coach, Respondent kissed two former District teachers on the mouth without their consent and asked to have sex with and kiss a third teacher.**

**Finding 2: Sustained.**

Two former female District teachers reported that Respondent, on two separate occasions, kissed them on the mouth without their consent while saying goodbye. Both teachers also stated that Respondent either texted them or called them shortly after kissing them and said, "*I can't stop thinking about that kiss*" or "*that was a good kiss.*" A third and current District teacher reported that Respondent asked and tried to kiss her at a District-sponsored conference.

A former teacher ("Teacher 4") recalled that when she joined the District as a young and single teacher, Respondent was overly friendly toward her and may have commented on her being single, but did not initially cross any lines. Teacher 4 stated she became a lead teacher early on and accompanied Respondent, another District employee ("Witness 5"), and other leads after meetings and during science conferences when they would go out for drinks. Teacher 4 reported that after one such outing at a local bar, shortly before the pandemic, Respondent hugged her and kissed her on her mouth without her consent. Teacher 4 froze in shock, then pulled away immediately, said she had to go, and left.

That evening or the following day, Respondent texted Teacher 4 saying, "*I can't stop thinking about that kiss.*" Teacher 4 stated she deleted the text and blocked Respondent from her phone because of how awful and uncomfortable she felt from the unwelcomed kiss.<sup>6</sup> After that, Teacher 4 vowed to never be alone with Respondent again and tried to block out the incident from her memory. She indicated that was the last encounter she had with Respondent since the pandemic hit shortly thereafter and then she left the District.

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<sup>6</sup> Teacher 4 stated she later went to her cell phone service provider to see if there was a way to access the text as proof, but was told that it was no longer available.

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When asked whether she reported Respondent's conduct to the District, Teacher 4 stated that, as a new teacher at the time, Teacher 4 was concerned about her job and could not afford to jeopardize her livelihood. Teacher 4 also stated that, given the dynamics at the time, she felt she might get in trouble for reporting what Respondent did as he was in a position of authority over her, though not her direct supervisor and because he was so well-liked.

Witness 5 corroborated that right before the pandemic, she, Respondent, and Teacher 4 went to a local bar. The next day, Respondent told Witness 5 that he "*made out*" with Teacher 4, and that Respondent was "*very excited about it.*" Witness 5 believed that Respondent thought he found another person that he could "*go further with.*" Witness 5 got upset with Respondent for what he had done, and told him that he was asking for trouble, that he looked like a "*predator*", and that he was ruining the reputation of District coaches and leads through his behavior with female employees. Witness 5 believed that Respondent felt he was untouchable, protected by District administration, and could "*get away with whatever he wants.*"

A second former teacher ("Teacher 5") reported that once, after a Mathletics conference, she, Witness 5, and Respondent went to a local winery. After a couple of drinks, the trio were walking back to their cars to leave the winery and Respondent kissed Teacher 5 on the mouth without her consent and left. Once Teacher 5 was in her car heading home, Respondent called her and said, "*that was a good kiss.*" Teacher 5 stated Respondent's unwelcomed kiss "*stunned [her].*" Teacher 5 felt mortified, shocked and embarrassed by Respondent's behavior, but was not able to address the situation with Respondent or with anyone at the District. Teacher 5 blamed herself for Respondent's behavior, particularly because Respondent was more superior than her and because she was such a young teacher in the District at the time.

Witness 5 reported that she saw, firsthand, Respondent kiss Teacher 5 on the mouth without her permission at a local winery. Witness 5 recalled Teacher 5 crying and feeling as though she had done something to provoke Respondent. Witness 5 believed that Teacher 5 blamed herself. Witness 5 recalled that Teacher 5 was so humiliated and embarrassed that she begged Witness 5 not tell anyone about what she saw.

Witness 1 also reported that Respondent once asked if he could kiss her, to which she replied, "*No.*" Witness 1 recalled that Respondent kissed Teacher 4 without her consent and that Teacher 5 blamed herself for Respondent's unwelcome behavior toward her. Witness 1 stated that Respondent also made passes at some of the lead teachers, including Teacher 5. Witness 1 recalled that once Respondent was turned down by women, he would "*turn cold*" and employees were "*no longer good*" to him. Witness 1 stated that after she told Respondent he could not kiss her, Respondent acted that way towards her and made negative comments about her to others.

Witness 5 also recalled that after a conference, Respondent said to Witness 1, "*Why won't you have sex with me?*" and "*Why won't you kiss me?*" Witness 5 stated that Respondent also told her that he slept with another District employee. Witness 5 stated that Respondent targeted "*beautiful, young, single women.*"

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Respondent recalled the two incidents described above, but denied kissing any District employee, including Teacher 4 and Teacher 5, on the mouth without their consent. Respondent denied saying to either of them, *"I can't stop thinking about that kiss"* or *"that was a good kiss."* Respondent denied asking Witness 1 why she would not have sex with him and denied asking her to kiss him.

When asked why two former District employees would say that he kissed them on the mouth without their consent or what motive they would have to fabricate the statements, Respondent stated that he did not know. Respondent also stated that he did not know why a first-hand witness would say that they saw him kissing Teacher 5.<sup>7</sup>

## Analysis

As an initial matter, Teachers 4 and 5 left the District approximately two to three years ago, for reasons unrelated to Respondent. Notably, neither Teacher 4 nor Teacher 5 brought these allegations to the District on their own accord. Thus, any motive to lie about, or otherwise exaggerate their experiences with Respondent is significantly reduced as they have no existing stake in the outcome. Moreover, Witness 5 credibly stated that she saw Respondent kiss Teacher 5 on the mouth without her consent and recalled that Respondent told Witness 5 he *"made out"* with Teacher 4 the day after he kissed Teacher 4.

Respondent's adamant denial despite being confronted with this evidence, considerably reduced his credibility. While Respondent recalled the specific outings mentioned above, Respondent's denial and related behavior during the interview tends to illustrate that Respondent was not being forthright about these incidents. Thus, the evidence illustrates that it is more likely than not that Respondent kissed two former District employees on the mouth without their consent, and texted and called them stating, *"I can't stop thinking about that kiss"* or *"that was a good kiss."*

With respect to Witness 1, related facts and evidence illustrated that she and Respondent experienced recent conflict, which could call into question Witness 1's credibility. However, Witness 5 credibly stated that she heard Respondent ask Witness 1 why she would not have sex with him and why she would not kiss him. This corroboration diminishes Respondent's credibility with respect to Witness 1's claim. Furthermore, the facts support that Respondent had kissed two other District employees without their consent, which makes it more likely than not that Respondent engaged in the behavior with Witness 1 as well.

Based on the foregoing, and Respondent's overall reduced credibility, this allegation is sustained.

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<sup>7</sup> Respondent seemed to indicate that ongoing issues with Witness 1 and the District's former Superintendent somehow led to these allegations against him. At this stage during the interview, Respondent began to speak in broken sentences, was difficult to follow, and began to noticeably perspire.

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**Allegation 3: Respondent treated women who were pregnant or on maternity leave differently than others.**

**Finding 3: Partially Sustained.**

One teacher ("Teacher 6") stated that Respondent treated her differently because she was pregnant and about to go on maternity leave when he rescheduled her attendance at a training. Additionally, Teacher 2, stated that around the time of her evaluation, Respondent made inappropriate references to her absences related to caring for her sick newborn. Teacher 2 stated she heard that Respondent debated whether to hire Teacher 2 because she was on maternity leave and would have pregnancy-related appointments when she returned.

