<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>4146</td>
<td>Nonrenewal of Nontenured Support Staff Member</td>
</tr>
<tr>
<td>4160</td>
<td>Physical Examination</td>
</tr>
<tr>
<td>4211</td>
<td>Attendance</td>
</tr>
<tr>
<td>4211.3</td>
<td>Consulting Outside the District</td>
</tr>
<tr>
<td>4218</td>
<td>Substance Abuse</td>
</tr>
<tr>
<td>4230</td>
<td>Outside Activities</td>
</tr>
<tr>
<td>4233</td>
<td>Political Activities</td>
</tr>
<tr>
<td>4240</td>
<td>Employee Training</td>
</tr>
<tr>
<td>4281</td>
<td>Inappropriate Staff Conduct</td>
</tr>
<tr>
<td>4321</td>
<td>Acceptable Use of Computer Network(s)/Computers and Resources by Support Staff Members</td>
</tr>
<tr>
<td>4352</td>
<td>Sexual Harassment</td>
</tr>
</tbody>
</table>
REGULATION

WASHINGTON TOWNSHIP
BOARD OF EDUCATION

SUPPORT STAFF MEMBERS
R 4146/page 1 of 5
Nonrenewal of Nontenured Support Staff Member
Oct 13

R 4146 NONRENEWAL OF NONTENURED SUPPORT STAFF MEMBER

A. Evaluations

1. Each nontenured support staff member shall be evaluated at least one time each school year.

2. Evaluations shall set forth both the strengths and weaknesses of the nontenured support staff member in order to provide an accurate assessment of his/her performance and to encourage the improvement of that performance.

3. Supervisors shall constructively point out performance deficiencies and offer assistance to nontenured support staff members in the improvement of professional skills.

B. Nonrenewal Recommendation

1. When a nontenured support staff member’s performance does not meet the standards of the district, the support staff member’s immediate supervisor shall recommend to the Superintendent, no later than April 1, that the support staff member should not be reemployed in the following school year.

2. The nontenured support staff member shall be informed by the Superintendent of Schools, in writing, that employment for the next succeeding school year will not be offered. This written notice shall be provided to the nontenured support staff member in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties.

3. A recommendation by the Superintendent for nonrenewal may be based upon the nontenured support staff member’s evaluations, job performance, or any factor affecting his/her employment in this district.

4. A nontenured support staff member’s contracts can only be renewed upon the Superintendent’s recommendation and a majority vote of the full Board. The Board may not withhold its approval for arbitrary and capricious reasons.
C. Nonrenewal Action

1. The Superintendent will notify the Board members of the recommendation not to renew a nontenured support staff member’s contract before notifying the support staff member of the recommendation to not renew. The Superintendent may notify the Board members of the recommendation not to renew the nontenured support staff member’s contract and the reasons for the recommendation in a written notice to the Board. In the alternative, the Superintendent may notify the Board members of the recommendation not to renew a nontenured support staff member in executive session. Using this option, the Board will meet in executive session to review the Superintendent’s recommendation(s) for nonrenewal of nontenured support staff members. Notice of the executive session shall be given in accordance with N.J.S.A. 10:4-13 and individual notice shall be given, not less than forty-eight hours in advance of the meeting, to those nontenured support staff members whose possible nonrenewal will be discussed at the meeting. If any such employee requests the discussion take place in public, the recommendation for his/her nonrenewal will be severed from any other nonrenewal recommendation and will be scheduled for discussion at a public meeting.

2. A nontenured support staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board vote is not required on the Superintendent’s recommendation(s) to not renew a nontenured support staff member’s contract.

D. Notice of Nonrenewal

1. Notice of the Superintendent’s decision not to renew shall be given to each nontenured support staff member not recommended for renewal in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties. The Board may delegate the Superintendent or the Board Secretary to give the written notice of nonrenewal.

2. The nonrenewal notice shall be in writing and provided to the nontenured teaching staff member not recommended for renewal in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties. If hand delivered, a record shall be made of the date on which delivery was made. If sent by
mail, the notice shall be sent registered mail, return receipt requested, to the nontenured support staff member’s address of record.

E. Request for Statement of Reasons

1. A nonrenewed support staff member will be given a written statement of the reasons for which he/she was not renewed provided the support staff member’s request for a statement of reasons has been received by the Superintendent within fifteen calendar days after the support staff member has received written notice of his/her nonrenewal.

2. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the precise reasons for the nonrenewal. Where the nonrenewal is based on performance deficiencies recorded in the employee’s evaluations and the employee has been given a copy of those evaluations, the statement of reasons may incorporate the evaluations by reference.

3. The statement of reasons may be prepared by the Superintendent or the Board Secretary and shall be delivered to the employee who requested it within thirty calendar days after the receipt of the employee’s request.

F. Nonrenewal Appearance

1. A support staff member who has requested a statement of reasons for his/her nonrenewal will be granted an informal appearance before the Board to discuss those reasons, provided that he/she had submitted to the Superintendent a written request for such an appearance no later than ten calendar days after the support staff member’s receipt of the written statement of reasons.

2. A date for the informal appearance shall be scheduled within thirty calendar days from the support staff member’s receipt of the Board’s statement of reasons. The appearance shall be conducted at an executive session for which notice has been given in accordance with N.J.S.A. 10:4-13. The Board will determine a reasonable
length of time to be devoted to the appearance, depending upon each instance's specific circumstances. The proceeding of an informal appearance before the Board may be conducted pursuant to N.J.A.C. 10:4-12(b)(8).

3. The support staff member requesting the appearance shall be given written notice, no later than forty-eight hours in advance of the meeting at which it is scheduled, of the date, time, place, and duration of the appearance.

4. The purpose of the appearance shall be to permit the nonrenewed support staff member to convince the members of the Board to offer reemployment. To those ends, the appearance shall be informally conducted. This appearance provides a mechanism by which the nontenured support staff member, whose renewal has not been recommended by the Superintendent, can appeal to the Board, on which the Superintendent sits as a non-voting member pursuant to N.J.S.A. 18A:17-20. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding and the appearance shall not be an adversary proceeding.

5. The support staff member may be represented by an attorney or by one individual of his/her choosing. He/She may present witnesses to testify on his/her behalf. Witnesses do not need to present testimony under oath, and their statements may be recorded. The Board will hear witnesses and shall not cross-examine them. Witnesses will be called into the meeting to address the Board one at a time and shall be excused from the meeting after making their statements.

