

SPRINGFIELD SCHOOL DISTRICT
Springfield, Vermont
EMPLOYEE HANDBOOK
Amended AUGUST 2008

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INTRODUCTION

Springfield School District consists of five school buildings. Elm Hill School (K-5), Union Street School (K-5), Park Street School (K-5), Riverside Middle School (6-8), and Springfield High School (9-12). The district also includes two regional special education programs (Occupational Development Program co-located at Springfield High School and Gateway Program located at the East School in Springfield) and an Early Essential Education program located on Summer Street at the Springfield Family Center building.

The Central Offices (Superintendent, Fiscal Services, Director of Curriculum, Instruction and Assessment, Special Education, and Maintenance) are located at Park Street School on the second floor. Normal operating hours are 8:00 A.M. to 4:00 P.M.

This handbook is designed to provide some basic information on a range of topics related to your employment with the Springfield School District. It is not meant to replace any union master agreements or building handbooks.

The Springfield School District, at its option, may change, delete, suspend or discontinue any part or parts of the policies in this Employee Handbook at any time without prior notice as business, employment legislation, and economic conditions dictate. When a policy in this Employee Handbook is deleted, it should be considered to be retracted, and similarly, if a policy is amended, the previous version is withdrawn as well.

No statement or promise by an administrator, past or present, may be interpreted as a change in policy nor will it constitute an agreement with an employee.

Should any provision in this Employee Handbook be found to be unenforceable and invalid, such finding does not invalidate the entire Employee Handbook, but only that particular provision.

This Employee Handbook replaces any and all other or previous versions of Springfield School District Employee Handbooks and all other policies whether written or oral. As stated above, all such previous versions of the Handbook and all other policies, whether written or oral, are hereby retracted and should not be referenced or used by Springfield School District employees.

SCHOOL BOARD POLICIES

School Board Policies are referenced throughout this manual. It is important that employees are familiar with Board Policies. The complete District Policy Manual is available through your Building Administration, the Superintendent's Office or the Springfield School District Website (www.ssdvt.org).

MISSION STATEMENT

“The Springfield Schools will empower individuals to think, learn and act intelligently; to develop self-worth; and to conduct themselves with integrity and concern for others.”

SCHOOL BOARD MEETINGS

The Board regularly meets on the first and third Monday of each month at 6:30 P.M. at the River Valley Technical Center School District in Room B118. Staff members are encouraged to attend Board meetings.

The Springfield School Board encourages public participation at its meetings. All meetings of the School Board or its subcommittees will comply with the Vermont Open Meeting Law. All actions of the School Board shall take place in open session and the deliberations leading to Board action shall likewise be conducted openly, except matters discussed in Executive Session. When the pressure of Board business is severe, or when a large number of people wish to speak on matters before the Board, reasonable rules may be used to insure that meetings are conducted in an orderly fashion and that the business before the Board is completed in a timely manner.

The Board will provide opportunities for public participation at its meetings prior to board action on any item on the Board agenda in accordance with procedures developed by the Board.

BOARD COMMITMENT TO NON-DISCRIMINATION

The Board will not unlawfully discriminate against any person or group on the basis of race, color, religion (creed), ancestry, national origin, place of birth, sex, sexual orientation, disability, age, or marital status. **(For further information, please review School Board Policy C6, on page 23 of this Handbook)**

IMMIGRATION LAW COMPLIANCE

All offers of employment are contingent on verification of your right to work in the United States. On your first day of work you will be asked to provide original documents verifying your right to work and, as required by federal law, to sign federal Form I-9, Employment Eligibility Verification Form. If you, at any time, cannot verify your right to work in the United States, the district may be obliged to terminate your employment.

NEW EMPLOYEE ORIENTATION

Following the preliminary approval of employment, each potential employee will be required to complete necessary employment paperwork and processes, including having initiated the Criminal Record Check process. No one will be permitted to continue employment until they have attended a New Employee Orientation session and completed all paperwork and processes.

IDENTIFICATION BADGE

The Springfield School District has adopted a comprehensive procedure for identification of all district employees and members of the public while on District property. All employees except substitutes are required to have a current school issued identification badge. Badges will be provided by the District and will include a photo of the employee, the employee's name, and the building/department in which the employee works. It is the responsibility of the employee to obtain a current identification. The identification badge process will be initiated, with a photo taken, at the

New Employee Orientation. Replacement identification badges are obtained from the Director of Information Technology. All employees when working are required to wear their school issued identification at all times on campus or when they are with students off campus. Substitutes will check in at the main office each morning to receive their badge. They will return their badge to the main office at the end of each day.

PAYROLL

Each employee shall be paid biweekly on every other Friday. On pay dates when school is in session, paychecks shall be delivered and available to employees at the various schools usually on the preceding Thursday afternoon. On pay dates when school is not in session (including the summer), paychecks will be mailed to school year personnel, to include support staff and teachers, unless other arrangements are made with the Business Office.

Salaried employees will have their salary equally divided among the pay periods which fall within the term of their contract. Per diem and hourly employees will be paid based on the number of hours or days worked over the two week period ending the Sunday prior to pay day. Contact the Business Office for further details, at 885-5141, extension 19.

CHANGES IN PERSONAL STATUS

It is important for us to have accurate information on our employees to keep our records up-to-date on each individual. Therefore, please notify the Business Office whenever there is a change in your legal name, address, telephone number, emergency contact, W-4 tax form or if there is any change in dependents, marital status, civil union status and/or beneficiary as it relates to benefits.

403(b) ANNUITIES

The Springfield School District agrees to make contributions to a tax-sheltered annuity as a result of an employee's taking a reduction in salary. Such salary reduction contribution is voluntary on the part of the employee. The district does not make matching or employer contributions to tax-sheltered annuities. The employee must use the district's Salary Reduction Agreement form and may only use a service provider who has signed the district's Service Provider Agreement. Contact the Business Office for further details, 885-5141, ext. 15.

EMPLOYEE INSURANCES

The Springfield School District offers a variety of insurance benefits to its employees such as health, dental, life insurance and disability insurance. Due to the variable qualifications for these benefits, please refer to the appropriate Master Agreement for details.

Insurance Conversion Privileges

According to the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, in the event of your termination of employment with the Springfield School District, or loss of eligibility to remain covered under our group health insurance program, you and your eligible dependents may have the right to continued coverage under our health insurance program for a limited period of time at your own expense.

Upon termination, the Springfield School District will provide you with written notice as to your COBRA rights, and you will learn how you can continue your insurance coverage and any other benefits you currently have as an employee who is eligible for continuation.

If you are party to a civil union, you may have certain rights under Vermont Law (VIPER). Please contact the Human Resource Manager.

LEAVES

Leaves of absence may be granted to employees of the District in accordance with state or federal law, collective bargaining agreements or pursuant to District policy and the individual circumstances. This provision is meant to be a general overview of the leave policies of the District and may be further explained or modified in the other policies and/or amended, eliminated, or changed by the District at any time in the future.

Definition of Leave: Any absence from work on a scheduled day of work for an excused or unexcused reason, whether it is paid or unpaid.

Paid Leave: A paid leave is any leave during which the employee continues to be paid under the regular payroll of the district, including pay based on sick or other paid leave time, and including leaves covered by Workers Compensation payments. Carrier-insured short and long term disability payments are not considered pay for the purpose of determining whether a leave is paid or unpaid.

Requests: Requests for leave must be made in writing using a Request for Leave Form or other form as designated by the District. The request must specify the time which the employee wishes to be on leave, the reason for such leave, and anticipated date on which the employee will return to work. All requests must be made as far in advance as possible and specific advance notification of five days is required for leaves of five days or more. The District may deny any discretionary, non-emergency request for leave if the granting of such leave would unduly interfere with our educational services or would create any undue hardship for the District, particularly as relates to finding a temporary replacement of if the employee has specialized or unique job duties and responsibilities.

Leave Time Limitations: Leaves may be granted for specific time periods up to a maximum of twelve months depending on the situation and reason for a leave of such duration. The District may extend this limitation to greater than twelve months in order to allow for the leave to coincide with any schedule or break in the academic school year.

Continuation of Benefits While on Leave: An employee who is on a leave of absence may have all insurance and other benefits continued for said period. Such a determination will be made based upon the appropriate contractual agreement, insurance carrier policy, and state and federal law. Any paid leave will automatically afford the employee the continuation of insurance benefits, seniority, experience credit for step raises, and accruals of sick, vacation and other time. Any insurance or other premiums which are required to be paid by the employee must be fulfilled in order for the employee to maintain coverage under any District plan or program. During an unpaid leave covered by state VPFL or federal FMLA the District will continue to pay its share of insurance premiums, as per guidelines of the specific law. Otherwise, during an unpaid leave, insurance premiums will become the responsibility of the employee under COBRA, and no accruals

continue for seniority, experience credit for step increases, or accruals for vacation and/or sick leave.

Employee Responsibilities While on Leave: An employee who is on a leave of absence is required to abide by the purposes and any conditions imposed by the leave. In medical leaves, an employee may be required to report in periodically to the Office of Superintendent and provide any medical progress or other reports as necessary. It is expected that any employee with a medical condition for which leave is granted will comply with the prescribed regimen and medical treatment per the medical provider. It is also expected that an employee will not engage in any behavior which would exacerbate or worsen the medical condition, nor will the employee engage in any other form of employment or self-employment. Violations may result in disciplinary action in addition to termination of approved leave.