Teacher 6 reported that, without discussing it with her, Respondent cancelled her participation in a four-part training. Respondent told Teacher 6 that because she was pregnant and would be taking maternity leave in between the four-part training, he rescheduled her participation in the training for when she returned from leave and could participate in all four sessions consecutively. When Teacher 6 told Respondent that she wanted to attend the training, despite being pregnant and schedule to go on maternity leave, Respondent accommodated her.

Teacher 2 stated that she had taken time off to care for her baby who had contracted respiratory syncytial virus ("RSV"). Around the time of her evaluation, Respondent raised the issue of Teacher 2's absences. During her evaluation, Respondent indicated that Teacher 2 needed to "*balance her professional responsibilities and her home life.*" Teacher 2 felt this was insensitive as she had a newborn who was sick and, as a probationary teacher, this statement caused her to feel concerned that her livelihood was being threatened. Teacher 2 stated that as a result of Respondent's comment, she stopped taking days off to care for her family. Teacher 2 stated that though she did not hear it firsthand, she heard that Respondent debated whether to hire her as an OAS teacher. Respondent was concerned that she would have pregnancy-related appointments when she returned from maternity leave.

Witness 2 credibly corroborated that Respondent stated twice that he did not want to rehire Teacher 2 because she was on maternity leave. Witness 2 also stated that Respondent made reference to the fact that Teacher 2 would be out regularly when she returned to work because of doctor appointments, the need for accommodations. Respondent suggested these, and were reasons to non-reelect Teacher 2 for the following school year.<sup>8</sup>

Witness 4 also credibly reported that when she was ending her employment with the District, Respondent said that he did not want to hire a new mother to replace Witness 4. Respondent stated that a new mother would prioritize her family, would not take the job as seriously, and would need to take time off to attend doctor's appointments. Another teacher ("Teacher 7")

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<sup>8</sup> Witness 2 stated that she told Respondent that he could not non-reelect a person just because they are on a protected leave. Witness 2 believed that Respondent did not like to deal with accommodations, did not to comply with the law, and was more concerned with how things were going to affect Respondent as a person.

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applied for Witness 4's position and was not hired. Thereafter, Teacher 7 recalled that Respondent approached her and wanted to address a rumor that he did not want to hire her because of her status as a new mother. Teacher 7 stated that she had not heard the rumor, but was not surprised Respondent may have said something similar.<sup>9</sup> Another witness recalled that Teacher 2 raised her pregnancy and maternity related concerns to GTA, and recalled hearing a rumor that Respondent stated, *"If women have children, their priorities are their families,"* indicating that they would not be dedicated to work and would be unreliable.

Respondent stated that he only rescheduled Teacher 6's training because he wanted her to be able to get the most out of the training. Respondent further stated that when Teacher 6 asked to remain in the training, despite her upcoming maternity leave, he accommodated her and immediately made arrangements to ensure Teacher 6 was able to participate. Respondent provided documentation that demonstrated Teacher 6 attended the training,

Respondent denied saying that he did not want to hire an employee, namely Teacher 2, because she was pregnant or about to be on maternity leave. Respondent stated that he referred to *"professional responsibility and personal needs"* during Teacher 2's evaluation, which is language he borrowed from the California Standards for the Teaching Profession.<sup>10</sup> Respondent denied saying that he did not want to replace Witness 4 with a new mother because she will prioritize her family over work – and pointed out that the interview panel ultimately hired a new mother to replace Witness 4. Respondent acknowledged speaking to Teacher 7 about the related rumor, acknowledging that he would rather hire women because they tend to engage *"better with students"* than male teachers.

## Analysis

As discussed under Allegations 1 and 2, Respondent's credibility is reduced, making his denials regarding the claims under this allegation less credible. Respondent's documentation regarding Teacher 6's attendance at the training, bolstered his credibility somewhat.

The facts and evidence demonstrated that it is more likely than not that Respondent attempted to treat women, such as Teachers 6 and 2, who were pregnant or on maternity leave differently than others. However, Respondent's conduct did not ultimately lead to differential treatment due to their protected class(es). Respondent acknowledged that he rescheduled Teacher 6's training specifically because she was pregnant and scheduled to go on maternity leave. However, Respondent noted that it was because he wanted Teacher 6 to get the most out of the training. The facts support that after Teacher 6 vocalized that she wanted to attend the training, despite her upcoming leave, Respondent accommodated her, and she attended the training. In addition, though Witness 2 credibly recalled that Respondent said he did not want to re-elect Teacher 2 just because she was on maternity leave and would have to attend related appointments upon her

<sup>9</sup> Teacher 7 left OAS because of Respondent. This is discussed further in Allegation 4 below.

<sup>10</sup> Respondent provided documentation that illustrated that Standard 6.6 states, in relevant part, that teachers need to *"find support and develop strategies to balance professional responsibilities with [my] personal needs."* Respondent stated that he uses this standard to provide feedback to teachers and in evaluation reports.

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return, Teacher 2 was ultimately hired back to her position by the District. In both instances, no harm materialized to either party.

Witness 4 credibly stated that Respondent told her that he did not want to hire a new mother with kids as they would prioritize their family over the position, and another credible witness corroborated hearing the same. Given Respondent's reduced credibility, the facts and evidence suggest that it is more likely than not that Respondent made that statement. However, since the individual who was selected by the interview panel to replace Witness 4 was also a new mother, neither she, nor Teacher 7, suffered differential treatment due to Respondent's statements or conduct.

Accordingly, based on a preponderance of the evidence, this allegation is partially sustained.

## **Allegation 4: Respondent failed to support and/or treat OAS staff equitably.**

### **Finding 4: Sustained.**

It was alleged that Respondent was not equitable in his support or treatment of OAS staff. Witnesses alleged that Respondent favored two newer, female fourth grade teachers. Additionally, eight witnesses reported that Respondent did not provide the same amount of support or attention to them as he did toward certain newer, female teachers.

Specifically, the following was alleged:

- Teacher 7 recalled that Respondent told her that she needed to improve certain things in her classroom, such as issues with student behavior, but did not follow up with her or provide strategies or ways to improve. Teacher 7 asked Respondent for support, but he was unresponsive about 80% of the time. Teacher 7 stated that her grade level team was comprised of male teacher, and she noticed that when her male colleagues asked Respondent questions or for support, Respondent responded to them about 100% of the time. Respondent's unresponsiveness towards her made Teacher 7 feel minimized and unimportant.<sup>11</sup>
- Respondent was 100% of the reason Teacher 7 left OAS and transferred to another District site. Respondent failed to effectively communicate, particularly with women. Respondent made inappropriate comments, which and singled out teachers and made teachers feel they were in the wrong.
- Another teacher ("Teacher 8") felt that Respondent moved her to a less favorable and serious position at OAS due to health-related absences. Teacher 8 has been battling health conditions for the past two years causing her to be absent from work. Each time

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<sup>11</sup> Teacher 7 also stated that she had to ask Respondent repeatedly for about two years to stop calling her by her nickname and to call her "Ms." followed by her last name.