G. Final Determination

1. A nontenured support staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board vote is not required on the Superintendent’s recommendation(s) to not renew a nontenured support staff
member. However, after an informal appearance before the Board, the Superintendent may make a recommendation for reemployment to the voting members of the Board. The voting members of the Board, by a majority vote of the full Board in public session, must approve the reemployment based on the Superintendent's recommendation.

2. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the nontenured support staff member reemployment after the informal appearance before the Board.

3. The final determination will be delivered to the nontenured support staff member, in writing, no later than three days following the informal appearance. The Board may delegate the Superintendent or the Board Secretary to deliver the final determination.

Issued: January 7, 2014
R 4160 PHYSICAL EXAMINATION

A. Definitions

1. "Employee" or "staff member" means the holder of any full-time or part-time position of employment.

2. "Health history" means the record of a person's past health events obtained in writing, completed by the individual or their physician.

3. "Health screening" means the use of one or more diagnostic tools to test a person for the presence or precursors of a particular disease.

4. "Physical examination" means the assessment of an individual's health by a professional licensed to practice medicine or osteopathy, or by an advanced practice nurse or physician assistant.

5. "Physician assistant" means a health care professional licensed to practice medicine with physician supervision.

B. Physical Examinations – Candidates for Employment Who Have Received a Conditional Offer of Employment

1. Candidates for employment who have received a conditional offer of employment shall be required to undergo a physical examination. The physical examination shall include, but is not limited to, a health history and health screenings to determine whether the candidate is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990 (ADA). The candidate for employment will be provided the Board's requirements for the physical examination.

a. A health history shall include, but is not limited to, the candidate’s:

(1) Past serious illnesses and injuries;

(2) Current health problems;

(3) Allergies; and

(4) A record of immunizations.
b. A health screening shall include, but is not limited to:

(1) Height;

(2) Weight;

(3) Pulse and respiratory rate;

(4) Hearing screening;

(5) Blood pressure;

(6) Vision screening;

C. Medical Requirements Upon Employment

1. A Mantoux tuberculosis test shall be given upon employment of all newly hired staff members (full-time and part-time), and to all student teachers, school bus drivers on contract with the district, and to contractors or volunteers who have contact with students. Tuberculosis testing is not required for volunteers working with students less than twenty hours per month.

a. Tuberculosis testing is not required:

(1) For new staff members, student teachers, and contractors of the school district with a documented negative tuberculosis test result in the last six months or a documented positive tuberculosis test, regardless of when this test was done; or

(2) For a school district staff member transferring between school districts or from a non-public school within New Jersey with a documented tuberculosis test result upon his/her initial employment by a New Jersey school.
b. Staff members, student teachers, contractors or volunteers who have contact with students and claim a religious exemption cannot be compelled to submit to tuberculosis testing. In these instances, a symptom assessment must be done (TB-8 Form). If TB-like symptoms are reported, a physician must document that the staff member, student teacher, contractor, or volunteer does not have an active disease.

(1) The school district shall determine the criteria essential to document a valid religious exemption.

c. Procedures for the administration of the Mantoux tuberculosis test, interpretation of reactions, follow-up procedures, and reporting shall be conducted in accordance with the guidelines and requirements of the New Jersey Department of Health.

2. An individual support staff member may provide health-status information, including medications, that may be of value to medical personnel in the event of an emergency requiring treatment. In such instances, the support staff member may also choose to share with the Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency.

D. Health Records

1. All health records of candidates for employment who have received a conditional offer of employment and of current employees, including computerized records, shall be secured, stored, and maintained separately from other personnel files.

2. Health records may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5.

E. Employees’ Physical Examination and Medical Updates

1. School employee physicals, examinations, and/or annual medical updates shall not require disclosure of HIV status.
I. Review of Examinations and Assessments

1. The results of the physical examination of a candidate for employment who has received a conditional offer of employment will be reviewed by the school physician, who, in consultation with the Superintendent, will determine the candidate’s physical and mental fitness to function with reasonable accommodation in the position for which he/she has made application. That determination will be made a part of the candidate’s application.


1. All candidates for employment who receive a conditional offer of employment shall be informed by the district that:

   a. An offer of employment by the Superintendent of Schools or designee is conditional upon completion of the Board’s required physical examinations and assessments;

   b. The required examinations and assessments will be used to determine the candidate’s ability to perform with reasonable accommodations job-related functions pursuant to ADA; and

   c. If it is determined upon completing the examination(s) or assessment(s) the candidate is unable to perform with reasonable accommodations job-related functions pursuant to the provisions of the ADA, the conditional offer of employment will be rescinded either by the Superintendent if the Board has not yet approved the appointment or by the Board, if the Board had approved the appointment at a Board meeting.

Adopted: August 17, 2017
REGULATION
WASHINGTON TOWNSHIP
BOARD OF EDUCATION
SUPPORT STAFF MEMBERS
R 4211/page 1 of 5
Support Staff Attendance

R 4211                     SUPPORT STAFF ATTENDANCE

A. Review of Attendance Data

1. A record shall be kept of the attendance of each support staff member. Any
   absence, for part or all of a school day, shall be recorded along with the reason for
   the absence. The record will distinguish sick leave, professional days, unpaid
   leaves of absence, personal leave, jury duty, death in family, excused other days,
   family leave, maternity leave, paid leaves of absence, and workmen's
   compensation days. The employee's attendance record will include notation of
   verification of an absence where such verification is required by Policy No. 4211.
   The employee's rate of absence shall be calculated daily and entered on his/her
   attendance record. An employee's attendance record shall be part of the
   employee's personnel file.

2. At the end of each month, a cumulative attendance record shall be assembled for
   each school and for the district.

3. An attendance summary shall be prepared from the cumulative attendance record.
   The attendance summary shall show the rate of absence for each school and for
   the district.

4. A record shall be made of the appointment of substitutes for absent employees
   and the wages paid to substitutes.

B. Attendance Improvement Plan

1. Planning

   The Superintendent will meet with Building Principals and appropriate
   administrators to discuss the attendance summary. The attendance summary shall
   be analyzed for patterns of absence, such as excessive absenteeism in a given
   school or work place, among certain groups of employees, for certain specific
   causes, or on certain days of the week, month, or year. Specific strategies for
   reducing the rate of absence shall be developed.