Return from Leave: An employee wishing to return to the position held prior to any leave may be required to provide medical certification of his/her ability to perform the essential functions of the position and a release to work. In addition, the District may require an independent medical evaluation. Absent such documentation, the District may prohibit the employee's return. An employee who has been on a leave will be returned to his/her previous position provided that the position is still available. The District will make every effort to return the employee to the previous position; however, there is no absolute guarantee that the identical position will be available at the expiration of the leave. In the event that the District cannot find a satisfactory temporary employee to fill a job, the District will hold the employees previous job for thirty days and reserves the right to return the employee to an equivalent job thereafter. In such a situation, the District will place the employee in a similar or comparable position if one exists. If an employee is not able to return to work at the expiration of the leave, the District may fill such position on a permanent basis.

Concurrent Application: Leaves of absence often are available under either statutory, contract or District policy. Unless otherwise required by law or agreed in writing, leaves run concurrently under all applicable authorizing policy, contracts, or law.

Family Medical Leave Act (FMLA) -- (Federal)

An employee who has worked for the Springfield School District for at least twelve (12) months (whether or not consecutive) and for at least 1,250 hours during the previous twelve (12) months is entitled to take Family Medical Leave under the circumstances described below.

Qualifying Reasons for Leave

the Springfield School District will allow eligible employees to take Family Medical Leave for the following qualifying reasons:

- pregnancy or the birth of a child;
- the placement of a child with the employee for adoption or foster care;
- the serious illness of the employee's child, stepchild, or ward who lives with the employee, foster child, parent, spouse, or
- the employee's own serious illness.

“Serious illness” means an accident, disease or physical or mental condition, including illness, injury, or impairment, that:

- i) poses imminent danger of death;
- ii) requires inpatient care in a hospital, hospice, or nursing home; or
- iii) requires continuing treatment, including outpatient treatment, by a health care provider.

Caregiver Leave

FMLA-eligible employees who are the spouse, child, parent, or next of kin to a service member who has been seriously injured (including illness) while on active duty can take up to 26 weeks of unpaid leave in a 12-month period to care for the service member. *Important:* Where appropriate, all existing provisions of the FMLA apply, including the intermittent leave, the substitution of paid leave, and the notice provisions.

Active Duty Leave

An employee may take FMLA leave for "any qualifying exigency" arising out of the fact that his/her spouse, child, or parent is on active duty or has been notified of an active-duty call. *Amount of leave available:* up to 12 weeks in a 12-month period (i.e., the usual FMLA leave allotment).

Length of Leave

Eligible employees may use a maximum of twelve weeks of FMLA Leave during a 12-month period. A “rolling 12-month period” is defined by the Springfield School District to be the 12-month period measured backward from the first day of any Family Medical Leave used by an employee.

Family Medical Leave need not be taken at one time. It may also be taken on an intermittent basis or used to reduce your work schedule during the period of the serious illness, if there is a medical need for such leave and that need can best be accommodated through an intermittent or reduced leave schedule. If you need intermittent Family Medical Leave or a reduced schedule, you must attempt to schedule the leave so as not to disrupt the operations of the Springfield School District. The Springfield School District may assign you to an alternative position with equivalent pay and benefits that better accommodate your intermittent leave or reduced schedule.

Payment for FMLA Leave

Family Medical Leave will be unpaid unless the employee chooses OR the employer requires the employee to use accrued paid vacation time or sick leave. Employees have the right to use any amount of accrued, unused paid leave for any part of the 12-week period. However, accrued paid leave may not be used to extend FMLA Leave. FMLA Leave will run concurrently with all absences from work that meets the qualifications of FMLA.

Notices

You must give reasonable notice of the need to take FMLA Leave to the Springfield School District when it is foreseeable. "Reasonable notice" means notice that is given as soon as is practicable. If the necessity for Family Medical Leave is based on planned medical treatment, you must provide at least thirty (30) days' notice and make a reasonable effort to schedule the treatment so as to not unduly disrupt the Springfield School District's operations, subject to the approval of the health care provider.

The Springfield School District requires that any Family Medical Leave request that is based on a serious illness of the employee or family member, or that is for an intermittent or reduced schedule, be supported by the certification of a health care provider. You must obtain a re-certification of the need for leave for your serious illness or that of a family member every thirty (30) days or at the end of the predicted minimum period of absence (whichever is later) in order to establish the continuing need for Family Medical Leave.

If you are taking Family Medical Leave because of your own serious illness, you must present certification from your health care provider indicating that you are able to return to work.

Updates While On Leave

Any employee on Family Medical Leave must report to the Springfield School District periodically, but at least once per month, regarding his/her status and intent to return to work. Additionally, an employee must notify the Springfield School District as soon as possible when he/she is able to return to work so that the Springfield School District may make the appropriate arrangements to reinstate the employee.

Return from Leave

Upon returning from leave, you will be returned to your previous position, or a comparable position with equal pay, benefits, seniority, and other terms and conditions of employment, unless one of the following exceptions applies.

If, during the period of Family Medical Leave, the Springfield School District would have ended your employment or you would have been laid off for reasons unrelated to the leave, the Springfield School District will not reinstate you to your previous position. Additionally, if you performed unique services and hiring a permanent replacement during the leave was necessary to prevent substantial and grievous economic injury to the Springfield School District, we will notify you of the Springfield School District's intent not to reinstate you after the expiration of your Family Medical Leave.

If you choose not to return to work at the expiration of the Family Medical Leave for reasons other than the continuation of a serious illness or reasons beyond your control, you must reimburse the Springfield School District for the employer portion of premiums it paid in maintaining group health and dental benefits during your Family Medical Leave.

If you do return from Family Medical Leave, you will be restored to your former position, or to an equivalent position with equivalent pay, and you will be credited for benefits and other terms and conditions of employment for the time you were on Family Medical Leave.

Please contact the Human Resource Manager if you have any questions about this policy.

Special Rules for Education Institutions

FMLA leave that starts at the end of a school year and continues until the beginning of the next year is leave taken consecutively, not intermittent. The period during summer vacation when the employee would not be working does not count against FMLA leave.

If an eligible instructional employee needs intermittent leave or leave on a reduced schedule to care for a family member, or for the employees own serious health condition, *which is foreseeable* based on planned medical treatment, **and** the employee would be on leave more than 20% of the total number of working days over the period the leave would extend, the employer may require the employee to choose either:

- Take leave for a greater period or periods of a particular duration, not greater than the duration of the planned treatment
- Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

These rules apply only to a leave involving *more than 20 percent* of the working days during the period over which the leave extends. For example, if an instructional employee who normally works five days each week needs to take two days of FMLA leave per week over a period of several weeks, the special rules would apply.

Employees taking leave which constitutes 20 percent or less of the working days during the leave period would not be subject to transfer to an alternative position. Periods of a particular duration means a block, or blocks, of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave.

If an instructional employee does not give required notice of foreseeable FMLA leave to be taken intermittently or on a reduced leave schedule, the employer may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the employer may require the employee to delay the taking of leave until the notice provision is met.

Please note that any time the employer requires you to take does not count toward your FMLA leave.

Rules when taking FMLA near the end of an academic term (school semester)

There are different rules for instructional employees who begin leave more than five weeks before the end of a term, less than five weeks before the end of a term, and less than three weeks before the end of a term.

If an instructional employee begins leave more than five weeks before the end of a term.

The employer may require the employee to continue taking leave until the end of the term if:

- The leave will last at least three weeks, and

- The employee would return to work during the three-week period before the end of the term.

If the employee begins leave for a purpose other than the employee's own serious health condition during the five-week period before the end of a term. The employer may require the employee to continue taking leave until the end of the term if:

- The leave will last more than two weeks, and
- The employee would return to work during the two-week period before the end of the term.

If the employee begins leave for a purpose other than the employee's own serious health condition during the three-week period before the end of a term, and the leave will last more than five working days. The employer may require the employee to continue taking leave until the end of the term.

Vermont Parental and Family Leave Law (VPFL) - State

An employee who has worked for the Springfield School District for the past 12 months averaging 30 hours per week is entitled to take Vermont Parental Leave and Vermont Family Leave (including Short Term Leave [discussed below] under the circumstances described below.

Qualifying Reasons for Leave

The Springfield School District will allow eligible employees to take *Vermont Parental Leave* for the following qualifying reasons:

- pregnancy (employee only, not employee's spouse) or the birth of a child;
- to care for their newborn child up to 12 months old
- the placement of a child with the employee for adoption or foster care;
- to care for their newly adopted child under the age of 16 within the first year of placement

The Springfield School District will allow eligible employees to take *Vermont Family Leave* for the following qualifying reasons:

- the serious illness of the employee's child, stepchild, or ward who lives with the employee, foster child, parent, parent-in-law, spouse, or
- the employee's own serious illness.

“Serious illness” means an accident, disease or physical or mental condition, including illness, injury, or impairment, that:

- i) poses imminent danger of death;
- ii) requires inpatient care in a hospital, hospice, or nursing home; or

- iii) requires continuing treatment, including outpatient treatment, by a health care provider.

Length of Leave

Eligible employees may use a maximum of twelve weeks of leave during a 12-month period. A “rolling 12-month period” is defined by the Springfield School District to be the 12-month period measured backward from the first day of any Vermont Family Medical Leave used by an employee.

Vermont Family Leave need not be taken at one time. It may also be taken on an intermittent basis or used to reduce your work schedule during the period of the serious illness, if there is a medical need for such leave and that need can best be accommodated through an intermittent or reduced leave schedule. If you need intermittent Vermont Family Leave or a reduced schedule, you must attempt to schedule the Leave so as not to disrupt the operations of Springfield School District. The Springfield School District may assign you to an alternative position with equivalent pay and benefits that better accommodates your intermittent leave or reduced schedule.

Payment for Vermont Family Leave

Vermont Family Leave will be unpaid unless the employee chooses to use accrued paid vacation time or sick leave. Employees have the right to use any amount of accrued, unused paid leave (up to 6 weeks of time) for any part of the 12-week period. However, accrued paid leave may not be used to extend Vermont Family Leave. Vermont Family Leave will run concurrently with absences from work covered by workers’ compensation, disability or other qualifying time off.