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Teacher 8 returned to work, Respondent told her she *“let students and teachers down.”* Respondent’s comments upset Teacher 8 because she wanted to be there for her students, but could not control her health conditions. Respondent related every student issue Teacher 8 encountered to Teacher 8’s absences and told her that she *“doesn’t know what is going on.”*

- Teacher 8 often did not have the supplies she needed to teach her class and when she would ask Respondent for support, he would shift responsibility to the site secretary or the District for ordering supplies. Respondent also did not make announcements regarding Teacher 8’s club or activities and failed to provide support regarding Teacher 8’s campus projects.
- Teacher 8 stated that Respondent made her feel belittled and stressed.
- According to Witness 2, Respondent was a micro-manager and always wanted to be looped in on even small decisions, such as moving a table. Further, Respondent did not always work as a team and often made statements that were not phrased well. Respondent spoke to staff in a manner that was interrogating or disciplinary. Witness 2 believed Respondent failed to validate how staff felt. Respondent was 50% of the reason Witness 2 left OAS.
- Witness 4 was overworked and requested support from Respondent. Respondent failed to provide support to Witness 4, which negatively impacted Witness 4’s mental health. Witness 4 stated it was difficult to deal with the low staff morale at OAS. As a result, she lacked motivation to go to work. Respondent was 80% of the reason she left the District.
- Witness 4 stated that Respondent discounted how staff felt and the needs of staff, Respondent would say, *“Oh okay, yeah,”* and then either forgot or never intended to look into the issue. Witness 4 felt she was often left scrambling to find a resolution to issues on her own.
- On one occasion, Respondent went to a professional development training regarding blended learning. Respondent asked Witness 4 to create materials related to the training for the site. However, Respondent only shared with her one photo that he took at the training. He provided no other documentation. When Witness 3 asked for clarity on the photo and other possible materials, Respondent responded, *“I have no idea [what that says].”* Witness 4 had to develop materials from scratch.
- Witness 4 had respiratory issues and related accommodations coordinated with HR. Respondent placed her in a class that tested positive for COVID. Witness 4 asked Respondent to be more cautious about her placement, due to her health issues. Despite her conversation with Respondent and his knowledge of her health issues, Respondent continued to not consider her health issues and/or accommodations.

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- When unfavorable news needed to be delivered to teachers, Respondent asked Witness 4 to handle it. Witness 4 felt her forged relationships with teachers were being harmed because Respondent did not want to relay the information to teachers. Yet, Respondent always wanted to take credit for good ideas or solutions.
- Witness 4 reported that there was an OAS potluck a few weeks prior to her departure and Respondent singled her out in front of everyone when he said, *"You may have heard rumors about why [Witness 4] is leaving, and this person will set you all straight,"* while pointing at Witness 4. Witness 4 felt embarrassed, uncomfortable, and did not feel it was appropriate to speak about her personal issues, particularly at a site-wide event. Witness 4 indicated that Respondent just wanted to clear the air so the site would not think he had anything to do with Witness 4 leaving.
- Witness 6 said that Respondent failed to conduct legally compliant individualized education programs ("IEPs") and, when she tried to bring this to his attention, he was dismissive of her. Respondent was also dismissive when she had student behavior issues and when she reached out for help.
- Additionally, Respondent failed to provide support or help to improve the situation when Witness 6 experienced issues with another OAS staff member.
- Witness 6 stated Respondent's behavior and lack of support was very stressful, particularly because IEPs are legally binding documents. Respondent was 75% of the reason Witness 6 left the District.
- Another OAS teacher ("Teacher 9") stated that while Respondent can be professional, data driven, and very knowledgeable in math, this can come off as *"borderline arrogance."* Teacher 9 stated that he felt like Respondent could *"lead the troops in the wrong direction."* On one occasion, Teacher 9 asked Respondent for support in reading data and Respondent brushed him off.
- Teacher 9 stated that Respondent also called out veteran teachers for not incorporating new ways of teaching like newer teachers or for not following Respondent's instructions. Respondent would pit a group of teachers against another and created an environment that felt there was only *"one-way."* Respondent's conduct intimidated teachers and naturally caused fear.
- Teacher 9 stated that Respondent often praised new teachers, particularly his *"pet group of teachers"* in the fourth-grade level. Teacher 9 noted that Respondent took newer and younger female teachers to conferences over veteran teachers. On one occasion, Respondent took a group of newer and younger teachers to a conference in New Orleans that likely did not benefit them as much given their level of experience. Teacher 9 believed that Respondent's behavior was *"asking for trouble"* or inviting *"unnecessary*

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*conversation,*” due to Respondent’s reputation of attempting to have relationships with District female employees.

- A fourth-grade teacher stated that Respondent was professional and supportive. This teacher agreed Respondent spent a lot of time with the newer, female fourth-grade teachers, who were recently promoted. This teacher felt that these individuals were too inexperienced to be promoted, and understood the general perception that Respondent favored the fourth-grade teachers.
- Another teacher (“Teacher 10”) stated that Respondent got upset with her because she was on the panel to replace the outgoing vice principal. Respondent wanted one of the female fourth grade teachers on the panel instead of Teacher 10.
- Teacher 10 felt like she was being “*set up to fail,*” and did not feel supported by Respondent. She noted that Respondent expected the school day to go a certain way and when he visited your classroom if you were not doing what he expected, Respondent would document the incident in an unproductive manner. Respondent appeared to have an issue with veteran teachers.
- Teacher 10 recalled that Respondent asked a classroom assistant (“Witness 7”) to attend Professional Learning Community (“PLC”) meetings and to report back to him what teachers were saying and doing. Respondent asked Witness 7 to report back specifically regarding one group of teachers that Respondent believed were “*not doing anything in their meetings.*”
- Teacher 10 stated that Respondent left OAS-related GTA issues and concerns unanswered.
- Teacher 10 reported that Respondent said, ““*the ladies at the DO love me,*” and “*I can get away with anything as long as I don’t violate the [collective bargaining agreement (“CBA”)]*. Respondent believed that he never be reprimanded.
- Witness 7 stated that when Witness 4 left the District, Respondent became her supervisor and changed certain processes, such as testing procedures. The change in procedures raised concerns. Witness 7 attempted to address her concerns with Respondent, but he was not interested in hearing from Witness 7 and her colleagues. Respondent told Witness 7 that she was “*not good with change.*” Witness 7 stated that Respondent’s statement and behavior was inappropriate and caused her to shut down. Witness 7 stopped approaching Respondent with concerns or for support. She felt Respondent would not listen.
- Witness 7 also recalled that after she told Teacher 10 about Respondent’s directive that she attend PLC meetings and report back to him, Respondent called a meeting with her and her classroom assistant peers. Respondent was upset and agitated, and told them that

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his meetings with them were “*confidential*,” and they should not be talking to teachers. Witness 7 approached her union regarding Respondent’s behavior and reported that she did not feel comfortable meeting with Respondent. Witness 7’s union representative advised Witness 7 to not meet with Respondent alone in the future.

- Witness 3 stated that Respondent tried to make Witness 3 a “*campus leader*,” but failed to provide support or guidance in the process. One example was detailed under Allegation 1. Another example is when Respondent asked Witness 3 to put together a campus event, but did not provide any guidance or support. When Witness 3 told Respondent about an idea a teacher had conveyed to Witness 3, Respondent told Witness 3 that he should have come up with the idea on his own and that he should not rely on teachers for ideas. This caused Witness 3 to feel badly. Witness 3 stated that he only reached out to the teacher because Respondent failed to provide initial support.
- Witness 3 recalled that Respondent spent more time with the fourth-grade teachers than other teachers.
- Witness 3 also recalled feeling uncomfortable when he, Respondent, and another male employee were putting together a stage in the auditorium. The other employee was figuring out how to put a section together and asked for help. Respondent said, “*You need to put the male part in the female part.*” When the other employee asked for further clarification, Respondent said, “*You need to put the penis in the vagina.*” Witness 3 believed Respondent was joking, but thought it was inappropriate to be using that language at school, especially with students around.
- A fourth-grade OAS teacher stated that Respondent said he does not like to micro-manage, even though she believed he does. This teacher noted that Respondent is generally supportive, approachable, and generally meant well, though sometimes Respondent does not consider all options before making decisions nor does he always communicate effectively. Respondent also said that old teaching methods do not help students. This teacher recalled that some teachers do not feel comfortable speaking to Respondent so they would ask her to speak to him on their behalf.
- In addition to details under Allegation 3, Teacher 6, a fourth-grade teacher, stated that Respondent was generally supportive of her, would occasionally compare new teachers to veteran teachers, and would sometimes not utilize the best choice of words.
- Teacher 1 stated that Respondent told her that she needed to improve her students’ behavior at recess, but did not provide guidance on how to achieve this. He would say to her students, “*SDC students, you need to be acting like general education students*” or something along those lines. Respondent eventually began attending recess with her students to specifically avoid this.