2. Implementation

   a. The Building Principal shall be responsible for implementing the district's
      plan for the improvement of support staff member attendance in his/her
      school building.

   b. The Principal shall encourage the regular attendance of the support staff
      members in his/her building. He/She shall maintain contact with absent
      employees and confer personally with each employee who returns from an
      absence of any duration, impressing upon employees the district's concern
      for their health and well-being. The Principal shall, by appropriate means,
      recognize support staff members whose attendance is exemplary.
c. The Principal shall incorporate, and shall direct other supervisors to incorporate, a support staff member’s attendance record in his/her evaluation.

d. The Principal shall report to the Superintendent any support staff member whom he/she suspects of misusing sick leave or falsifying the reasons for absence.

3. In-service Training

The Principal shall meet with the support staff members assigned to his/her building at the beginning of each school year to inform employees of Board policy and district regulations on attendance, to familiarize employees with the forms to be used in reporting and verifying absences, to review with employees the cost of absenteeism to the district and the value of accumulated sick leave to the employee, and to acquaint employees with the degree to which attendance will affect evaluation reports.

4. Counseling

a. As of the last day of school in the month of January a report will be given to the Building Principal listing all support staff members who have been absent for personal and/or sick leave for 8 or more days. The Building Principal may, at his/her discretion, call a conference with each support staff member who is absent 8 or more days and/or whose pattern of absences or the reasons offered for the absences indicate a misunderstanding of the support staff member’s responsibility to the school district or the possible misuse of the privilege of paid leave.

b. Prior to the giving of any admonition or reprimand or imposition of discipline of any kind, the Principal shall determine the nature of the absences and consider any extenuating circumstances.

c. A written report of any attendance conference shall be prepared and retained with the teaching staff member’s evaluations. The member shall, in accordance with Board policy on support staff member evaluation, be permitted to examine the report and affix his/her comments, if any, to the report.

Issued: 21 December 2007
R 4211.3 CONSULTING OUTSIDE THE DISTRICT

The Board of Education recognizes that support staff members will have expertise and
knowledge in areas that other school districts, agencies, private business organizations and other
entities may desire. Recognizing that the school district will request the expertise from support
staff members from other school districts, agencies, private business organizations and other
entities the Board supports sharing of its support staff members with other school districts and
agencies to the extent it does not interfere with the efficient operation of the school district.

A. Definitions

1. Agency - A public or private agency requesting the services of the school
district's support staff member.

2. Other school districts - A school district other than the school district that employs
the support staff member, including all supervisory and administrative personnel.

3. Out-of-pocket expenses - Expenses that provide reimbursement for such items as
travel, lodging, meal expenses, parking, copy costs, and supply costs.

4. Remuneration - Any compensation, including, but not limited to, a paid stipend,
an hourly fee, a per day fee, and/or any benefit conferred upon the support staff
member, except out-of-pocket expenses.

5. Staff member - A contracted member of the school district's support staff,
including all supervisory and administrative personnel.

B. Procedure - Consulting For No Additional Remuneration

1. The support staff member or the agency requesting the expertise and knowledge
of the support staff member must submit a written request to the Superintendent
or designee. The written request must include the following:

   a. The date(s) the support staff member will away from the district;

   b. The time of day the support staff member's will be away from the school
district;

   c. Any out-of-pocket costs to the school district;

   d. Any reimbursements that the support staff member is entitled to from the
other school district or agency;

   e. The specific services requested of the support staff member; and

   f. The location where the services will be provided.
2. The Superintendent or designee will evaluate the request for a recommendation to be approved by the Board based on the criteria above along with any existing or potential relationships with the other school district for reciprocal services, a reduction in the future or existing cost of services to the school district, the support staff member’s attendance record and the impact of the support staff member being out of the school district for the requested time.

3. The Superintendent or designee will determine and recommend each request on a case-by-case basis and the decision is final. The Superintendent may require the other district or agency to pay the cost of any substitute personnel related to the request.

4. If deemed to be in the best interest of the school district, the Superintendent’s recommendation will be submitted to the Board for approval.

5. The Board’s approval of the Superintendent’s recommendation will permit the support staff member’s consulting activity attendance and the support staff member will receive credit as a regular workday. There shall be no overtime, extra-pay or additional time-off granted to the support staff member if the request is approved by the Board.

6. The support staff member must normally complete any paid consulting activities on his/her own time which would include vacation days, evenings, weekends, and/or school holidays. The support staff member may be granted an unpaid leave of absence to perform the consulting activity when such leave is recommended by the Superintendent and approved by the Board.

C. Reporting Activities


Issued: 15 November 2007
R 4218 SUBSTANCE ABUSE

Procedures

A. Basic procedures to be used when an employee is suspected of having a dependency upon or illegal use of a controlled dangerous substance:

1. The employee’s behavior shall be observed and documented by concerned staff. Such behavior as poor working performance, negative personality changes, and poor attendance could be symptomatic of a substance abuse problem. The concerned staff member shall make this report to the Building Principal or immediate supervisor, the school physician (school medical inspector), or the school nurse.

2. The school physician (school medical inspector) or the school nurse shall notify the Building Principal upon receiving any such report(s). The Principal will notify the Superintendent of any such report(s). The Principal and Superintendent, and school nurse when appropriate, will discuss their concern for the employee’s health and performance to determine if further pursuance is appropriate and necessary.

3. The Principal or school nurse, as determined by the Superintendent, shall discuss the suspected behavior with the employee as to the extent of the problem. The Superintendent shall keep accurate and detailed official written records of all incidents related to suspected substance abuse.

4. If the suspected dependency or use is confirmed, the employee shall be required to obtain professional counseling or complete an appropriate rehabilitation program.

If necessary, an immediate leave of absence may be granted to the employee by the Superintendent. The school nurse will recommend at least two certified counseling agencies or a rehabilitation program to the Superintendent.

B. Procedures to be followed when an employee confides to a colleague or administrator that he/she has a substance abuse problem:

1. The staff member shall encourage the employee to seek help.

2. Report the concern about the potential substance abuse problem to the Building Principal.

3. The school physician or the school nurse must report the substance abuse problem to the Principal. The Principal will then follow ¶C2 of this regulation.
C. Procedures to be followed when an employee is suspected of being under the influence of a substance during working hours:

1. Whenever it appears to any teaching staff member, school nurse, or any other employee of the school district that an employee may be under the influence of a controlled dangerous substance as defined by the New Jersey Statutes, or any chemical (including alcohol/anabolic steroids) or chemical compound which releases vapor or fumes causing condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, this situation shall be immediately reported to the Principal, the school physician, or the school nurse.