MILITARY LEAVE OF ABSENCE

If you are inducted into the U.S. Armed Forces, you will be eligible for re-employment after completing military service, provided:

1. You show your orders to your administrator as soon as you receive them.
2. You satisfactorily complete your active duty service.
3. You enter the military service directly from your employment with the Springfield School District.
4. You apply for and are available for re-employment within ninety days (90) after discharge from active duty. If you are returning from up to six months (6) of active duty for training, you must apply within twenty days (20) after discharge.

Military Reserves or National Guard Leave of Absence

Employees who serve in U. S. military or state militia groups may take the necessary time off without pay to fulfill this obligation, and will retain all of their legal rights for continued employment under existing laws. These employees may apply accrued personal leave and unused earned vacation time to the leave if they wish, however, they are not obliged to do so. You are expected to notify your administrator as soon as you are aware of the dates you will be on duty so that arrangements can be made for replacement during this absence.

INSURANCE PREMIUM PAYMENT DURING LEAVES OF ABSENCE

While you are on any type of unpaid leave of absence, other than Family Medical Leave, from the Springfield School District, you will be responsible for paying the total premiums for your coverage and that of your dependents. Failure to do so may result in loss of coverage and possible refusal by the insurance carrier to allow your coverage to be reinstated.

ABSENCES, VACATIONS AND PERSONAL LEAVES

These items are covered by negotiated agreement. Please refer to the appropriate Master Agreement for details. The Teachers Master Agreement contains specific information about using absence days to extend a school vacation or recess period.

SAFETY

Report defects in unsafe equipment or other unsafe conditions to the Maintenance Department, 885-5141 x 30, then complete the Maintenance Work Order Form. For needs that cannot be corrected immediately, safeguard the area in question.

Although certain safety and health rules will apply to your particular work area, some general rules apply to all areas of the workplace, including:

- Hazard Communication Program - The Hazard Communication or “HazCom” Program provides information on the various chemicals found in the workplace. The information is provided through Material Safety Data Sheets (“MSDSs”), which are available for your reference. Each MSDS will contain information on the particular chemical substance and provide guidance for the safe handling and use of the chemical.
- In accordance with the OSHA blood borne pathogens standard, the Springfield School District will follow an Exposure Control Plan. This plan is on file in the Superintendent’s Office. The Blood borne Pathogen Protection Program is designed to prevent the transmission of blood borne pathogens through contact with blood or bodily fluid in the workplace. The primary prevention technique is through the use of the “Universal Precaution” whereby all exposed blood or bodily fluid is treated as potentially infectious material.

Accidents – Students

Any accident on school sites or at school functions, which requires medical treatment, must be reported by the Nurse’s Office on an Incident Report Form provided for that purpose. A copy of the Incident Report Form must be immediately forwarded to the Office of the Superintendent.

Accidents – Employees

Any accident on school property must be reported to the Business Office on a First Report of Injury form (available at all school offices) within 48 hours. This report needs to be completed regardless

of whether the injured person sees a doctor at the time of injury or there is lost time. Contact the Business Office for further information, at 885-5141 x 10.

BUILDING SECURITY & USAGE

All possible precautions must be exercised to make certain that proper security measures are taken in all buildings.

- 1) Teachers should close and securely lock all windows and doors when they leave. Window shades must be drawn in each room during the heating season to conserve heat.
- 2) Custodians are to make a complete check of the building doors, windows, etc., prior to closing the building for the day.
- 3) Principals arrange appropriate building key control. No staff member may open the building for students without principal authorization and notification of the custodial staff.
- 4) Teachers and Administrators entering the building during off hours must ensure the facility is securely locked up during the course of their stay and upon their departure.
- 5) School records and other valuables must be kept in the school safe or a secure place designed for such items.

Staff members wanting to use school facilities beyond the normal school hours need to coordinate that use through the appropriate person at the building, on the form provided for that purpose. Forms are available in the office of each school. For Elm Hill, Union Street, Park Street, and the High School, contact the building secretary directly. To use Riverside Middle School, contact Martha Tarbell in the Central Office at 885-5141 x 27. Rental Agreements would need to be filled out and approved. Only when this is done can the District ensure that conflicts with other groups using our facilities are avoided and that the custodial staff is prepared to accommodate your needs. For more information call 885-5141 x 27.

TELEPHONES

Springfield School District telephones are to be used for business purposes in serving the interest of our students and parents and in the course of normal District operations. Personal use of the District phones should be for emergencies and essential personal business. The frequency or duration of telephone calls for personal business must not interfere with the performance of an employee's job duties or the functioning of school district's operations. Please charge any long-distance charges for personal calls made from work to another source.

Employees should not expect that voice mail is private. The content of messages left in voice mail may be reviewed by Springfield School District administration and an employee's use of the district's telephone and voice mail systems grants permission for such review. Proper use of the telephones and voice mail is a job requirement for all Springfield School District employees.

CONFIDENTIALITY OF STUDENT EDUCATIONAL RECORDS

The keeping of accurate and appropriate education records on students is a necessary part of a sound educational program. Educational records should serve the interest and needs of the educational institution while at the same time protecting the rights of parents and students by preserving confidentiality of the information contained therein.

The principle of confidentiality underlies all policies and procedures for the collection, maintenance, disclosure and destruction of educational records for the disclosure of information verbally. Information that is disclosed to third parties obligates those parties to safeguard and protect the confidentiality of any personally identifiable information by obtaining the consent of a parent, guardian or eligible student prior to redisclosing information contained in those records. This applies to verbal information as well.

Personally identifiable information includes:

- Name of student, parents or other family members;
- Address;
- A specific identifier, such as a social security number or student number;
- A list of personal characteristics or other information which would make it possible to identify the student with reasonable certainty;
- All information about the student which is not specifically designated as directory information, such as grades received, types of support services received, etc..

Special education law is clear about the confidentiality of information on students. It is the responsibility of each employee to safeguard the confidentiality of each student. Violations are considered serious issues and may be subject to disciplinary action.

It is not appropriate to discuss or otherwise reveal information on students with disabilities. Even the information that a student has a disability is confidential. It is appropriate to discuss a student with employees of the school district who are involved in the student's educational program. If you are at the grocery store, a local restaurant or other community setting, discussing a student, you are risking violation of confidentiality. If you are approached by a community person and asked about a student, it is a violation of confidentiality to share information on the student without parental consent.

Education records will be maintained and stored in a secure and confidential location, as defined in the School District policy on Student Records (FERPA), Code F5. Only employees and other school officials determined to have legitimate educational interest, will be allowed to view or access student educational records. Each school principal will review requirements and obligations regarding access to student records with all staff.

Disclosure of information from educational records must adhere to the FERPA policy.

All educational records and information contained therein must be treated as confidential information and is treated as such. Violations of confidentiality will be treated as

insubordination and dealt with as a disciplinary matter. For further information about student records and confidentiality, contact the Director of Special Education Services at 885-5141 ext 13.

CURRICULUM, INSTRUCTION AND ASSESSMENT

Curriculum, instruction and assessment are coordinated in order to empower all students to think, learn, and act intelligently, develop self-worth, and conduct themselves with integrity and concern for others. Each member of the staff is responsible for our students' learning by having the knowledge and skills to meet each student's needs. Individual responsibility includes ongoing professional development which may be provided both within and outside the school district. Instruction should promote high levels of learning for all students allowing them to meet or exceed the standards of learning outlined in the curriculum. Classroom practices should be based upon current research, applied to the individual needs of each student, and may include, but need not be limited to, direct instruction, demonstration, modeling, problem-solving, small group work, coaching, applied learning and regular feedback based on formal and informal assessments.

All staff must recognize the infinitely diverse backgrounds, beliefs and capacities of students. They must also appreciate and make wise use of the differences, commonalities and traditions within a classroom. Staff are regularly supervised and periodically evaluated. All beginning instructional staff receive intensive support and supervision during their first two years in the district.

Curriculum development is an ongoing process in which teachers are major contributors. The goal is a coordinated curriculum in all content disciplines, K-12, which provides continuity and connectedness of student learning. Our curriculum is designed to:

- have sufficient breadth and depth to challenge every student ,
- demonstrate alignment with the Vermont Framework of Standards and Learning Opportunities or comparable standards,
- identify standards that students need to know and be able to do at each grade or course level,
- identify strategies for teaching and related learning opportunities for students,
- identify assessments to measure student progress.

A variety of assessments are used to identify the extent to which individual students and classes of students meet or exceed the standards of learning outlined in the curriculum, and to provide quick and immediate feedback so the teacher can direct instruction to meet students' needs. Each student's assessment results are reported to the student and his/her parent or guardian at least three times during the school year.

ACTION PLANS

Many forms of data yield results that enable the school district to make decisions regarding the improvement of instruction, professional development, curriculum and education resources, and to report to the public on student performance measures and progress in meeting the standards outlined in the curriculum. Each school has an Action Planning Team who develops a detailed plan every two years that all members of the school community approve and implement, and which should be coordinated and aligned with district goals.

School District Policies which relate to the above are:

TUITION REIMBURSEMENT

This item is covered by negotiated agreement. Please refer to appropriate Master Agreement for details. Prior approval for tuition reimbursement must be secured through the use of a Professional Study Request available at each building. The budget year for tuition reimbursement allowances runs from July 1 to June 30. The particular year's allowance against which a tuition will be charged is based on the ending date of the course.

COMPLETION OF DEGREES AND IN-SERVICE CREDITS

Those teachers who have completed work for degrees must provide the Superintendent's office with an official transcript or, if the institution does not provide official transcripts, then an official letter from the Registrar. No salary adjustments will be authorized until such statements are received. Salary adjustments are effective the date the Superintendent signs the Salary Adjustment form. Failure to secure prior approval by filling out a Professional Study Request may negate eligibility. Teachers are responsible for claiming eligibility for placement on a new salary column.