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- When Teacher 1 had issues with her classroom aides, Respondent showed up to her classroom and told Teacher 1 and the aide that they needed to talk it out. The aide was extremely harsh to Teacher 1, and said things like, “*I don’t like you,*” “*I don’t trust you,*” and “*I think you’re a bad teacher,*” and Respondent said and did nothing to redirect the aide’s aggressive and inappropriate behavior toward Teacher 1.
- Teacher 1 also recalled that a student shared with her that Respondent was “*checking out*” an OAS staff member. Someone relayed to Respondent that Teacher 1 was starting a false rumor about him and Respondent eventually told Teacher 1 that he could write her up for starting the rumor.
- Teacher 1 transferred to another District site and cited Respondent as being a significant reason for her move.

In addition to information shared under Allegations 1 and 3, Witness 2 corroborated that several OAS staff expressed concerns about Respondent to her. Witness 2 also corroborated the following:

- Teacher 7 told Witness 2, at a conference with Respondent and two newer, female teachers, Teacher 7 was treated differently than the other two female teachers. Teacher 7 was not included when the trio would carpool or sit together at the conference. Respondent, as principal, set the tone for what was acceptable behavior and Teacher 7 was not treated professionally. Witness 2 believed it was hard to make an excuse for that type of behavior.
- Teacher 8 filed a grievance against Respondent because he was not honoring her requests for support and because he tried to reprimand Teacher 8 for her health-related absences.
- When Teacher 1 had challenges with her classroom aides, Respondent failed to validate Teacher 1 and her experiences. Respondent sided with the aides because they had more documentation than Teacher 1.
- Witness 6 was not comfortable with Respondent and tried to avoid him.

Respondent stated that he did not favor newer, female fourth grade teachers over other staff, and that he treated everyone the same, women and men alike. He stated that he visited everyone’s classrooms around the same amount and provided a log that demonstrated that his visits to OAS classrooms in the 2022-2023 and 2023-2024 school years were about even.

Respondent stated that he is fair, respectful, positive, and that he says and does contrary to the allegations against him. Respondent stated that he has provided support to everyone equally and fairly when they asked, even though certain decisions will upset some people. Respondent stated that he has had a good reputation in the District for 13 years.

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In addition, Respondent:

- Stated that other factors contributed to the departures of OAS employees and that he had no idea that these departures were because of him;
- Denied taking anyone to conferences that were not open to everyone, and that he communicated conference opportunities to all teachers during PLC meetings;
- Denied being frustrated with the fact that Teacher 10 was on the interview panel to replace the outgoing vice principal;
- Denied saying that *“the ladies at the DO love me,”* and *“I can get away with anything as long as I’m following CBA;”*
- Acknowledged calling out veteran teachers at a staff meeting who needed extra support with blended learning, but has since realized that was not the best approach;
- Stated that Teacher 1 left OAS because she was having difficulty in her SDC setting and wanted to take on a resource specialist position at another site since he did not have a vacancy at OAS;
- Stated that there has never been any union concern with him, and that he never heard that any staff is fearful of him;
- Said he has an open-door policy and there has never been any complaint brought against him during his 13 years in the District;
- Denied telling classroom assistants that they needed to report back to him, and said that he was trying to encourage them to become teachers by asking them to attend and observe PLC meetings;
- Explained that he wanted Witness 4 to say her goodbyes at the potluck since most of the site was there, and denied stating that she needed to *“clear up rumors;”*
- Regarding the incident concerning Teacher 1 and the rumor that he was looking at an instructional aide, Mr. Sanchez stated he investigated and learned that Teacher 1 denied everything she did and wrote her up for saying things of that nature; and
- Stated he is shy and does not trust people easily.

Respondent believed certain people had been *“manipulated”* to come forth with allegations against him.

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## Analysis

As an initial matter, Respondent's credibility is reduced as discussed under Allegations 1 and 2. Accordingly, his denials regarding the claims under this allegation are less credible. Moreover, many of the claims brought forth here are corroborated by other witnesses, as described above. Further, Witnesses 2, 4, 6 and Teachers 1 and 7 are no longer with the District or at the site, so their motive to lie or otherwise exaggerate is significantly reduced. Other staff are current OAS employees, so any motive to fabricate or otherwise exaggerate their experiences are reduced given that Respondent is their supervisor, and they have to work directly with him.

Ultimately, the facts revealed that Respondent failed to support and/or treat OAS staff equitably, despite his assertions that he treated everyone fairly. Notably, only three teachers (all fourth-grade teachers) indicated that, to some extent, Respondent was supportive of them. Alternatively, five employees, in addition to the three women who reported that Respondent did not provide lactation accommodations under Allegation 1, stated that Respondent failed to support them.

Moreover, at least four women stated that they left the site or District due to Respondent, with the following attributable percentages:

- Teacher 7 – 100%
- Witness 4 – 80%
- Witness 6 – 75%
- Witness 2 – 50%

Teacher 1 also stated that Respondent was 85% of the reason she went on leave, and that he significantly contributed to her leaving OAS. Under Allegation 1, Teacher 3 stated that Respondent contributed to 50% of the reason she took stress leave from employment at OAS.

Notably, three witnesses commented negatively on Respondent's leadership style. They indicated that Respondent was generally not interested in working collaboratively with all OAS staff, and that it was often a "one-way street." On the other hand, two witness stated that Respondent was a micro-manager, which tends to demonstrate that Respondent was involved in some of the daily aspects of staff life. However, overall, the above evidence demonstrates that it is more likely than not that Respondent did not provide equitable support and/or treatment to OAS employees.

Based on the foregoing, and Respondent's overall reduced credibility, this allegation is sustained.

## **Conclusion of Law**

In determining whether the factual findings, discussed above, constituted a violation of District policy the District analyzed the following and reached the below detailed conclusions:

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- BP 4033 – Lactation Accommodation
- BP/AR 4119.11 – Sexual Harassment
- BP/AR 4030 – Non-Discrimination in Employment
- BP/Exhibit (“E”) 4119.21/4319.21/4119.21-E – Professional Standards

All BPs/ARs and exhibits are attached hereto.

In pertinent part, District BP 4033 – Lactation Accommodation provides:

*The Governing Board recognizes the immediate and long-term health benefits of breastfeeding and desires to provide a supportive environment for any district employee to express milk for an infant child upon returning to work following the birth of the child. The District prohibits discrimination, harassment, and/or retaliation against any district employee for seeking an accommodation to express breast milk for an infant child while at work.*

*An employee shall notify the employee's supervisor or other appropriate personnel in advance of the intent to request an accommodation. The supervisor shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.*

*Lactation accommodations shall be granted unless limited circumstances exist as specified in law.*

...

*The district shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child. (Labor Code 1030)*

*To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid.*

...

Following a complete and thorough investigation, and based on factual findings, Respondent violated BP 4033 when he failed to properly secure lactation coverage for Teachers 1, 2, and 3. Respondent, as the supervisor of Teachers 1, 2, and 3, was required to properly address the scheduling of the three OAS employees in order to ensure that their essential job duties were covered during their lactation accommodation breaks. As detailed under Allegation 1, even though Respondent claimed that all employees' lactation accommodation breaks were taken

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during their already scheduled breaks and lunch, the facts and evidence demonstrated that this was not always the case – and that at least three OAS staff members did not receive regular coverage for their classes so they could take their lactation breaks.