2. The school physician or school nurse shall notify the Principal when they receive a report. The Principal shall:
   
a. Notify the Superintendent of Schools.
   
b. Arrange for the immediate examination of the employee by the school doctor or a doctor selected by the employee, or if such doctor is not immediately available, then arrange transportation to the local hospital. The employee shall be accompanied to the doctor or emergency room by a member of the school staff designated by the Building Principal and/or the Superintendent.
   
c. A report shall be requested from the examining physician which shall set forth whether or not the employee is under the influence of a controlled dangerous substance, or any chemical, which includes alcohol, anabolic steroids, or chemical compound. This test must be made within twenty-four hours of the initial report made by the Principal.
   
d. The employee shall not be permitted to resume work until he/she has submitted to the Building Principal a written report from his/her personal physician or the physician who initially examined him/her certifying that he/she is physically and mentally able to return to work.
   
e. If the report indicates a positive diagnosis, a Violence, Vandalism, and Substance Abuse Incident Report shall be completed by the Principal.
   
f. If the report indicates a positive diagnosis, the following sanctions apply:

      First offense: Provided the employee is not dismissed, the employee must report to an outside certified agency for counseling for three required sessions. A report from the agency must be submitted to the Superintendent within one week after the third counseling session. A warning letter from the Superintendent will be placed in the employee’s personnel folder.
Second offense: Provided the employee is not dismissed, the employee must report to an outside certified agency for counseling for five sessions. A report from the agency must be submitted to the Superintendent within one week after the fifth counseling session. A letter of reprimand will be placed in the employee’s personnel folder advising him/her that a third incident will result in a suspension without pay and a loss of an increment for the following year.

Third offense: Provided the employee is not dismissed, the employee must enroll in a certified rehabilitation program. A letter must be sent to the Superintendent at the conclusion of the treatment programs. Also, the employee will be suspended for a week without pay and lose his/her increment the following year.

Fourth offense: Provided the employee is not dismissed, the employee will have a hearing before the Board in which a decision will be rendered by the Board relating to the continued employment of the employee.

If the employee is suspected of substance abuse or use and, in the judgment of the Board of Education, and/or its agents, shows evidence of deviation from normal, physical or mental health, the Board may require the employee to undergo a physical examination in accordance with N.J.S.A. 18A:16-2, 18A:16-3 and N.J.A.C. 6:29-7.4(f). An employee who fails to comply with this requirement shall be subject to discipline.

3. If the employee refuses to be examined for suspected substance abuse, the supervisor will notify the Superintendent immediately, or in his/her absence, his/her designee. The Superintendent or designee shall request the school employee leave the school premises immediately. If the school employee refuses to leave the school premises when required, the appropriate law enforcement agency will be called and a police report will be filed.

D. Procedures to be followed when an employee is found in possession of, and/or selling/distributing alcohol, anabolic steroids, and/or a controlled dangerous substance as defined by New Jersey Statutes and/or Codes.

1. A report will be immediately filed with the appropriate law enforcement agency if any employee is found to be using, be in possession of, or selling illicit drugs, alcohol, or anabolic steroids on the school’s premises or as part of any school function.

2. If in the course of any investigation by the appropriate law enforcement agency, an employee is arrested by the police, he/she will be immediately suspended from work with pay until a Board hearing can be arranged for further disciplinary action.

3. Should the employee be found guilty of a criminal offense, he/she will have a Board hearing at which time the Board will render a decision regarding
E. Any school staff member(s) who in good faith reports an employee to the Principal or the school medical inspector or the school nurse in an attempt to help such person cure his/her dependency upon or illegal use of controlled dangerous substance(s) as defined by N.J.S.A. 2A:170-25-9 and N.J.S.A. 24:21-2 shall not be liable in civil damages as a result of making any such report as specified in N.J.S.A. 2A:62A-4. Alcohol and anabolic steroids are not listed as a controlled, dangerous substance by statute or code.

42 C.F.R. II
34 C.F.R. 85.600 et seq.
20 U.S.C.A. 1145g, 3224a
41 U.S.C.A. 701 et seq.

Issued: 15 November 2007
A. Outside Employment

1. A full-time employee may engage in outside employment when such employment does not:
   
a. Constitute a conflict of interest;

b. Violate the New Jersey School Ethics Act; or

c. Occur at a time when the employee has assigned district duties and responsibilities.

2. A full-time employee who engages in employment outside the district shall report that employment to the Superintendent only if the outside employment may require any type of accommodation by the school district or if the outside employment would require the staff member to not perform or limit the staff member’s ability to perform all the responsibilities of their school district employment.

B. Private Enterprise, Business, or Business Organization

1. An employee shall not conduct activities on school district grounds that may advance a private enterprise, business, or business organization without the express permission of the Superintendent. Permission will not be given for solicitations or collections on behalf of a private enterprise, business, or business organization.

2. An employee shall not, on school grounds, solicit pupils for trips other than those expressly approved by the Board or Superintendent without permission of the Superintendent. School grounds shall not be used as the point of departure or arrival for any such privately arranged activity.

Issued: 15 November 2007
Revised: March 21, 2013
R 4233 POLITICAL ACTIVITIES

A. Prohibited Activities

The following political activities are prohibited on school district premises:

1. Posting of political circulars or petitions on bulletin boards that are not sponsored by the school and included as part of the school curriculum and/or program;

2. Distribution to employees, whether by placing in their school mailboxes or otherwise, of political circulars or petitions, except as delivered by the U.S. Postal Service;

3. Collection of and solicitation for campaign funds;

4. Solicitation for campaign workers;

5. Use of pupils for writing or addressing political materials or the distribution of such materials to or by pupils;

6. Display of any materials that promote the candidacy of any candidate for office by a person working on an election day in a district facility used on election day as a polling place; and

7. Any activity in the presence of pupils while on school property, which activity is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

B. Permitted Activities

The conduct of employee elections and any campaigning connected with those elections is permitted on school premises.

C. Nothing in this Regulation shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a staff member or pupil.

Issued: 15 November 2007
REGULATION

WASHINGTON TOWNSHIP
BOARD OF EDUCATION
SUPPORT STAFF MEMBERS
R 4240/page 1 of 7
Employee Training

R 4240  EMPLOYEE TRAINING

A. Programs of Job Skills Improvement

1. The purpose of job skills improvement programs is to increase the knowledge, proficiency, ability, and skills of support staff employees.

2. Training programs will be structured to meet the immediate needs of the district as well as the personal goals of the employees.

3. Training programs for support staff members shall be developed by the School Business Administrator/Board Secretary for implementation by the immediate supervisor.