Beginning with the school year of 2009 - 10, teachers seeking advancement from one column to another on the salary schedule, Appendix A of the Master Agreement, because of increased educational background, will be eligible for advancement only if they have notified the Superintendent of their intention to do so no later than December 1 of the school year prior to the effective date of advancement (notify by December 1, 2008 for advancement in school year 2009 - 10). In the school year following the notification, column advancement on the salary schedule shall be effective immediately upon receipt, by the Superintendent, of certification of achievement thereof from a college or university for courses previously approved for salary credit by the Superintendent. Teachers who are new to the District shall be exempt from this notification requirement for changes to take place during their first year of employment.

ATTENDANCE AT CONFERENCES, PROFESSIONAL TRAVEL, ETC.

Staff members who wish to attend a conference must submit their request through their principal or supervisor on a Conference Request Form. The agenda for the conference/meeting *must* be attached to the form. Prior approval is required. Tuition reimbursement funds may be available to cover conference expenses in certain circumstances and subject to certain restrictions. Please consult the appropriate Master Agreement for additional details.

All receipts relative to a conference must be submitted to the Business Office within thirty (30) days of the conference. Itemized receipts for meals are required; alcohol will not be reimbursed.

Staff members, who travel as a requirement of their job, must submit an open purchase order with an estimate of their travel expense. Prior approval is required. Mileage logs must be submitted for reimbursement on a monthly basis to the Business Office.

EXPENDITURE AUTHORIZATION

All expenditures must be made by district purchase order. All purchase orders must include:

- Budget Code(s)
- Description of the items being ordered
- Any applicable shipping charges
- Appropriate Principal/Director signature

Prior Approval:

All purchase orders must be sent to the Business Office for approval **before** items are ordered. Purchase Orders are processed daily. Any staff member who undertakes any financial obligation without appropriate authorization is responsible for whatever costs may be incurred. For more detailed information regarding procedures, contact the Business Office, at 885-5141 ext 10 or ext 18.

USE OF BUSES

Requests for school buses for field trips, pupil activities, etc., are to be made on Vehicle Request Forms (available at each building) and processed through the principal. Please make requests at least two weeks in advance of the trip. Teachers are requested to plan field trips in November and March, if feasible, to avoid conflict with athletic trips. The district has only a limited number of buses available and may not always be able to accommodate all field trip requests.

District policy requires everyone riding a school bus to wear a seat belt.

The policy of the Springfield School District is that pupils usually shall be transported to and from school related activities by School District buses or chartered commercial vehicles. Authorization for transportation of individual and small groups of pupils in private vehicles may be given by the building administration upon meeting the requirements of the Vermont Department of Transportation laws.

SCHOOL PUBLICITY AND NEWS RELEASES

All employees are strongly encouraged to release news about class or individual school activities. Letters to parents and parent visiting days are great avenues for sharing the good news about our schools. News releases that relate to School Board Policy, school personnel, general school programs or any item that might affect the total school system should be reviewed by those affected. If in doubt, consult with the Superintendent of Schools at 885-5141, ext. 17 or the Director of Fiscal Services at 885-5141, ext. 14.

ADVERTISING, SOLICITATION, FUNDRAISING, AND GIFTS

Advertising

No advertising or use of the school system to promote the merit of any product by brand name or trademark shall be permitted without approval by the School Board. This does not prevent advertising in student publications.

Solicitation & Fundraising

Participation in any fund or charity drive by either students or employees shall be entirely voluntary as far as each individual is concerned. There shall be no cause for embarrassment to those who do not or cannot participate or contribute.

Solicitation and/or distribution of materials to promote special interests in the schools is strictly prohibited except by prior approval of the Building Principal.

Fund-raising campaigns to be conducted by students or school employees in the community or away from school premises to obtain funds for school, student body, class or club treasuries may not be conducted without prior approval of the Superintendent.

Gifts to School Employees

To avoid possible embarrassment to pupils and possible criticism of the schools, employees shall discourage the routine presentation of gifts for any occasion. Where a student feels a spontaneous desire to present a gift to a staff member, the gift should be of nominal value.

Gifts to the School District

The Board may agree to use a restricted gift, grant or bequest for a specific purpose, and shall disburse such funds accordingly within its legal authority.

FIELD TRIPS, TRAVEL OR EXCHANGE PROGRAMS

The Board endorses the use of field trips as extensions of classroom experiences.

All trips are to follow established procedures as developed by the administration. All arrangements must have advance approval of the school principal, with the exception of overnight trips, which require the approval of the Superintendent and the School Board. **(See School Board Policy G3 for specific details)**

DISCIPLINE, REPORTING, AND EMERGENCY PROCEDURE

As an employee of the Springfield School District, you must be knowledgeable of and act on the following discipline, reporting, and emergency procedures. Full text of procedures and policy are available from the building principal and the superintendent's office. If you ever have a question about whether or not you should follow up on an incident related to the following that is the time to bring the concern to the building principal. Investigation and corroboration of an incident must not rest with the employee.

- **Student Harassment**: Harassment of students by anyone is not to be tolerated. There is policy which defines harassment and the procedures for dealing with it. Harassment obligation as well as ongoing general harassment. **(See School Board Policy F20, page 34 of this Handbook)**
- **Employee Harassment**: There is policy which defines employees' sexual harassment and procedures for reporting. That policy has been included in this document. **(See School Board Policy D12, page 28 of this Handbook)**
- **Reporting Suspected Abuse of a Student**: By law, suspected abuse must be reported. It is not the employee's responsibility to conduct an investigation to determine if abuse is taking place. In all cases, either report directly to SRS or to the building administrator. Any report to SRS must be reported to the building administrator.

- **Reporting Threats:** In all cases, threats of violence made against others must be reported to the building administrator. Investigation and determination of the actual likelihood of a violent act does not rest with the employee.
- **Weapons Policy:** Any suspicion of a weapon being on school property must be immediately reported to the building administrator. Use of any object as a weapon must be immediately reported as well.
- **Non-Violent Physical Intervention:** Springfield School District personnel will use safe and effective techniques that ensure the care, safety, welfare and security of all students and staff. Verbal de-escalation techniques will be utilized to control and defuse potential aggressive or violent behavior. Non-violent physical intervention may be used when verbal de-escalation techniques have been exhausted or when individuals present a threat or danger to themselves or others.
- **Corporal Punishment:** Corporal punishment is against the law in the State of Vermont. Physical restraint can be used to protect others and school property. Any use of physical restraint must be reported immediately to the building administrator.
- **Emergency Evacuation Procedures:** Be aware of emergency evacuation plans for your building. Procedures and plans will be reviewed annually at faculty meetings.
- **Student Searches:** Other than an emergency situation, searches of student lockers, possessions, and person, must be conducted with or by an administrator. Report the need for a search to the building administrator.

SUPERVISION OF STUDENTS

The Board expects all students to be under assigned adult supervision at all times when they are in school, on school grounds, traveling under school auspices, or engaging in school-sponsored activities. School personnel assigned this supervision are expected to act as reasonably prudent adults in providing for the safety of the students in their charge.

When students are in school, engaging in school-sponsored activities, or traveling to and from school on school buses, they are responsible to the school, and the school is responsible for them. School personnel assigned to their supervision serve in loco parentis.

In keeping with this expected prudence, no teacher or other staff member will leave his or her assigned group unsupervised except as an arrangement has been made to take care of an emergency.

During school hours, or while engaging in school-sponsored activities, students will be released only into the custody of parents or other authorized persons. Anyone who wishes to contact a student during the school day, must receive permission from the school administration.

All extra-curricular activities and other school-sponsored events must have one or more faculty members to supervise as determined by the school principal. All school rules established in school policy and by the school administration apply during extra-curricular and other school-sponsored events on or off school property.

ALCOHOL AND DRUG FREE WORKPLACE

It is the policy of the Springfield School District to maintain a workplace free of alcohol and drugs. No employee will unlawfully manufacture, distribute, dispense, possess or use alcohol or any drug on or in the workplace. **(For further information, please review School Board Policy D8)**

TOBACCO PROHIBITION

It is the policy of the Springfield School District to prohibit the use of tobacco on school grounds in accordance with state law. This ban extends to any student, employee or visitor to the school, and applies at all times, whether or not school is in session. Students are, furthermore, prohibited from possessing tobacco products at all times while under the supervision of school staff or at school sponsored activities. **(For further information, please review School Board Policy E8)**

EMERGENCY CLOSING OF SCHOOLS AND LATE OPENINGS

If school is to be closed or delayed for inclement weather or another emergency, the following plan will be in operation:

- The following radio stations will announce “NO SCHOOL” or “DELAYED OPENING”:
 - WCFR (93.5 FM) Springfield
 - WNBX (1480 AM) Springfield
 - WTSL (100.5 FM) Lebanon
 - WTSV (Q106 FM) Claremont
 - WJJR (98.1 FM) Rutland
 - SAPA TV (Channel 13)
 - WNNE 31 News Channel
 - SOVRNET
- Fire whistle will blow at 6:30 A.M. to signal “NO SCHOOL”
- Staff will be notified per procedures established at building level

Staff members are urged to listen to radio announcements. If the opening time for a school session is delayed, staff members are expected to be at school as close to the regular opening hours as reasonable for conditions.

On days of school closing, calendar year employees are expected to report to work, while school year employees do not report to work. Calendar year employees should consult their Master Agreement for further details.