Further, while it is noted that per BP 4033, lactation accommodations should to “*extent possible*” run concurrently with scheduled breaks, this is not a requirement. In other words, without more, this language does not relieve Respondent of his duty to secure coverage for OAS employees who have lactation schedules that may extend beyond scheduled breaks – particularly when they were agreed to by the employee and HR. Finally, it is incumbent on Respondent as supervisor to provide a supportive environment for breastfeeding mothers, which Respondent failed to do when he did not properly secure lactation coverage for Teachers 1, 2, and 3. As such, Respondent violated BP 4033.

District BP/AR 4119.11 – Sexual Harassment states, in relevant part:

*The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.*

*Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.*

...

*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, regardless of whether or not the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)*

...

*The conduct has the purpose or effect of having a negative impact upon the individual's work performance of creating an intimidating, hostile, or offensive work environment.*

...

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

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

...

*Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements.*

...

Following a thorough and impartial investigation, and based on the factual findings, there was sufficient evidence to find that Respondent violated BP 4119.11 when he kissed two former District employees on the mouth without their consent, and when he either texted or called them shortly after kissing them and said, “*I can’t stop thinking about that kiss*” or “*that was a good kiss.*” As detailed under Allegation 2, three credible witnesses reported that Respondent engaged in this unwelcome physical and verbal conduct. Moreover, Respondent’s unwelcome physical and verbal conduct created or had the effect of creating a sexually hostile work environment for Teacher 4, Teacher 5, and Witness 5.

Specifically, due to Respondent’s unwelcome physical and verbal conduct, Teacher 4 vowed never to be alone with Respondent, which had the effect of creating a sexually hostile work environment for her. Teacher 4 also deleted Respondent’s phone number and text message given how awful he made her feel, and felt uncertain about how she could return to work with Respondent if it were not for the pandemic. Teacher 4 felt she might get in trouble for reporting what Respondent did as he was in a position of authority over her, though not her direct supervisor, and because he was so well-liked. Such a fear of reporting is indicative of a sexually hostile work environment. This is sufficient to constitute a violation of BP 4119.11.

Respondent’s unwelcome behavior also impacted Teacher 5’s work environment and created a sexually hostile work environment for. Teacher 5 felt so mortified, shocked, and embarrassed by Respondent’s behavior, particularly since he was superior to her, that she was unable to address the situation with Respondent or anyone else at the District. Teacher 5 also she stepped down from being a math lead teacher in order to minimize interactions with Respondent, and limited interactions with Respondent during future work meetings or conferences. Further, Respondent spoke negatively and publicly about Teacher 5 after she rebuked his advances, according to Witnesses 1 and 5 credible statements. This is sufficient to constitute a violation of BP 4119.11.

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Further, though Respondent did not engage in any unwelcome physical or verbal conduct towards Witness 5, it is notable that Respondent's conduct caused Witness 5 to feel as though his conduct was damaging her reputation and that of others. Specifically, Witness 5 expressed concern over Respondent's behavior toward Teacher 4, Teacher 5, and Witness 1, believing that he looked like a "predator," and that he was ruining the reputation of District coaches and leads through his behavior with female employees. This demonstrated that Respondent's unwelcome conduct also compromised Witness 5's position as a lead and District administrator, and had the effect of creating a sexually hostile work environment for Witness 5.

It is notable that the facts and evidence do not necessarily suggest that Respondent's unwelcome verbal conduct toward Witness 1 – when he asked why she would not have sex with him or why she would not kiss him – had the purpose or effect of having a negative impact on Witness 1's work environment. However, this alone does not negate Respondent's violations of BP 4119.11 with respect to Teachers 4 and 5, and Witness 5.

District BP/AR 4030 – Nondiscrimination in Employment provides, in part:

*The Governing Board is determined to provide a safe, positive environment where all district employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants, interns, volunteers, and persons who contracted with the district to provide services, as applicable.*

*No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics.*

*Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health decision making, defined as a person's decision to use or access a particular drug, device, product, or medical service for reproductive health. (Government Code 12926, 12940)*

...

*Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:*

- 1. Hiring, compensation, terms, conditions, and other privileges of employment*

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2. *Taking of adverse employment actions such as termination or denial of employment, promotion, job assignment, or training*
3. *Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities or that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment.*
4. *Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:*
  - a. *Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status.*

Following a complete and thorough investigation, and based on factual findings, there are insufficient facts to sustain a finding that Respondent violated BP 4030 when he rescheduled Teacher 6's training specifically due to her pregnancy and pending maternity leave or when he attempted to non-reelect Teacher 3 based on her pregnancy and related childbirth appointments. In addition, though there was a rumor circulating that Respondent did not hire Teacher 7 to replace Witness 4 because she was a new mother, the facts and evidence illustrated that the interview panel elected to hire a new mother, even if it was not Teacher 7. Ultimately, without materialized harm against these individuals, Respondent's conduct did not rise to the level of a BP/AR violation here.

Finally, District BP/E 4119.21/4319.21/4119.21-E – Professional Standards sets forth the following:

*The Governing Board expects district employees to maintain the highest ethical standards, behave professionally, follow district policies and regulations, and 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 district, advances the goals of the district's educational programs and contributes to a positive school climate.*

*The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.*

*Each employee is expected to acquire the knowledge and skills necessary to fulfill his/her responsibilities and to contribute to the learning and achievement of district students.*

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...

*Inappropriate conduct includes, but is not limited to:*

...

*The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurturing of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all.*

*The educator accepts the responsibility to adhere to the highest ethical standards. The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct.*

*The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.*

...

## *Principle II. Commitment to the Profession*

*The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.*

*In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.*

...

Following a complete and thorough investigation, and based on factual findings, there was sufficient evidence to sustain a finding that Respondent violated professional standard obligations expected of him as a supervisor and as an educator under BP/E 4119.21/4319.21/4119.21-E. Ultimately, the facts, coupled with Respondent's reduced credibility, revealed that Respondent failed to support and/or treat OAS staff equitably, despite his assertions that he treated everyone fairly. Eight employees stated that Respondent failed to support them. Further, credible witnesses stated that Respondent: belittled and/or made them feel uncomfortable, failed to produce legally compliant IEPs, did not communicate well, failed to provide guidance in the classroom and related to other campus activities, did not validate or

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value certain employees, failed to listen to their concerns, among other issues. It is also notable that at least five women cite Respondent as a significant factor as to why they left OAS or the District. In essence, Respondent did not maintain highest ethical or professional standards, nor did he exercise good judgment or respect when interacting with or choosing to support certain OAS staff, which is violation of BP/E 4119.21/4319.21/4119.21-E.

## **Corrective Action**

Having found that the above stated conduct occurred, corrective action is appropriate. Corrective action will be address under separate cover.

## **Right to Appeal**

You have a right to appeal these factual findings. See the enclosed BP/AR 4030 for more information about the appeal process.

## **Prohibition of Retaliation**

The District encourages its students, parents, and staff members to come forward when they are confronted with instances of conduct that can be considered unprofessional. Please be advised that you are prohibited from retaliating against the individuals who brought complaints or provided testimony against you. Engaging in retaliatory conduct may lead to discipline.

## **Conclusion**

The District considers its investigation complete. If you have any questions regarding the foregoing, please do not hesitate to contact me.