B. Determination of Training Needs

1. Principals and supervisors shall annually inventory the training needs of the employees under their supervision by determining whether:
   a. Assignments are being carried out in a systematic and effective manner,
   b. Policies of the Board and regulations of the district are being properly implemented,
   c. Employee evaluations indicate a need for improvement,
   d. Excessive waste or damage is occurring or safety methods are not being followed,
   e. Employees have an opportunity to express their views on the manner in which assignments are performed, and
   f. Career advancement training opportunities are available to employees.

2. The immediate supervisor shall prepare a report of the training needs for the review of the Superintendent or designee that shows:
   a. Identified needs determined from the inventory;
   b. Current programs that meet identified needs and areas in which current programs do not meet identified needs;
   c. Recommendations for on-the-job training procedures in areas in which a need is identified and no current program is available, and
   d. Recommendations for the use of off-the-job training programs known to meet district needs.
C. On-the-Job Training

1. On-the-job training is that given to employees while they are at their assigned workstations.

2. On-the-job training shall be directed primarily to new employees and those whose job responsibilities have been changed.

3. On-the-job training programs shall be developed by the immediate supervisor; the assistance of experts is encouraged with approval of the Superintendent.

4. Scheduling of training on the job will be the responsibility of the immediate supervisor.

5. The outcome of training on the job should be a higher level of performance by each affected employee.

D. Off-the-Job Training

1. Off-the-job training is that attended by employees during or after their regular job assignments but away from their assigned workstations.

2. Training off the job should generally be directed to those employees who have specialized workplace needs.

3. Suitable training programs shall be identified for support staff employees by the immediate supervisor with approval of costs by the Superintendent.

4. Scheduling of off-the-job training will be the responsibility of the immediate supervisor.

5. Allowable fees for attendance at off-the-job training programs shall be reimbursed upon the submission of an expense voucher to the immediate supervisor in accordance with Policy No. 4440.

6. Employees who are recompensed for costs of off-the-job training are expected to continue in their employment for at least one year. Prorate reimbursement will be required for shorter periods of employment.

E. Training Effectiveness

1. Employees assigned to training off the job shall complete a district form designed to evaluate the effectiveness of the program.

2. The immediate supervisor shall review the performance of each employee assigned training either on or off the job thirty to forty-five days following the completion of the program.
3. The immediate supervisor shall report to the Superintendent on the effectiveness and cost of the training programs. He/She shall recommend continuation and discontinuance of programs as appropriate.

Issued: 15 November 2007
R 4281 INAPPROPRIATE STAFF CONDUCT

Inappropriate conduct by a school staff member will not be tolerated by the Board of Education. Policy No. 4281 and this Regulation have been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate conduct and conduct unbecoming a school staff member to pupils.

A. Definitions

1. “Building Principal” is the Principal of the building where the staff member is assigned.

2. “Grievance Procedure” is the grievance procedure that provides for prompt and equitable resolution of inappropriate conduct or conduct unbecoming a school staff member.

3. “Hostile Environment Sexual Harassment” is sexual harassing conduct, which can include sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a pupil’s ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

4. The “immediate supervisor” for support staff members may be a Building Principal, a member of the school district’s non-instructional supervisory staff and/or the School Business Administrator/Board Secretary.

5. “Inappropriate comments” includes, but is not limited to, comments of a sexual nature, sexually oriented humor or language, inappropriate comments about a pupil’s clothing or physical appearance, comments with sexual overtones, comments regarding a pupil’s dating partner or comments about the staff member’s personal life that are not relevant to the professional responsibility of the school staff member.
6. “Inappropriate conduct” includes, but is not limited to, sexual misconduct, a request by a school staff member to a pupil for a social relationship outside the school staff/pupil relationship, sexually harassing conduct, inappropriate touching by the staff member to a pupil or permitting a pupil to inappropriately touch a staff member, corporal punishment, requesting a pupil to expose private parts of their body, other than for school medical purposes, and a staff member exposing their own private parts of their body to a pupil. Inappropriate conduct also includes physical contact between a staff member and pupil that is beyond the staff member/pupil professional relationship. This contact includes, but is not limited to, kissing, touching or feeling private parts of the body, holding hands or arms, and other contact that typically shows a sign of affection beyond the staff member/pupil professional relationship. “Inappropriate conduct” does not include a hug initiated by a pupil as a sign of the pupil’s appreciation to a school staff member at a school sponsored activity such as school banquets, school recognition programs, graduations, etc.

7. “Inappropriate language or expression” includes, but is not limited to, the use of any profanity, obscene language, public lewdness or the use of public lewdness, comments with sexual overtones, distribution and/or discussion of any pornography.

8. “Inappropriate staff conduct” is any conduct prohibited by this Policy and corresponding Regulation including any other conduct deemed by the Commissioner of Education, the State Board of Education, statute, administrative code, and/or the judicial case law to be inappropriate conduct and/or conduct unbecoming a school staff member.

9. “Quid Pro Quo Sexual Harassment” is when a school employee explicitly or implicitly conditions a pupil’s participation in an educational program or activity or bases an educational decision on the pupil’s submission to unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.
10. “Professional responsibility or responsibilities” is the responsibilities of the staff member including, but not limited to, all school district sponsored extra-curricular activities, co-curricular activities, athletic coaching responsibilities; and other instructional or non-instructional positions and responsibilities appointed and/or assigned by the administration or Board.

11. “Promptly report” is reporting by the end of the next school day. If school is not in session the next day, then by the end of the first day after the weekend or holiday break. If this reporting time would exceed seventy-two hours, the staff member shall notify the Building Principal no later than seventy-two hours after the required reporting time.

12. “Sexual Harassment” is to include quid pro quo sexual harassment and/or hostile environment sexual harassment.

13. “Staff member” or “school staff member” is a compensated and/or uncompensated member of the school district’s staff, including any agents and/or representatives of the school district.

14. “Unannounced or uninvited visit” is a pupil visiting, without prior notice to the staff member or without an invitation from the staff member, the staff member’s residence and/or other place where the staff member may be when not performing school related professional responsibilities.

B. Reporting Procedure

1. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with the staff member beyond his/her professional responsibilities must promptly report this information to the Building Principal or immediate supervisor.

2. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with another staff member beyond the professional responsibilities of the other staff member or believes, or has reason to believe, another staff member is seeking a relationship with a pupil beyond the professional responsibilities of the other staff member must promptly report this information to the Building Principal or immediate supervisor.
3. Any staff member who believes he/she had, or may have, engaged in conduct prohibited by this Policy and Regulation must promptly report the conduct to the Building Principal or immediate supervisor.