SEARCH AND SEIZURE

It is the policy of the Springfield School Board to allow for reasonable search and seizure of property used or owned by students following specific procedures. Other than for an emergency

situation, consult with the administration prior to conducting any search or seizure. **(For further information, please review School Board Policy F3)**

THREATS OF VIOLENCE/DESTRUCTION

Springfield School District prohibits students from making oral or written threats and/or threatening actions directed (1) at school personnel (including all school staff, contracted service providers, and drivers of school buses), other students, and/or other people using school facilities, or (2) at buildings, grounds or other school facilities. Violation shall result in discipline, up to and including long term suspension and expulsion. In addition, restitution may be sought where the threat results in expense to the school, school personnel, or other students.

In order to maintain a safe environment for its students, employees, and others who use school buildings, grounds and facilities, and in order to maintain all school buildings, grounds and other facilities in a safe and usable condition, the Springfield School District will treat any oral or written threat or threatening action by a student directed against school personnel and/or against other student(s), and/or against the school property and/or people using school property, as a serious offense.

In addition to verbal threats of violence spoken or written by a student to another student(s), school personnel, or school property, the following are other examples of actions which are prohibited :

1. The bringing onto school property, or the possession on school property, of a dangerous instrument, substance or other device capable of injuring people, or of doing damage to property. Prohibited items would include, for example, poisons, unauthorized chemical substance or an explosive device. (Note: Where the item fits the definition of “weapon” in the school weapons policy, that policy shall also apply to the offense.) **(For further information, please review School Board Policy F21)**
2. The bringing onto school property, or the possession while on school property, of an item which has the appearance of such a dangerous instrument, substance or device, or which the carrier/possessor claims to be such a device; for example, a fake bomb, a toy handgun or a rubber knife.
3. The phoning in or other communication of a bomb threat, or other threat to destroy school property.
4. Attempted or threatened physical assault directed by a student or staff member, at a student or staff member.
5. The pulling of a “false fire alarm”.

There may be circumstances under which an otherwise prohibited item may be permissibly possessed and appropriately used on school grounds. Examples might include possession and use in the chemistry lab of appropriately handled chemicals during a chemistry class, and appropriate use and storage of fake sword as a prop in a school play. A student shall limit his/her use and/or possession of such items to the purpose and circumstances for which use/possession is authorized.

Where a legitimate purpose exists for a student to bring such an item onto school property, the student should secure prior written authorization from the principal. The authorization should describe the item, the allowable purpose of bringing the item onto school property, the identity(ies)

of the person(s) authorized to possess and use the item while on school property, and the authorized means and location of storage while on school property. Possession, storage or use of the item contrary to the items of the authorization may result in discipline .

SUMMARY STATEMENT

Other important rules and regulations will be found in Student/Parent Handbooks, School Faculty Handbooks, and the School District Policy Manual. Ask your building principal or supervisor how to access those resources.

As a valued employee of the Springfield School District your compliance with all of the preceding is an expectation of administration. Therefore, should you have any questions or misunderstandings with regard to any of the information in this Handbook we ask that you bring them to the attention of the Superintendent of Schools, or your administrator. As a District which strives to be the best, we are constantly seeking ways to do things better. Consequently, you are encouraged to make your recommendations for improvement known. At the Springfield School District we recognize that there can be several ways to accomplish an objective; being the best requires they all be considered. If you have an idea or suggestion for improvement please submit it to your administrator.

In closing, we trust you will find your employment with the Springfield School District both personally rewarding and professionally challenging. We believe in what we do for the community, the students and parents we serve and ourselves. Together, we can strive for and achieve our mission.

NON-DISCRIMINATION, Code C-6

POLICY

The Board will not unlawfully discriminate against any person or group on the basis of race, color, religion (creed), ancestry, national origin, place of birth, sex, sexual orientation, disability, age, or marital status.

Notice of Non-Discrimination

Applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the Springfield School District are hereby notified that this District does not discriminate on the basis of race, color, religion (creed), ancestry, national origin, place of birth, sex, sexual orientation, disability, age, or marital status in admission or access to, or treatment or employment in, its programs and activities. A person has been designated by the Springfield School District to coordinate the District's efforts to comply with the regulations implementing Title VI, Title IX, and Section 504 of the Rehabilitation Act of 1973, and other non-discrimination laws or regulations. The designated coordinator is identified in the procedure accompanying this policy along with information on how that person may be contacted.

Any person having inquiries concerning the Springfield School District's compliance with the regulations implementing Title VI, Title IX, Section 504 or other state or federal non-discrimination laws or regulations is directed to contact the non-discrimination coordinator described above.

Grievance Procedure In the absence of a controlling grievance procedure outlined in a collective bargaining agreement the procedure accompanying this policy will be in effect.

Procedures for Handling Complaints of Discrimination

504 Coordinator: Peter Nagle, 802-885-5141 x 16

The **Non-Discrimination Coordinator** for the Springfield School District is Director of Curriculum, Instruction and Assessment, 60 Park Street, Springfield 05156, 802-885-5141 (extension 22).

Definitions

1. A ***grievance*** is a claim made by a student, teacher or employee of the School District or other person that he or she has been subjected to discrimination because of specific actions of the School Board or its employees.
2. A ***grievant*** shall be a student(s) and/or parent(s) employee, or other person making the claim.

Intent

Nothing contained within this grievance procedure shall be construed as limiting the right of an aggrieved person or persons to informally discuss a problem with the school administration or staff. Should such an informal process fail to resolve the situation then a formal filing of a grievance may be made in accordance with the following procedure:

Procedures (all days are calendar days)

1. Within 15 days of an alleged violation of this policy, the aggrieved shall submit in writing to the Superintendent or designee the nature of the grievance and the remedy sought. The Superintendent should arrange for a meeting within 15 days of receipt of the grievance. The Superintendent shall provide a written answer on the grievance within 5 days of the meeting.
2. If the grievance is not resolved at Step I, then the aggrieved may, within 10 days of the denial, request in writing that the School Board or a committee of the School Board hear the grievance. The chair of the School Board or designee shall schedule a meeting before the Board or a committee of the Board within 15 days of receipt of the request. Such a meeting will be in a public or in an executive session depending upon the circumstances. The Board or its committee shall provide a written answer on the grievance within 5 days of the Board's next regularly scheduled meeting. The decision of the Board or its committee shall be final and binding to the extent of the jurisdictional limits and authority of the School Board.

Springfield School District Policy Springfield, Vermont

Acceptable Use of Electronic Resources & The Internet -- CODE G11

Policy

It is the policy of the Springfield School District to use electronic resources including the Internet to support and enrich the curriculum. The Board believes that the benefit to students from access to electronic information resources and opportunities for collaboration far exceed the disadvantages.

General Information

The Board supports access to rich information resources by students and staff as well as the development of staff instructional skills to analyze, evaluate and incorporate electronic resources within the curriculum. This policy complies with the statutory requirements of the Children's Internet Protection Act (CIPA) and promotes the safe, ethical, responsible, and legal use of District electronic resources including the Internet to support the effective use of these resources for educational purposes. CIPA requires the installation and use of filtering software or services on all computers with access to the Internet to prevent access to visual depictions of obscenity, child pornography or other materials harmful to minors.

Access to District electronic resources including the Internet will be available to students and staff who agree to act in a considerate and responsible manner and abide by the requirements of this policy.

Violation of this policy and the procedures developed in accordance with this policy may result in disciplinary action or referral to local, state or federal law enforcement officials.

Administrative Responsibilities

The Superintendent or designee will coordinate and oversee the use of District electronic resources including the Internet. The Principal or designee will serve as the building-level coordinator for use of the electronic resources including the Internet and will develop building-level procedures necessary to implement this policy. The procedures will include provision for educators to receive proper training, guidelines for the supervision of students using the system, monitoring the use of the system, and overseeing management of the "acceptable use procedures" agreement process.

The District will stipulate in any agreement or contract that Internet service providers will not collect, analyze, and/or sell individual or anonymous student use data for the purpose of commercial advertising and marketing research activities. The collection and analysis of student use data strictly for the purpose of educational evaluation is acceptable, provided that student confidentiality standards are maintained.

The Principal or designee will conduct an annual analysis of the effectiveness of the selected filtering product or service and make recommendations to the Superintendent and Board regarding current and future use of the product or service.

Staff Responsibilities

School staff members are responsible for assuring that students are instructed and supervised in a manner that is appropriate to the age of the students and circumstances regarding the safe, ethical, legal, and responsible use of electronic resources including the Internet. The Principal or designee will develop and disseminate staff supervision guidelines for their respective schools.

Student electronic records are confidential and should be treated like all other student records.

User Responsibilities

During school hours, users may access electronic resources including the Internet for educational purposes only. The term "educational purpose" includes use of the system for classroom activities, which may involve e-mail communication, career development, and curriculum driven research.

The District may provide e-mail access for students and staff. Students and staff will not use real-time electronic communication, such as chat or instant messaging (only for specifically organized educational activities).

Students will not post personal contact information about themselves or other people and agree to follow communication safety requirements outlined in administrative procedures when using electronic communications including the Internet.

Users will respect the rights of copyright owners and will not plagiarize works they find on the District electronic network including the Internet by presenting them as their own.

Users should not expect that any files and records of their online activity created on the District's system are private. Users will be fully and regularly informed about the District's supervision and monitoring activities and the limitations on their privacy.

Students and staff may not access materials for any purpose that the District deems to be potentially harmful, inappropriate, illegal, and non-educational. This includes, but is not limited to, materials that are obscene or child pornography.

Parental Notification and Responsibility

Each school will provide annual written notice to parents/guardians about student use of District electronic resources including the Internet, the policies and procedures governing their use, and the limitation of liability of the District. Parents/guardians must sign an agreement to allow their child(ren) (all students 18 years of age or older must sign their own agreement) to access District electronic resources including the Internet and return this agreement to the school before access will be granted.

Limitation/Disclaimer of Liability

The District is not liable for unacceptable use or violations of copyright restrictions or other laws, user mistakes or negligence, and costs incurred by users. The District is not responsible for ensuring the accuracy, age appropriateness, or usability of any information found on the District's electronic resources network including the Internet.