Sincerely,

*Laura Cortez*

Interim Superintendent

Enclosures: BP/AR 4030 – Non-Discrimination in Employment  
BP 4033 – Lactation Accommodation  
BP/AR 4119.11– Sexual Harassment  
BP/E 4119.21/4319.21/4119.21-E – Professional Standards  
BP/AR 1312.1

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**Policy 4030: Nondiscrimination In Employment**

**Status:** ADOPTED

**Original Adopted Date:** 02/21/2013 | **Last Revised Date:** 12/14/2023 | **Last Reviewed Date:** 12/14/2023

The Governing Board is determined to provide a safe, positive environment where all district employees are assured of full and equal employment access and opportunity, freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants and the district to provide services, as applicable.

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics.

Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health decisionmaking, defined as a person's decision to seek medical service for reproductive health. (Government Code 12926, 12940)

The district shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and order to comply with federal immigration law. (2 CCR 11028)

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the

1. Hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of adverse employment actions such as termination or denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities or that hinders an employee's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
  - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or sexual orientation
  - b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the district's failure to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
  - c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition, without the showing of a job-related need or business necessity
  - d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process to determine the effective reasonable accommodations, if any, to be provided to the employee
  - e. Requiring an applicant or employee to disclose information relating to the employee's reproductive health decisionmaking

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic shall be subject to any sanction, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign a release of the employee's claim of discrimination, nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accommodation policy.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee, shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy, including providing training and information to employees about prohibited conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall, as necessary, take action to ensure district compliance with the nondiscrimination laws.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such conduct shall be subject to disciplinary action, up to and including dismissal.

The district shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are in the possession of an employee, for four years after the date the employment action was taken. However, when the district is notified that a complaint has been filed with the California Civil Rights Department, the records involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been resolved by proceedings, civil actions, appeals, or related proceedings have been terminated. (Government Code 12946)

**Regulation 4030: Nondiscrimination In Employment**

**Status:** ADOPTED

**Original Adopted Date:** 03/09/2011 | **Last Revised Date:** 10/08/2020 | **Last Reviewed Date:** 10/08/2020

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the district shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to organize and manage the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Director of Human Resources  
493 El Camino Real  
Greenfield, CA 93927  
(831) 674-2840

**Measures to Prevent Discrimination**

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Department of Fair Employment and Housing (DFEH) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049)
2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)
  - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
  - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
  - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available
3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)
  - a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return
  - b. Sending a copy via email with an acknowledgment return form
  - c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
  - d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session
  - e. Any other way that ensures employees receive and understand the policy
4. Provide to employees a handbook which contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior

5. Provide training regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

The district may also provide bystander intervention training to employees which includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law
7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

### **Complaint Procedure**

Complaints of sexual harassment shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.

Any other complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: A complainant may inform a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. Investigation Process: The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out the investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed in order to prevent further incidents. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Remedial/Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

### **Other Remedies**

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either DFEH or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. For filing a complaint with DFEH alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)
  2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
  3. For filing a complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)
-



**Policy 4033: Lactation Accommodation**

**Status:** ADOPTED

**Original Adopted Date:** 10/10/2019 | **Last Revised Date:** 08/12/2021 | **Last Reviewed Date:** 10/10/2019

The Governing Board recognizes the immediate and long-term health benefits of breastfeeding and desires to provide a supportive environment for any district employee to express milk for an infant child upon returning to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee for seeking an accommodation to express breast milk for an infant child while at work.

An employee shall notify the employee's supervisor or other appropriate personnel in advance of the intent to request an accommodation. The supervisor shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.

Lactation accommodations shall be granted unless limited circumstances exist as specified in law. (Labor Code 1031, 1032; 29 USC 207)

Before a determination is made to deny lactation accommodations to an employee, the employee's supervisor shall consult with the Superintendent or designee. When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s). (Labor Code 1034)

The district shall include this policy in its employee handbook or in any set of policies that the district makes available to employees. In addition, the Superintendent or designee shall distribute the policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave. (Labor Code 1034)

**Break Time and Location Requirements**

The district shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child. (Labor Code 1030)

To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

The employee shall be provided the use of a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area. The room or location provided shall meet the following requirements: (Labor Code 1031; 29 USC 207)

1. Is shielded from view and free from intrusion while the employee is expressing milk
2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382
3. Contains a place to sit and a surface to place a breast pump and personal items
4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump
5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing milk in close proximity to the employee's workspace

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes. (Labor Code 1031)

**Dispute Resolution**

An employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

**Policy 4119.11: Sex Discrimination and Sex-Based Harassment**

**Status:** ADOPTED

**Original Adopted Date:** 08/04/2009 | **Last Revised Date:** 10/08/2020 | **Last Reviewed Date:** 10/08/2020

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

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

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply
3. Ensuring prompt, thorough, fair, and equitable investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

**Sexual Harassment Reports and Complaints**

District employees who feel that they have been sexually harassed in the performance of their district responsibilities or who have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, a district administrator, or the district's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint is addressed through either AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures for complaints meeting the Title IX definition of sexual harassment or AR 4030 - Nondiscrimination in Employment for complaints meeting the state definition, as applicable, and shall offer supportive measures to the complainant.

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

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**Regulation 4119.11: Sex Discrimination and Sex-Based Harassment**

**Status:** ADOPTED

**Original Adopted Date:** 08/04/2009 | **Last Revised Date:** 10/08/2020 | **Last Reviewed Date:** 10/08/2020

Districts are also cautioned that the federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions arise.

The following administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

**Title IX Coordinator**

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

Director of Human Resources  
493 El Camino Real  
Greenfield, CA 93927  
(831) 674-2840

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's 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, regardless of whether or not the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance of creating an intimidating, hostile, or offensive work environment.
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

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

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

**Training**

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and

education regarding sexual harassment. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies to prevent harassment in the workplace
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed  
  
Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.
12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation
13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

## **Notifications**

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the district that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

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**Policy 4119.21: Professional Standards**

**Status:** ADOPTED

**Original Adopted Date:** 05/10/2018

The Governing Board expects district employees to maintain the highest ethical standards, behave professionally, follow district policies and regulations, and 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 district, advances the goals of the district's educational programs and contributes to a positive school climate.

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

Each employee is expected to acquire the knowledge and skills necessary to fulfill his/her responsibilities and to contribute to the learning and achievement of district students.

**Inappropriate Conduct**

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon
2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed
3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members
7. Willfully disrupting district or school operations by loud or unreasonable noise or other action
8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored student activity
9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records
10. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information
11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities
12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district
14. Wearing inappropriate attire

## **Reports of Misconduct**

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the district's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent 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.

The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

## **Notifications**

The section(s) of the district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

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**Policy 4319.21: Professional Standards**

**Status:** ADOPTED

**Original Adopted Date:** 05/10/2018

The Governing Board expects district employees to maintain the highest ethical standards, behave professionally, follow district policies and regulations, and 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 district, advances the goals of the district's educational programs and contributes to a positive school climate.

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

Each employee is expected to acquire the knowledge and skills necessary to fulfill his/her responsibilities and to contribute to the learning and achievement of district students.