4. Failure of a staff member to report conduct they know, or had reason to know, is prohibited by this Policy and Regulation and will result in appropriate disciplinary action.

5. Any pupil, parent, legal guardian and/or other person(s) who believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation shall promptly report the conduct to the Building Principal.

6. Any person, including school staff, may make an anonymous report to the Principal if the person in good faith believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation.

7. School staff having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and inform the Building Principal or immediate supervisor after making such report.

C. Investigation of Reports

1. An immediate supervisor or Building Principal who receives a report a staff member engaged in, or may have engaged in, conduct prohibited by this Policy and Regulation will immediately notify the Superintendent of Schools.
2. The Affirmative Action Officer will begin a prompt and thorough investigation of every report.

3. The Affirmative Action Officer or the Superintendent will take such appropriate action as provided for in the law and as necessary at any time after receiving a report. This action may include, but is not limited to, notifying law enforcement, notifying the New Jersey Department of Children and Families if there is reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 and in accordance with N.J.A.C. 6A:16-11.1 and/or any other measure provided for in the law.

D. Preliminary Investigation of Reports by Others

1. The Affirmative Action Officer will begin a prompt, thorough, and impartial investigation. The preliminary investigation will be completed no more than ten working days after the Affirmative Action Officer received the report.

2. The Affirmative Action Officer preliminary investigation may include, but is not limited to, interviews with staff members who may have potential knowledge of the alleged conduct, interviews with any pupils who may have potential knowledge of such conduct, interviews with parent(s)/legal guardian(s) or any other persons who may have potential knowledge of the alleged conduct, and interview(s) with the school staff member(s) and pupil(s) reported to have engaged in conduct prohibited by this Policy and Regulation.

3. The Affirmative Action Officer will request, if relevant to an investigation, the parent(s)/legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if inappropriate staff conduct may have existed.
4. If, based on a preliminary investigation, the Affirmative Action Officer determines conduct prohibited by this Policy and Regulation did not exist, he/she will meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) reported to review the results of the preliminary investigation. The preliminary investigation report indicating inappropriate conduct did not exist will be in writing and will be provided to the staff member(s) and to the parent(s)/legal guardian(s) if requested. The Affirmative Action Officer will maintain a separate file for all such reports and the report will not be included in the staff member’s personnel file.

5. If, based on a preliminary investigation, the Superintendent deems inappropriate staff conduct may have occurred, he/she will immediately notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) indicated in the report to review the procedures to be followed in a continued full investigation. A copy of this Regulation and corresponding Policy will be provided to the staff member(s) and to the parent(s)/legal guardian(s) of the pupil indicated in the report upon request.

E. Full Investigation

1. The Superintendent, finding that inappropriate staff conduct may have occurred after the preliminary investigation, requires a full investigation. This full investigation may be conducted in cooperation with the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and/or local law enforcement.

2. The Superintendent will conduct the full investigation if the New Jersey Department of Children and Families and/or local law enforcement does not intervene or if the allegations do not meet the reporting requirements of N.J.A.C. 6A:16-11.1 for reporting to the New Jersey Department of Children and Families and/or of N.J.A.C. 6A:16-6.3 for reporting to law enforcement.
3. The full investigation will include, but not be limited to, interviews with the staff member(s), pupils, parent(s)/legal guardian(s) and any other persons who know, or would have reason to know, a staff member may have engaged in inappropriate staff conduct.

4. The Superintendent will accept testimony and evidence from the staff member(s), pupil(s), parent(s)/legal guardian(s) and other persons who may have information relevant to the investigation.

5. All persons that provide information, testimony and evidence to the Superintendent relative to a report will be informed the information, testimony and evidence may be used in additional investigations and/or hearings as determined by the Superintendent of Schools.

6. Upon the conclusion of the interviews and review of the information, testimony and evidence, the Superintendent will prepare a written report. The report will provide a summary of the interviews and information, testimony and evidence.

7. If the Affirmative Action Officer full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member did not occur and the Superintendent concurs with the report’s findings, the Superintendent will notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) investigated to review the findings.
8. If the Affirmative Action Officer full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member may have occurred and the Superintendent concurs with the report's findings, the Superintendent may take such appropriate action necessary and as provided for in the law. This action may include, but is not be limited to:

a. Provide the staff member an opportunity to rebut the findings of the Affirmative Action Officer full investigation report and findings;

b. Recommend to the Board of Education the withholding of the staff member's salary increment/increase for the subsequent school year;

c. Not recommend the staff member be re-appointed for the next school year;

d. Recommend to the Board of Education the staff member be terminated for inappropriate staff conduct and/or conduct unbecoming a school staff member;

e. Institute tenure charges (if applicable) in accordance with N.J.S.A. 18A and N.J.A.C. 6A and/or

f. Recommend to the Board of Education any other disciplinary and/or legal measures as the Superintendent of Schools determines to be appropriate under the circumstances and in accordance with any collective bargaining agreements between the employee representative association and the Board of Education.
9. If the Superintendent does not concur with the findings of the Affirmative Action Officer's full investigation, the Superintendent may continue the investigation, which may include testimony and/or evidence from additional witnesses, a discussion with those who have already provided information to the Affirmative Action Officer, a discussion with the pupil(s) and parent(s)/legal guardian(s) and any activity the Superintendent believes would be helpful to the continued investigation. The results of the continued investigation conducted by the Superintendent will proceed consistent with paragraph 7. and 8. above.

10. Any person who is not satisfied with the Superintendent's determination may appeal to the Board of Education.

Issued: 26 January 2010
Revised: March 21, 2013
R 4321 ACCEPTABLE USE OF COMPUTER NETWORK(S)/COMPUTERS AND RESOURCES BY SUPPORT STAFF MEMBERS

The school district provides computer equipment, computer services, and Internet access to its pupils and staff for educational purposes only. The purpose of providing technology resources is to improve learning and teaching through research, teacher training, collaboration, dissemination and the use of global communication resources. The “system administrators” referred to herein as employees of the school district who administer the school district computer network(s)/computers and the system administrators reserve the right to monitor all activity on network(s)/computer facilities/computers.

Because of the complex association between so many government agencies and computer network(s)/computers must adhere to strict regulations. Regulations are provided here so that support staff members are aware of their responsibilities. The school district may modify these regulations at any time by publishing modified regulations on the network(s) and elsewhere.