The District is not responsible for any damage experienced, including, but not limited to, loss of data or interruptions of service. The District is not responsible for the accuracy or quality of information obtained through or stored on the electronic resources system including the Internet, or for financial obligations arising through their unauthorized use.

Due Process

In the event there is an allegation that a user has violated this policy, a student will be provided with notice and opportunity to be heard in the manner set forth in the student disciplinary policy. Staff member infractions will be dealt with in accordance with contractual agreements.

Notice of violations of this policy shall be forwarded to the Principal to evaluate compliance with this policy and the appropriate implementation procedures.

The District will cooperate fully with local, state, or federal officials in any investigation concerning or relating to illegal activities conducted through the use of the District's electronic resources including the Internet.

Date Warned: 6/9/06; 6/26/06; 9/7/06

Date Adopted: 9/12/06

Legal 15 U.S.C. §6501 (*Children's Online Privacy Protection Act*)

Reference(s):

17 U.S.C. §§101-120 (*Federal Copyright Act of 1976 as amended*)

18 U.S.C. §2510 (*Electronic Communications Privacy Act*)

18 U.S.C. §2251 (*Federal Child Pornography Law*)

47 U.S.C. §230 (*Computer Decency Act*)

13 V.S.A. §§2802 *et seq.* (*Obscenity, minors*)

Cross Reference: *Student Conduct and Discipline (F1)*

Copyrights (G2)

Selection of Instructional Materials (G5)

Complaints About Instructional Materials (G6)

HARASSMENT OF EMPLOYEES – Code D12

POLICY

The Springfield School District is committed to providing all employees a safe and supportive work environment in which all members of the school community are treated with respect. Harassment is a form of unlawful discrimination as well as disrespectful behavior which will not be tolerated.

The Springfield School District shall provide employees a work environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting harassment as defined and otherwise prohibited by state and federal law.

Definitions

1. **Adverse Action:** Includes any form of intimidation, reprisal or harassment such as diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits or other unwarranted disciplinary action in the case of students and includes any form of intimidation, reprisal or harassment such as suspension, termination, change in working conditions, loss of privileges or benefits or other disciplinary action in the case of employees.
2. **Employee:** For purposes of this policy, an employee includes any person employed directly or through a contract with another company by the School District, agents of the school, School Board members and any student teacher, intern, school volunteer or work study student.
3. **Harassment:** Harassment means unlawful harassment and constitutes a form of discrimination. It is verbal or physical conduct based on an employee's race, religion (creed), color, national origin, marital status, sex, sexual orientation, age, ancestry, place of birth or disability which has the purpose or effect of substantially interfering with an employee's work or creating an intimidating, hostile or offensive environment.
4. **School Community:** Includes but is not limited to all students, school employees, contractors, unpaid volunteers, work study students, interns, student teachers, and visitors.
5. **Sexual Harassment:** Is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting such individual; or
 - Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples

Harassment can include any unwelcome verbal, written or physical conduct which offends, denigrates, or belittles an individual because of an employee's race, creed (religion), color, national origin, marital status, sex, sexual orientation, age, ancestry or disability. Such conduct includes, but is not limited to, unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs,

mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting or the display or circulation of written materials or pictures.

Sexual Harassment

Sexual harassment may include, but is not limited to, unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity whether written, verbal or through physical gestures, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities.

Racial and Color Harassment

Racial or color harassment can include unwelcome verbal, written or physical conduct directed at the characteristics of a person's race or color such as nicknames emphasizing stereotypes, racial slurs, comments on manner of speaking, and negative references to racial customs.

Religious or Creed Harassment

Harassment on the basis of religion or creed includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's religion or creed such as derogatory comments regarding surnames, religious tradition, or religious clothing, or religious slurs or graffiti.

National Origin Harassment

Harassment on the basis of national origin includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's national origin such as negative comments regarding surnames, manner of speaking, customs, language or ethnic slurs.

Marital Status Harassment

Harassment on the basis of marital status includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's marital status, such as comments regarding pregnancy or being an unwed mother or father.

Sexual Orientation Harassment

Harassment on the basis of sexual orientation includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's sexual orientation such as negative name calling and imitating mannerisms.

Disability Harassment

Harassment on the basis of a person's disabling mental or physical condition includes any unwelcome verbal, written or physical conduct directed at the characteristics of a person's disabling condition such as imitating manner of speech or movement, or interference with necessary equipment.

Harassment includes, but is not limited to, examples cited in this policy.

Reporting

1. **Mandatory:** It is the express policy of the Springfield School District to encourage employee targets of harassment and employees who have first-hand knowledge of such harassment to report such claims. Employees who witness or are targets of harassment shall report the incident(s) immediately to their immediate supervisor or another administrator who is not the subject of the complaint as may be appropriate under the circumstances. Targets of harassment should directly inform the person engaging in the harassing conduct or communication that such conduct or communication is offensive and must stop.
2. **Privacy:** Complaints will be kept confidential to the extent possible given the need to investigate and act on investigative results.

3. **Retaliation:** There will be no adverse action taken against a person for making a complaint of harassment when the complainant honestly believes harassment has occurred or is occurring, or for participating in or cooperating with an investigation. Any individual who retaliates against any employee or student who reports, testifies, assists or participates in an investigation or hearing relating to a harassment complaint will be subject to discipline by the School District.

Administrative Responsibility and Action

1. **Reporting:** An employee who receives a complaint of harassment shall promptly inform the Principal (or designee) or another administrator who is not the subject of the complaint.
2. **Investigation:** The School District is responsible for acting on any information regarding harassment of which it is aware. The Superintendent shall provide for a thorough, prompt investigation of the incident; the investigation and written report shall be completed in a timely fashion in accordance with school procedures after a report or complaint, formal or informal, written or oral, has been received. No person who is the subject of a complaint shall conduct such an investigation.
3. **Final Action on Complaint:** The School District shall take disciplinary or remedial action as appropriate in order to ensure that further harassment does not occur. Such action may include, but is not limited to, education, training, counseling, transfer, suspension and/or expulsion of a student and education, training, counseling, transfer, suspension and/or termination of an employee.
4. **False Complaint:** Any person who knowingly makes a false accusation regarding harassment will be subject to disciplinary action up to and including discharge of employees, or suspension and expulsion of students.
5. **Appeal:** A person judged to be in violation of this policy and subjected to action under it may appeal the determination and/or the action taken in accordance with procedures adopted under this policy. The procedures shall be consistent with the provisions of any applicable collective bargaining agreement.
6. **Dissemination:** The Superintendent shall use all reasonable means to inform students, employees, and the community that the District will not tolerate harassment. A copy of this policy shall be provided to students, staff and parents each year and shall be included in the appropriate materials that are disseminated to the school and community.

Training: The Superintendent shall develop age-appropriate methods of discussing the meaning and substance of this policy with staff and students in order to help prevent harassment. Training may be implemented in the context of employee professional development and the school curriculum to develop broad awareness and understanding among all members of the school community.

PROCEDURES FOR HANDLING COMPLAINTS OF HARASSMENT OF EMPLOYEES

The Springfield School District hereby adopts the following administrative procedures to implement the School District's policy with respect to unlawful harassment of school district employees.

Reporting And Response

1. **To Principal** (or designee): Any adult school employee who witnesses or receives a report, formal or informal, written or oral, of harassment at school or during school-sponsored activities shall report it to the Principal. If the report involves the school Principal, the reporter shall make the report directly to the School District Equity Coordinator or Superintendent.
2. **Principal's duty:** Upon receipt of a report of harassment, the Principal shall decide whether to retain and act upon it at the school site or to forward it directly to the School District Equity Coordinator.
 - *Retained by Principal.* If the Principal acts upon the report at the school site and if the matter is not resolved informally as described below, he or she shall forward to the School District Equity Coordinator, within 5 calendar days, a report of any action taken.
 - *Forwarded to School District Equity Coordinator.* If the Principal decides to forward the complaint to the School District Equity Coordinator, he or she shall do so immediately, without screening or investigating the report. The Principal may request, but not insist upon, a written complaint. The Principal shall forward to the School District Equity Coordinator:
 - a written statement of the complaint within 24 hours; and
 - any available supporting documentation as soon as practicable.
3. **School District Equity Coordinator:** The Superintendent shall designate at least one (or two - one of each gender) individual(s) within the School District/Supervisory Union as the School District Equity Coordinator to receive reports of harassment. If the report involves the School District Equity Coordinator(s), the reporter shall refer the complaint directly to the Superintendent. The School District shall prominently post the name, mailing address, and telephone number of its Equity Coordinator. For Springfield School District, the District Equity Coordinator is:
 - Director of Curriculum, Instruction and Assessment
 - 60 Park Street, Springfield, Vermont 05156
 - (802) 885-5141 extension 22

Informal Inquiry and Resolution

The complainant and the alleged harasser(s) may agree to a meeting facilitated by a school employee. If all parties involved agree the situation has been resolved during such meeting, the facilitator shall report to the Principal only that the matter has been resolved informally. If any party involved does not agree that the situation has been resolved, a formal investigation shall be initiated.

Investigation

1. **Who.** Unless the matter is resolved informally, the Principal or School District Equity Coordinator or designee shall conduct an investigation upon receipt of a report or complaint alleging harassment.
2. **How.** The investigator will interview individuals involved and any other persons who may have knowledge of the circumstances giving rise to the complaint and may use other methods and documentation.

3. **When.** The investigator shall complete the investigation as soon as practicable, but in no event later than fourteen (14) calendar days following receipt of the complaint.
4. **Result.** Upon completion of the investigation, the investigator shall decide if a violation of this policy has occurred and report that decision, along with the evidence supporting it, to the Principal or School District Equity Coordinator and the Superintendent or, if the complaint involves the Superintendent, directly to the School Board, for appropriate action in accordance with School District disciplinary policy.