**Inappropriate Conduct**

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon
2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed
3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members
7. Willfully disrupting district or school operations by loud or unreasonable noise or other action
8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored student activity
9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records
10. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information
11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities
12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

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The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

## **Notifications**

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## 4119.21-E Professional Standards

### CODE OF ETHICS OF THE EDUCATION PROFESSION

#### Preamble

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurturing of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

#### Principle I. Commitment to the Student

The educator strives to help each student realize his/her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning
2. Shall not unreasonably deny the student access to varying points of view
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety
5. Shall not intentionally expose the student to embarrassment or disparagement
6. Shall not on the basis of race, color, creed, gender, national origin, marital status, political or religious beliefs, family, social, or cultural background, or sexual orientation, unfairly:
  - a. Exclude any student from participation in any program
  - b. Deny benefits to any student
  - c. Grant any advantage to any student
7. Shall not use professional relationships with students for private advantage
8. Shall not disclose information in the course of professional service unless disclosure serves a compelling professional purpose or is required by law

#### Principle II. Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation of the profession, the educator:

1. Shall not in any application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications
2. Shall not misrepresent his/her professional qualifications
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position
5. Shall not assist a noneducator in the unauthorized practice of teaching
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law
7. Shall not knowingly make false or malicious statements about a colleague
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action

Source: National Education Association, 1975

**Policy 1312.1: Complaints Concerning District Employees**

**Status:** ADOPTED

**Original Adopted Date:** 10/21/2008 | **Last Revised Date:** 10/14/2021

The Governing Board recognizes its accountability to the public for the quality of the district's educational program and the performance of district employees. The by any person regarding an employee can be resolved impartially, expeditiously, and with minimal disruption to district operations and the educational program.

When a concern regarding an employee is presented during a Board meeting or to an individual Board member or employee outside of a Board meeting, the complaint shall be handled in accordance with the following procedures:

Any complaint regarding the Superintendent shall be initially filed in writing with the Board. The Board shall consult with legal counsel or appoint an appropriate agent to handle the complaint.

The Superintendent or designee shall determine whether a complaint against any other employee should be considered a complaint against the district and/or an individual employee. Any complaint against a district employee shall be handled in accordance with the district's process for complaints concerning personnel and/or other district procedures. Any complaint of child abuse or neglect alleged against a district employee shall be handled in accordance with law and BP 5141.4 - Child Abuse Prevention and Reporting. Any complaint alleging that an employee engaged in unlawful discrimination (such as discrimination based on race, gender, or other protected characteristics) shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Any complaint by an employee, job applicant, volunteer, intern, or independent contractor shall be filed in accordance with AR 4030 - Nondiscrimination in Employment.

Any complaint subject to this policy and the accompanying administrative regulation shall be investigated by the principal, the employee's immediate supervisor, the superintendent, or other appropriate person who is not the subject of the complaint or subordinate to the employee charged in the complaint. The complainant and the employee charged in the complaint shall be notified of the investigation.

A complaint that is filed anonymously may be investigated by the Superintendent or designee depending on the specificity and reliability of the information.

If a complainant requests confidentiality, the Superintendent or designee shall inform the complainant that the request may limit the district's ability to investigate the complaint. The Superintendent or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity.

The Board prohibits retaliation against complainants.

**Appeals**

If either the complainant or the employee submits an appeal of the Superintendent's decision to the Board, the Board shall determine whether to uphold the Superintendent's decision, refer the matter to an appeals committee to advise the Board, or hear the appeal itself.

If the Board decides to hear the complaint, the matter shall be addressed in closed session in accordance with Government Code 54957 unless the employee requests a public hearing. The Board shall consider the original complaint and additional information provided by the Superintendent or designee regarding the steps taken to resolve the issue.

The Board's decision shall be final.

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**Regulation 1312.1: Complaints Concerning District Employees**

**Status:** ADOPTED

**Original Adopted Date:** 10/21/2008 | **Last Revised Date:** 10/14/2021

Every effort should be made to resolve complaints regarding district employees at the earliest possible stage. Any person who complains about a district employee shall be encouraged to resolve the matter informally through direct communication with the employee whenever possible.

If a complainant is unable or unwilling to resolve the complaint directly with the employee, the complainant may submit a written complaint to the principal or other immediate supervisor of the employee. Complaints related to a principal or district administrator shall be initially filed in writing with the Superintendent or designee. If the complainant is unable to prepare the complaint in writing, administrative staff shall provide assistance in the preparation of the complaint.

A written complaint shall include the full name of the employee involved, a brief but specific summary of the complaint and the facts surrounding it, and a description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. When a written complaint is received, the employee who is the subject of the complaint shall be notified within five days or in accordance with the collective bargaining agreement.
  2. The principal or other immediate supervisor of the employee shall investigate and attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. A complaint against a school or district administrator shall be investigated by the Superintendent or designee. The investigation may include interviews of the employee, complainant, or witnesses as necessary and/or a review any documentation relevant to the complaint.
  3. Both the complainant and employee shall be notified in writing of the final decision regarding the resolution of the complaint.
  4. Either the complainant or the employee against whom the complaint was made may appeal the decision. A decision by the principal or immediate supervisor may be appealed to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. Either the complainant or the employee may appeal the Superintendent's decision to the Governing Board.
  5. If the decision is appealed to the Board, the Superintendent or designee shall submit to the Board the following information:
    - a. The full name of each employee involved
    - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response
    - c. A copy of the signed original complaint
    - d. A summary of the action taken by the Superintendent or designee and the reasons that the problem has not been resolved
-



# GREENFIELD UNION SCHOOL DISTRICT

493 El Camino Real, Greenfield, CA 93927

Tel. (831) 674-2840 Fax (831) 674-3712

[www.greenfield.k12.ca.us](http://www.greenfield.k12.ca.us)



July 5, 2024

**Via Email only to:** [tsanchez@greenfield.k12.ca.us](mailto:tsanchez@greenfield.k12.ca.us)

Javier Sanchez  
[REDACTED]

Re: Notice of Personnel Investigation

Dear Mr. Sanchez,

The Greenfield Union School District is conducting an investigation into allegations that you engaged in misconduct. This is a personnel investigation.

The District directed its legal counsel, Lozano Smith, to conduct this investigation. Selina Ayala-Patlán, an attorney with Lozano Smith, will be conducting your interview.

The District will contact you soon to schedule your interview. Please be advised that you will be directed to participate in this interview.

The District is committed to completing this investigation as promptly and as confidentially as possible. Please understand that due to the sensitive nature of the process, this investigation will be conducted in a manner that protects the privacy of all involved to the greatest extent possible.

Please note that District policy and applicable law protect employees and other witnesses from retaliation.

If you have any questions about the investigation, please do not hesitate to contact me.

Sincerely,

*Tina Martinez*

Director of Human Resources

Zandra Jo Galván, *Superintendent*

Denise Jaime, *Board President* ■ Juergen Smith, *Board Vice President* ■ Jose Madrid, *Board Clerk*

David Kong, *Board Trustee* ■ Sonia Heredia, *Board Trustee*



# GREENFIELD UNION SCHOOL DISTRICT

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September 30, 2024

Via Email only to: [tsanchez@greenfield.k12.ca.us](mailto:tsanchez@greenfield.k12.ca.us)

Javier Sanchez

Re: 24-Hour Notice of Closed Session Discussion/Action

Dear Mr. Sanchez,

Government Code section 54957 provides that employees be notified at least 24 hours in advance of a closed session Board discussion of "complaints or charges" regarding an employee. To the extent it applies, this is to inform you that the Governing Board of the Greenfield Union School District ("District") will hold a meeting on **October 3, 2024, at 6:00 p.m.** (or thereafter, until the meeting is adjourned), in which the Board will discuss "complaints or charges" against you.

The meeting will be held at the District Board Room, 493 El Camino Real, Greenfield, California 93927. Please notify me no later than **1:00 p.m. on October 2, 2024**, if you wish to have this matter heard in open session. If you do not exercise this right, the Board will consider this matter during its closed session.