Support staff members are responsible for good behavior on computer network(s)/computers. Communications on the computer network(s)/computers are often public in nature. Policies and Regulations governing support staff members behavior and communications apply. The school district’s network(s), Internet access and computers are provided to conduct research and as a tool for instruction and to communicate with others. Access to computer network services/computers is given to support staff members who are expected to act in a considerate, responsible and professional manner. Access is a privilege, not a right. Access entails responsibility. Individual users of the district computer network(s)/computers are responsible for their behavior and communications over the computer network(s)/computers. It is presumed that users will comply with district standards. Beyond the clarification of such standards, the district is not responsible for the actions of individuals utilizing the computer network(s)/computers who violate the policies and regulations of the Board.

Computer network(s)/computer storage areas shall be treated in the same manner as other school storage facilities. Computer network(s)/computer administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on district servers will always be private. Users should expect all files stored on district servers will be available for review by the Technology Specialist and/or school administrators.

Within reasonable limits, freedom of speech and access to information will be honored.

Behaviors including but not limited to the following are prohibited:

1. Sending or displaying offensive messages or pictures;
2. Using obscene language;
3. Harassing, insulting or attacking others;
4. Damaging, degrading or disrupting computers, computer systems or computer network(s)/computers;
5. Violating copyright laws;
6. Using another’s password;
7. Trespassing in another’s folders, work or files;
8. Intentionally wasting limited resources;
9. Employing the network(s)/computers for commercial purposes;
10. Engaging in other activities which do not advance the educational purposes for which computer network(s)/computers are provided;
11. Stealing data or other intellectual projects;
12. Forging electronic mail messages;
13. Posting anonymous messages;
14. Accessing school computers for other than educational purposes; and/or
15. Any other unethical, unacceptable, illegal and/or inappropriate activity.

Information Content and Uses of the System

Users agree not to publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane or sexually offensive to an average person, or which without the approval of the system administrators, contains any advertising or any solicitation of other members to use goods or services. The user agrees not to use the facilities and capabilities of the system to conduct any non-school related business or solicit the performance of any activity which is prohibited by law.

While most of the content available on the Internet is innocuous and much of it a valuable educational resource, some objectionable material exists. The Board will provide pupil access to Internet resources only in supervised environments and has taken steps to lock out objectionable areas to the extent possible, but potential dangers remain. Support staff members are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material and are to supervise pupil use of computers and the Internet. The Board and the system administrators do not condone the use of such materials and do not permit usage of such materials in the school environment. Support staff members should discipline pupils knowingly bringing such materials into the school environment in accordance with Board policies and regulations and inform pupils that such activities may result in termination of such pupils’ accounts on the computer network(s) and their independent use of computers.
On-line Conduct

Any action by a support staff member or other user of the school district’s computer network(s)/computers that is determined by a system administrator to constitute an inappropriate use of computer network(s)/computers resources or to improperly restrict or inhibit other members from using and enjoying those resources is strictly prohibited and may result in limitation on or termination of an offending member’s account and other action in compliance with the Board policy and regulation. The user specifically agrees not to submit, publish, or display any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material; nor shall a user encourage the use, sale, or distribution of controlled substances. Transmission of material, information or software in violation of any local, state or federal law is also prohibited and is a breach of the Consent and Waiver Agreement.

Users agree to indemnify the Washington Township School District and the system administrators for any losses, costs, or damages, including reasonable attorneys’ fees incurred by the Board relating to, or arising out of any breach of this section by the user.

Computer network(s)/computer resources are to be used by the user for his/her educational use only; commercial uses are strictly prohibited.

Software Libraries on the Network(s)

Software libraries on the network(s) are provided to support staff members as an educational resource. No support staff member may install, upload, or download software without the expressed consent of the system administrators. Any software having the purpose of damaging other members’ accounts on the school district computer network(s)/computers (e.g., computer viruses) is specifically prohibited. The system administrators, at their sole discretion, reserve the rights to refuse posting of files and to remove files. The system administrators, at their sole discretion, further reserve the right to immediately limit usage or terminate the account or take other action consistent with the Board’s policies and regulations of a member who misuses the software libraries.

Copyrighted Material

Copyrighted material must not be placed on any system connected to the network(s)/computers without the author’s specific written permission. Only the owner(s) or persons they specifically authorize may upload copyrighted material to the system. Members may download copyrighted material for their own use in accordance with Policy and Regulation Nos. 2531, Copying Copyrighted Materials. Any member may also noncommercially redistribute a copyrighted program with the expressed written permission of the owner or authorized person. Permission must be specified in the document, on the system, or must be obtained directly from the author.
Public Posting Areas (Message Boards/Usenet Groups)

Usenet and Internet Relay Chat Room messages are posted from systems connected to the Internet around the world and the school district system administrators have no control of the content of messages posted from these other systems. To best utilize system resources, the system administrators will determine which Usenet groups are most applicable to the educational needs of the school district and will carry these groups on the school district computer network(s). The system administrators or the school administration, at their sole discretion, may remove messages posted locally that are deemed to be unacceptable or in violation of the Board policies and regulations. The system administrators or the school administration, at their sole discretion, further reserve the right to immediately terminate the account of a member who misuses the message boards or Usenet groups.

Real-time, Interactive, Communication Areas

The system administrators, at their sole discretion, reserve the right to monitor and immediately limit the use of the computer network(s)/computers or terminate the account of a member who misuses real-time conference features (talk/chat/Internet relay chat) etc.

Electronic Mail

Electronic mail ("E-mail") is an electronic message sent by or to a member in correspondence with another person having Internet mail access. All messages sent and received on the school district computer network(s) must have an educational or administrative purpose and are subject to review. A sender of an E-mail message should expect the E-mail messages will be reviewed by the system administrators or the school administration. Messages received by the system are retained on the system until deleted by the recipient or for a maximum of thirty calendar days. A canceled account will not retain its E-mail. Members are expected to remove old messages within thirty calendar days or the system administrators may remove such messages. The system administrators may inspect the contents of E-mail sent by one member to an addressee, or disclose such contents to other than the sender or a recipient when required to do so by the Board policy, regulation or other laws and regulations of the State and Federal governments. The Board reserves the right to cooperate fully with local, state, or federal officials in any investigation concerning or relating to any E-mail transmitted on the school district computer network(s) or computers.