Appeal

A person judged to be in violation of the policy on unlawful harassment and subjected to action under it may appeal the determination and/or the action taken as follows:

1. **Student:** If the person filing the appeal is a student, the appeal shall proceed in accordance with school district policy governing discipline of students and with legal due process requirements.
2. **Staff:**
 1. *Applicable collective bargaining agreement.* If the person filing the appeal is an adult school employee who has applicable appeal rights under the grievance procedure in a collective bargaining agreement, the appeal shall proceed in accordance with the person's rights as outlined in that agreement.
 2. *Other.* If the person filing the appeal is an adult school employee who does not have applicable appeal rights under the grievance procedure in a collective bargaining agreement, the appeal shall proceed in accordance with school district policy governing employee discipline and with legal due process requirements.

Retaliation

Retaliation for reporting harassment or cooperating in an investigation of harassment is unlawful under 21 V.S.A. §495(a)(5) and 9 V.S.A. §4503(a)(5).

Record Keeping and Notification

1. **Record keeping:** The Superintendent shall assure that a record of any complaint and investigation of harassment as well as the disposition of the complaint and any disciplinary or remedial action taken is maintained by the School District in a confidential file.
2. **Notification:** The Superintendent shall assure that the complainant is notified whether allegations of unlawful harassment were found to be valid, whether a violation of the policy occurred, and whether action was taken as a result

Notice

The Superintendent shall provide notice of the policy on unlawful employee harassment and these procedures to all school employees, students, and to custodial parents or guardians of students. Copies of the policy and procedures shall appear in the student and employee handbooks (or other similar publications) as well as publications distributed to parents and community members and shall be posted conspicuously in each school. The notice shall:

1. Include examples of behaviors which, if sufficiently severe, pervasive or persistent to interfere with a person's ability to participate in or benefit from school programs, would constitute unlawful harassment; and
2. Provide the following information about additional methods of pursuing claims of harassment:

- A person may make a complaint of harassment to the Vermont Attorney General's Office or the federal Equal Employment Opportunity Commission at the following places:

Vermont Attorney General's Office
109 State Street
Montpelier VT 05609-1001
(802) 828-3171

Equal Employment Opportunity Commission
1 Congress Street
Boston MA 02114
(617) 565-3200

- In addition, an individual may seek other remedies through private legal action and, in some circumstances, through criminal prosecution.

POLICY ON PREVENTION OF HARASSMENT OF STUDENTS – Code F20

I. Purpose.

A. The Springfield School District (“the District”) is committed to providing a safe and supportive school environment in which all students are treated with respect. This policy involves incident(s) and/or conduct that occurs on school property, on a school bus or at a school-sponsored activity, or misconduct not on school property, on a school bus or at a school-sponsored activity where direct harm to the welfare of the school can be demonstrated.

B. The purpose of this policy is to prevent harassment as defined in 16 V.S.A. § 11(a)(26) and amended by Act 91 of 2004, and to ensure that the District’s responses to allegations of harassment comply with 16 V.S.A. §565 as amended by Act 91 of 2004, Title VI and IX of the Civil Rights Act. It is the further purpose of this policy, when it is found that harassment has occurred, to ensure that prompt and appropriate remedial action, reasonably calculated to stop harassment, is taken by school district employees.

C. It is the intent of the District to apply and enforce this policy in a manner that is consistent with and protects students’ rights to free expression under the First Amendment of the U.S. Constitution. The District respects and promotes the rights of students and others to speak freely and to express their ideas, including ideas that may offend the sensibilities of others. However, the District does not condone and shall take action in response to behavior that interferes with the learning of students and is not otherwise protected expression.

II. Definitions

A. Harassment

(1) “Harassment” means an incident or incidents of verbal, written, visual or physical conduct based on or motivated by a student’s or a student’s family member’s actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student’s educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment.

(2) Harassment includes conduct which violates subsection (1) of this definition and constitutes one or more of the following:

(a) Sexual harassment, which means conduct that includes unwelcome sexual advances, requests for sexual favors and other verbal, written, visual, or physical conduct of a sexual nature when one or both of the following occur:

(i) Submission to that conduct is made either explicitly or implicitly a term or condition of a student’s education.

ii) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

(b) Racial harassment, which means conduct directed at the characteristics of a student’s or a student’s family member’s actual or perceived race or color, and includes the use of epithets,

stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to racial customs.

(c) Harassment of members of other protected categories, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, marital status, sex, sexual orientation, or disability and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories.

B. "Complaint" means an oral or written report by a student or any person to an employee alleging that a student has been subjected to conduct that may rise to the level of harassment.

C. "Complainant" means a student who has filed an oral or written complaint to an employee or is the alleged victim in a report made by another alleging conduct and/or incident(s) that may rise to the level of harassment.

D. "Employee" includes any person employed directly by or retained through a contract with the District, an agent of the school, a school board member, a student teacher, an intern or a school volunteer. For purposes of this policy, "agent of the school" includes supervisory union staff.

E. "Designated Employee" means an employee who has been designated by the District to receive complaints of harassment pursuant to 16 V.S.A. § 565(c)(1).

F. "Principal" means the building level administrator, or his/her designee, at an independent or public school designated by a school governing board to be a school principal, headmaster, or technical center director.

III. Reporting of Student Harassment Complaints

A. A student who believes that s/he has been harassed, or who witnesses conduct that s/he believes might constitute harassment, should report the conduct to a designated employee, or to any other school employee.

B. When a student reports such conduct to a school employee, other than a designated employee, that school employee shall refer the report to a designated employee.

C. An employee who witnesses conduct that s/he believes might constitute student harassment under this policy shall take prompt and appropriate action to stop the conduct and immediately report the conduct to a designated employee.

D. Any other person who witnesses conduct that s/he believes might constitute student harassment under this policy should report the conduct to a designated employee.

E. Consistent with this policy and 16 V.S.A. §565, the Superintendent shall develop procedures regarding the reporting of student harassment complaints and the District's handling of such reports.

F. Annually, the District shall select two or more designated employees to receive complaints and shall publicize their availability.

IV. Procedures Following a Report

A. Consistent with this policy and 16 V.S.A. §565, the Superintendent shall develop procedures for complaint response following a report, initiation of an investigation, investigation, independent review, and alternative dispute resolution provisions.

B. Independent Review: A complainant who desires independent review under 16 V.S.A. § 565(f) because s/he is either dissatisfied with the final determination of the school officials as to whether harassment occurred, or believes that, although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem, shall make such request in writing to the Superintendent. Upon such request, the Superintendent shall initiate an independent review, and shall comply with the District's procedures and any applicable rules on this subject promulgated by the Commissioner of the Vermont Department of Education ("Commissioner"). The District may request an independent review at any stage of the process.

V. Discipline and/or Corrective Action.

If after investigation, harassment has been found, the District shall take prompt and appropriate disciplinary or remedial action reasonably calculated to stop the harassment. Consistent with this policy, the District's Student Conduct and Discipline policy and 16 V.S.A. §565, the Superintendent shall develop procedures regarding discipline and corrective action including final action on a complaint, retaliation, false complaints, and appeal provisions.

There will be no adverse action taken against a person for reporting a complaint of harassment when the complainant has a good faith belief that harassment occurred or is occurring or for participating in or cooperating with an investigation. Any person who knowingly makes a false accusation regarding harassment will be subject to disciplinary action.

VI. Confidentiality; Notification of Results; and Record Keeping.

A. The privacy of (1) the complainant, (2) the accused individual, and (3) the witnesses shall be maintained consistent with the District's obligations to investigate, to take appropriate action, and to comply with laws governing the disclosure of student records or other applicable discovery or disclosure obligations.

B. Subject to state and/or federal laws protecting the confidentiality of personally identifiable student information, the complainant and the accused individual shall be informed in writing of the results of the investigation. If either the complainant or the alleged individual is under the age of 18, subject to the above limitation, his or her parent(s) or guardian(s) shall be provided with a copy of this policy and related procedures, notified when an informal resolution to a harassment complaint is attempted, notified when a complaint is filed, and notified in writing of the investigation results. An authorized school official may seek waiver of confidentiality rights in order to inform the complainant of remedial measures undertaken.

C. The Superintendent shall assure that a record of any complaint, its investigation and disposition, as well as any disciplinary or remedial action taken following the completion of the investigation, is maintained by the District in a confidential file accessible only to authorized persons. The report of the investigation shall be kept for at least six years after the report is completed.

VII. Mandatory Reporting to State Agencies

A. If a harassment complaint is made that conduct by a licensed educator might be grounds under the State Board of Education Rules for suspension or revocation of a license or endorsement, the

Principal shall report to the Superintendent and the Superintendent shall report the alleged conduct to the Commissioner.

B. When a person responsible for reporting suspected child abuse under 33 V.S.A. § 4911, et seq., determines that a complaint made pursuant to this policy must be reported to the Commissioner of the Department for Children and Families, he or she shall make the report as required by law and related District policy. If the victim is a vulnerable adult, as that term is defined in 33 V.S.A. §6902(14), the report shall be made to Adult Protective Services in accordance with 33 V.S.A. § 6903 and 6904.

C. Nothing in this policy shall preclude anyone from reporting any incidents and/or conduct that may be considered a criminal act to law enforcement officials.

VIII. Dissemination of Information, Training, Comprehensive Plan for Responding to Student Misbehavior and Data Gathering.

A. Dissemination of Information. Annually, prior to the commencement of curricular and cocurricular activities, the District shall provide notice of this policy and its procedures to students, custodial parents or guardians of students, and employees. Notice to students shall be in age-appropriate language and include examples of harassment. At a minimum, this notice shall appear in any publication of the District that sets forth the comprehensive rules, procedures and standards of conduct for the District.