Sincerely,

Tina Martinez

Director of Human Resources

Zandra Jo Galván, *Superintendent*

Denise Jaime, *Board President* ■ Juergen Smith, *Board Vice President* ■ Jose Madrid, *Board Clerk*

David Kong, *Board Trustee* ■ Sonia Heredia, *Board Trustee*





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September 9, 2024

**Via Email only to:** [tsanchez@greenfield.k12.ca.us](mailto:tsanchez@greenfield.k12.ca.us)

Javier Sanchez

Re: 24-Hour Notice of Closed Session Discussion/Action

Dear Mr. Sanchez,

Government Code section 54957 provides that employees be notified at least 24 hours in advance of a closed session Board discussion of "complaints or charges" regarding an employee. To the extent it applies, this is to inform you that the Governing Board of the Greenfield Union School District ("District") will hold a meeting on **September 12, 2024, at 6:00 p.m.** (or thereafter, until the meeting is adjourned), in which the Board will discuss "complaints or charges" against you.

The meeting will be held at the District Board Room, 493 El Camino Real, Greenfield, California 93927. Please notify me no later than **1:00 p.m. on September 11, 2024**, if you wish to have this matter heard in open session. If you do not exercise this right, the Board will consider this matter during its closed session.

Sincerely,

Tina Martinez

Director of Human Resources

Zandra Jo Galván, *Superintendent*

Denise Jaime, *Board President* ■ Juergen Smith, *Board Vice President* ■ Jose Madrid, *Board Clerk*

David Kong, *Board Trustee* ■ Sonia Heredia, *Board Trustee*



# GREENFIELD UNION SCHOOL DISTRICT

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[www.greenfield.k12.ca.us](http://www.greenfield.k12.ca.us)



August 23, 2024

**Via Email only to:** [tsanchez@greenfield.k12.ca.us](mailto:tsanchez@greenfield.k12.ca.us)

Javier Sanchez



Re: Notice of 4030 – Nondiscrimination in Employment Investigation

Dear Mr. Sanchez,

As you know, the Greenfield Union School District (“District”) had previously informed you that it is conducting an investigation into allegations that you engaged in misconduct.

Please be advised that due to information received throughout the investigatory process thus far, the scope of the investigation has been expanded to include allegations of sex discrimination based on an employee’s pregnancy, childbirth, breastfeeding and/or on an employee’s gender.

The District takes these allegations seriously and the District is informing you that this investigation is being conducted in accordance with District Board Policy (“BP”) and Administrative Regulation (“AR”) 4030 – Non-Discrimination in Employment, which are enclosed for your reference.

As you know, the District directed its legal counsel, Lozano Smith, to conduct this investigation. Selina Ayala-Patlán, an attorney with Lozano Smith, will be conducting your interview. Your interview will be conducted on August 29, 2024, at 9:00 am at the District Board Room. At the conclusion of the investigation, factual findings related to the pending allegations will be made. Thereafter, you can expect to receive written findings from the District, in accordance with BP/AR 4030.

The District asks that you refrain from discussing the investigation or the incidents under investigation with anyone to the extent that such discussions would affect the integrity of the investigation. Please note that this does not prevent you from discussing the Complaint with your own legal counsel.

Please be advised that the District strictly prohibits retaliation against anyone who makes a complaint or anyone who participates in an investigation. If you believe that you are experiencing retaliation during this process, please contact me immediately. Also, you are directed to refrain from engaging in conduct that constitutes retaliation against anyone who participates in this investigation.

.

Zandra Jo Galván, *Superintendent*

Denise Jaime, *Board President* ■ Juergen Smith, *Board Vice President* ■ Jose Madrid, *Board Clerk*

David Kong, *Board Trustee* ■ Sonia Heredia, *Board Trustee*



# GREENFIELD UNION SCHOOL DISTRICT

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If you have any questions about the investigation, please do not hesitate to contact me.

Sincerely,

Tina Martinez

Director of Human Resources

*Enclosures: BP/AR 4030 – Non-Discrimination in Employment*

Zandra Jo Galván, *Superintendent*

Denise Jaime, *Board President* ■ Juergen Smith, *Board Vice President* ■ Jose Madrid, *Board Clerk*

David Kong, *Board Trustee* ■ Sonia Heredia, *Board Trustee*

**Policy 4030: Nondiscrimination In Employment****Status:** ADOPTED**Original Adopted Date:** 02/21/2013 | **Last Revised Date:** 12/14/2023 | **Last Reviewed Date:** 12/14/2023

The Governing Board is determined to provide a safe, positive environment where all district employees are assured of full and equal employment access and opportunity, freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants who apply to the district to provide services, as applicable.

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics.

Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health decisionmaking, defined as a person's decision to seek medical service for reproductive health. (Government Code 12926, 12940)

The district shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that the employee is not lawfully present in the United States. (2 CCR 11028)

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of adverse employment actions such as termination or denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities or that hinders an employee's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
  - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or sexual orientation
  - b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the district's failure to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
  - c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition, without the showing of a job-related need or business necessity
  - d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process to determine the effective reasonable accommodations, if any, to be provided to the employee
  - e. Requiring an applicant or employee to disclose information relating to the employee's reproductive health decisionmaking

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic shall be subject to retaliation, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign a release of the employee's claim of discrimination, nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or retaliation that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the applicable collective bargaining agreement.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee, shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy, including providing training and information to employees about prohibited conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall, as necessary, take action to ensure district compliance with the nondiscrimination laws.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such conduct shall be subject to disciplinary action, up to and including dismissal.

The district shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are in the possession of the district, for four years after the date the employment action was taken. However, when the district is notified that a complaint has been filed with the California Civil Rights Department, the records involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been resolved by proceedings, civil actions, appeals, or related proceedings have been terminated. (Government Code 12946)

**Regulation 4030: Nondiscrimination In Employment**

**Status:** ADOPTED

**Original Adopted Date:** 03/09/2011 | **Last Revised Date:** 10/08/2020 | **Last Reviewed Date:** 10/08/2020

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the district shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to organize and manage the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Director of Human Resources  
493 El Camino Real  
Greenfield, CA 93927  
(831) 674-2840

**Measures to Prevent Discrimination**

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Department of Fair Employment and Housing (DFEH) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049)
2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)
  - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
  - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
  - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available
3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)
  - a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return
  - b. Sending a copy via email with an acknowledgment return form
  - c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
  - d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session
  - e. Any other way that ensures employees receive and understand the policy
4. Provide to employees a handbook which contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior

5. Provide training regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

The district may also provide bystander intervention training to employees which includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law
7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

### **Complaint Procedure**

Complaints of sexual harassment shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.

Any other complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: A complainant may inform a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. Investigation Process: The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out the investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed in order to prevent further incidents. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Remedial/Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

### **Other Remedies**

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either DFEH or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. For filing a complaint with DFEH alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)
  2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
  3. For filing a complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)
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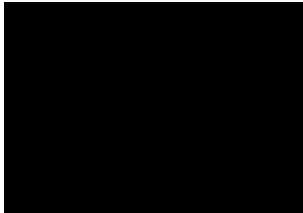
Javier Sanchez

Concerns RE: Investigation

September 16, 2024

3:35 p.m.

**Participants:**



They are bringing the concerns that have regarding the investigation regarding Sanchez.

has received messages from three to four individuals, including staff members who participated in the investigation. They are very concerned about any retaliation; they are very nervous. has tried to calm staff down by telling them that they are protected.

Staff, especially at that site, are having a lot of anxiety.

We should complete the investigation by the first week of October.

: When a teacher is placed on administrative leave, they are told not to contact anyone and to return their keys and laptop to the district. Is it the same for admin?

This is a unique situation; has been working with him.

Would this include the weekly newsletter? I can show you what was sent to me.

We weren't aware that he was sending any newsletters. was able to see the newsletter.