Disk Usage

The system administrators reserve the right to set quotas for disk usage on the system. A member who exceeds his/her quota of disk space may be advised to delete files to return to compliance with predetermined quotas. A member who remains in noncompliance of disk space quotas after seven school days of notification will have their files removed by a system administrator.
Security

Security on any computer system is a high priority, especially when the system involves many users. If a member feels that he/she can identify a security problem on the computer network(s), the member must notify a system administrator. The member should not inform individuals other than the system administrators or other designated members of the school district staff of a security problem. Professional staff may allow individuals who are not members to access the system through the staff personal account as long as the staff person does not disclose the password of the account to the individuals and understands that the staff person assumes responsibility for the actions of individuals using his/her account. Members may not otherwise allow others to use their account and password. Passwords to the system should not be easily guessable by others, nor should they be words which could be found in a dictionary. Attempts to log in to the system using either another member's account or as a system administrator will result in termination of the account. Members should immediately notify a system administrator if a password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any member identified as a security risk will have limitations placed on usage of the computer network(s)/computers or may be terminated as a user and be subject to other disciplinary action.

Vandalism

Vandalism will result in cancellation of system privileges and other disciplinary measures. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the system, or any of the agencies or other network(s)/computers that are connected to the Internet backbone or of doing intentional damage to hardware or software on the system. This includes, but is not limited to, the uploading or creation of computer viruses.

Printing

The printing facilities of the computer network(s)/computers should be used judiciously. Printing for other than educational, or school related purposes is prohibited.

Violations

Violations of the Acceptable Use of Computer Network(s)/Computers and Resources may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and Regulation No. 4321, Support Staff Members, Acceptable Use of Computer Network(s)/Computers and Resources, Policy No. 4150, Support Staff Member Discipline, as well as possible legal action and reports to the legal authorities and entities.

Determination of Consequences for Violations

The particular consequences for violations of this policy shall be determined by the Technology Specialist in matters relating to the use of computer network(s)/computers and by the Superintendent or designee in matters of discipline or employee suspension or actions by the authorities are the appropriate course of action.
Individuals violating this policy shall be subject to the consequences as indicated in Policy No. 2361 and other appropriate discipline which includes but are not limited to:

1. Use of Computer Network(s)/Computers only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;
5. Revocation of computer privileges;
6. Suspension from employment;
7. Legal action and prosecution by the authorities; and/or
8. Any appropriate action that may be deemed necessary as determined by the Superintendent and approved by the Board of Education.

Decisions of the Technology Specialist may be appealed in accordance with the appropriate employee grievance procedure.

Issued: 11 December 2007
R 4352  SEXUAL HARASSMENT OF SUPPORT STAFF MEMBERS COMPLAINT PROCEDURE

Sexual harassment of school staff members is prohibited by the Board of Education. The Superintendent and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of school staff members.

A. Definitions

1. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.

2. Hostile Environment Sexual Harassment - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal or physical conduct of a sexual nature) by a school staff member that is sufficiently severe, persistent, or pervasive to limit another staff member’s ability to participate in a workplace environment or activity, or to create a hostile or abusive workplace environment.

3. Quid Pro Quo Harassment - When a school staff member explicitly or implicitly conditions another school staff member’s conditions of employment on the staff member’s submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the staff member resists and suffers the threatened harm or submits and thus avoids the threatened harm.

B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of harassment of school staff members by other school staff members:

1. Reporting of Sexual Harassment Conduct

   a. Any person with any information regarding actual and/or potential sexual harassment of a staff member must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.

   b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter, or telephone call.
c. A report to the school Building Principal or an immediate supervisor will be forwarded to the school district Affirmative Action Officer within one working day, even if the school Building Principal or immediate supervisor feels sexual harassment conduct was not present.

d. In the event the report alleges conduct by the Building Principal or the Affirmative Action Officer, the Superintendent will designate a school official to assume the Building Principal’s or Affirmative Action Officer’s responsibilities, as outlined in Policy No. 4352 and this Regulation.

2. Affirmative Action Officer’s Investigation

a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.

b. When a school staff member provides information or complains about sexual harassment, the Affirmative Action Officer will initially discuss what actions the staff member is seeking in response to the harassment.

c. The Affirmative Action Officer’s investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any staff member(s) who may have been sexually harassed in the past by the school staff member and any other reasonable methods to determine if sexual harassment conduct existed.

d. The Affirmative Action Officer may request a staff member involved in the investigation to assist in the investigation.

e. The Affirmative Action Officer will provide a copy of Board Policy and Regulation No. 4352 to all persons who are interviewed with potential knowledge, upon request, and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.

f. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.

g. The Affirmative Action Officer and/or Superintendent will contact law enforcement agencies if there is potential criminal conduct by any party.

h. The school district administration may take interim measures during an Affirmative Action Officer’s investigation of a complaint.
3. Investigation Results

a. Upon the conclusion of the investigation, but not later than ten working days after reported to the Affirmative Action Officer, the Affirmative Action Officer will prepare a summary of findings to the parties. At a minimum, this summary shall include the person(s) providing notice to the school district and the staff member(s) who was alleged to be sexually harassed.

b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.

c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.

d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school district administration shall take reasonable and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.

e. In the event the Affirmative Action Officer determines a hostile environment exists, the Superintendent shall take steps to eliminate the hostile environment. The school district may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed staff member, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any school staff member that reports such conduct.

f. In some situations, the school district may need to provide other services to the staff member that was harassed, if necessary, to address the effects of the harassment on that staff member. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed staff member’s work performance, counseling and/or other measures that are appropriate to the situation.

g. The Superintendent will take steps to avoid any further sexual harassment and to prevent any retaliation against the staff member who made the complaint, was the subject of the harassment, or against those who
provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed staff member to report any subsequent problems and will make follow-up inquiries to see if there has been any new incidents or retaliation.

h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.

4. Affirmative Action Officer’s Investigation Appeal Process

a. Any person found by the Affirmative Action Officer’s investigation to be guilty of sexual harassment conduct, or any person who believes they were sexually harassed but not supported by the Affirmative Action Officer’s investigation, may appeal to the Superintendent. The Superintendent will make his/her determination within ten working days of receiving the appeal.

b. Any person who is not satisfied with the Superintendent’s determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent’s determination.

C. Office Of Civil Rights (OCR) Case Resolution

Persons not satisfied with the resolution of an allegation of sexual harassment by school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).

2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of school staff members, OCR will consider whether:

   a. The school district has a policy prohibiting sexual harassment and a grievance procedure;

   b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and

   c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.

Issued: 20 December 2007