B. Training. The Superintendent shall develop age-appropriate methods of discussing the meaning and substance of this policy with students and staff to help prevent harassment. Training may be implemented within the context of professional development and the school curriculum to develop broad awareness and understanding among all members of the school community. Staff training shall enable staff to recognize, prevent and respond to harassment.

C. Comprehensive Plan for Responding to Student Misbehavior. The District's comprehensive plan pursuant to 16 V.S.A. §1161a(a)(6) shall include provisions that promote the positive development of youth and actions to prevent misconduct from escalating to the level of harassment.

D. Data Gathering. The District shall provide the Vermont Department of Education with data requested by the Commissioner.

IX. Complaints to the Human Rights Commission and the U.S. Office of Civil Rights. In addition to, or as an alternative to filing a harassment complaint pursuant to this policy, a person may file a harassment complaint with the Vermont Human Rights Commission or the Office for Civil Rights of the U.S. Department of Education at the addresses noted in the procedures accompanying this policy.

PROCEDURES FOR PREVENTION OF HARASSMENT OF STUDENTS AND HANDLING COMPLAINTS

The following administrative procedures apply to the District's policy #F20 Prevention of Harassment of Students.

I. Definitions

The terms “harassment,” “employee,” “complaint,” “complainant,” “Principal,” and “designated employee” shall have the same meaning when used in these procedures as they are defined in the District’s Prevention of Harassment of Students policy.

II. Designated Employees

The following employees have been designated by the District to receive harassment complaints pursuant to the Prevention of Student Harassment policy and 16 V.S.A. §565(c)(1):

Director of Curriculum, Instruction and Assessment
Springfield School District, District Office
60 Park Street
Springfield, Vermont 05156
Director of Special Education
Springfield School District, District Office
60 Park Street
Springfield, Vermont 05156

III. Reporting Student Harassment Complaints

- A. A student who believes that s/he has been harassed, or who witnesses conduct that s/he believes might constitute harassment, may report the conduct to a designated employee, or to any other school employee.
- B. When a student reports such conduct to a school employee, other than a designated employee, that school employee shall refer the report to a designated employee.
- C. A complaint or report may be made either orally or in writing. If a complaint report is oral, a designated employee shall promptly reduce the report to writing, including the time, place, and nature of the conduct, and the identity of the participants and the complainant.
- D. An employee who witnesses conduct that s/he believes might constitute student harassment under the Prevention of Harassment of Students policy shall take prompt and appropriate action to stop the conduct and immediately report the conduct to a designated employee.
- E. Any other person who witnesses conduct that s/he believes might constitute harassment under the Prevention of Harassment of Students policy should report the conduct to a designated employee.
- F. If one of the designated employees is the person alleged to be engaged in the conduct witnessed or complained of, the report shall be filed with the other designated employee.

IV. Procedures Following a Report

- A. At any stage of the procedures following a complaint, the complainant and the accused individual may request alternative dispute resolution methods, including mediation, of the District.
- B. When a designated employee receives a complaint, the designated employee shall complete a harassment complaint form based on the written or verbal allegations of the complainant.

C. The completed complaint form shall detail the alleged facts and circumstances of the incident or pattern of behavior. Harassment complaint records shall be maintained consistent with the requirements of the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99.

D. Depending on (1) the nature of the accusations, (2) the age of the complainant and the accused individual, (3) the agreement of the complainant and (4) other relevant factors, the designated employee or another individual identified by the designated employee may attempt to resolve a complaint through a conversation with the complainant and the accused individual. If such informal resolution is either not appropriate or is unsuccessful, the designated employee shall initiate or cause to be initiated an investigation of the allegations in accord with the timelines established herein.

E. Upon receipt of notice of a complaint, the designated employee shall provide a copy of the Prevention of Harassment Policy and these procedures to the complainant and the accused individual. If one of the above named is under 18 years of age, his/her parent(s) or guardian(s) shall be notified of the complaint and shall be provided with a copy of the policy and procedures.

F. Unless special circumstances are present and documented, the Principal shall, no later than one school day after the receipt of a complaint, initiate or cause to be initiated, an investigation of the allegations. The Principal shall assign a person to conduct the investigation; nothing herein shall be construed to preclude the Principal from assigning him/herself or a designated employee as the investigator.

G. No later than five school days from the filing of the complaint with the designated employee, unless special circumstances are present and documented, the investigator shall submit a written initial determination to the Superintendent. The report shall include a statement of the findings of the investigator as to whether the allegations have been substantiated, and as to whether the alleged conduct constitutes a violation of the Prevention of Harassment of Students policy. When the initial determination is that an accused student has engaged in harassment, the Superintendent shall use his or her discretion to decide the appropriate disciplinary and/or corrective action. If expulsion is recommended, the Superintendent will seek approval of the board of the District. He/she shall also notify the parties of the results of the determination and as allowed by law, disciplinary and/or corrective action to result. An authorized school official may seek waiver of confidentiality rights in order to inform the complainant of remedial measures undertaken.

H. Consideration of whether a particular action or incident constitutes a violation of the harassment policy requires review of all the facts and surrounding circumstances. Although conduct may be found to be in violation of other standards of student or employee conduct or decorum, it shall not be deemed harassment when the subject of a complaint is an incident(s) that is not shown to have the effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or to have created an objectively intimidating, hostile, or offensive environment. Free expression rights of the First Amendment of the U.S. Constitution will be protected.

I. All levels of internal review of the investigator's initial determination, and the issuance of a final decision, shall, unless special circumstances are present and documented by the District, be completed within 30 calendar days after the review is requested.

J. When the initial determination is that an employee has engaged in harassment against a student, the Superintendent and/or Principal shall use his or her discretion to initiate disciplinary and/or

corrective action in accord with the District's policies and procedures, employment contracts and state and federal law.

V. Independent review.

A. A complainant who desires independent review because s/he is either dissatisfied with the final decision of the District as to whether harassment occurred, or believes that although a final decision was made that harassment occurred, the District's response was inadequate to correct the problem, shall make such request in writing to the Superintendent.

B. Upon such request, the Superintendent shall initiate an independent review by a neutral person selected from a list developed jointly by the Commissioner of Education and the Human Rights Commission and maintained by the Commissioner.

C. The District shall cooperate with the independent reviewer so that s/he may proceed expeditiously. The review shall consist of, but is not limited to, an interview of the complainant and the relevant school officials and review of written materials involving the complaint maintained by the school or others. The independent reviewer shall be considered an agent of the school for purposes of being authorized to review confidential student records.

D. Consistent with Act 91, An Act Relating to Harassment in Schools, upon the conclusion of the review, the reviewer shall advise the complainant and the designated employee as to the sufficiency of the school's investigation, its determination, the steps taken by the school to correct any harassment found to have occurred, and offer recommendations for any future steps the District should take. The reviewer shall advise the student of other remedies that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution.

E. The District may request an independent review at any stage of the process.

F. The District shall bear the cost of independent review.

VI. Discipline and/or Corrective Action

A. Final Action on Complaint. The District shall take prompt and appropriate disciplinary and/or corrective action reasonably calculated to stop the harassment. Disciplinary or corrective action may include, but shall not be limited to, warning, reprimand, education, training, counseling, suspension and/or expulsion of a student, and warning, reprimand, education, training, counseling, transfer, suspension and/or termination of an employee.

B. Other Disciplinary Response. If the conduct does not rise to the level of harassment, but otherwise violates the District's disciplinary policies or Comprehensive Plan for Responding to Student Misbehavior including anti-bullying provisions, disciplinary or corrective action under those policies or plan shall be taken.

C. Retaliation. Acts of retaliation for reporting harassment or for cooperating in an investigation of harassment is unlawful pursuant to subdivision 4503(a)(5) of Title 9. There shall be no adverse action taken against a person for reporting a complaint of harassment when the complainant has a good faith belief that harassment has occurred or is occurring or for participating in or cooperating with an investigation. In the context of retaliation, "adverse action" means any form of intimidation or reprisal such as verbal/physical threats or abuse, diminishment of grades, suspension, expulsion,

change in educational conditions, loss of privileges or benefits or other unwarranted disciplinary action in the case of students and includes any form of intimidation, reprisal or harassment such as suspension, termination, change in working conditions, loss of privileges or benefits or other disciplinary action in the case of employees. Any individual who retaliates against any employee or student who reports, testifies, assists or participates in an investigation or hearing relating to a harassment complaint shall be subject to appropriate action and/or discipline by the District.

D. False Complaint. Any person who knowingly makes a false accusation regarding harassment shall be subject to disciplinary action up to and including suspension and expulsion with regard to students or up to and including discharge with regard to employees.

E. Appeal: A person determined to be in violation of the Prevention of Harassment of Students policy may appeal the determination and/or any remedial action taken as a consequence of the determination.

1. Student. If the person filing the appeal is a student, the appeal shall proceed in accordance with the District's policy and procedures governing discipline of students.

2. Staff. Employees subject to disciplinary action shall appeal in accord with applicable statutes, collective bargaining agreements, and the District's policy and procedures.

VII. Confidentiality; Notification of Results; and Record Keeping.

A. The privacy of the complainant, the accused individual, and the witnesses shall be maintained consistent with (1) the District's obligations to investigate, (2) to take appropriate action, and (3) to comply with laws governing the disclosure of student records or other applicable discovery or disclosure obligations.

B. Subject to state and/or federal laws protecting the confidentiality of personally identifiable student information, the complainant and the accused individual shall be informed in writing of the results of the investigation. If either the complainant or the alleged individual is under the age of 18, subject to the above limitation, his or her parent(s) or guardian(s) shall be provided with a copy of this policy and related procedures, notified when an informal resolution to a harassment complaint is attempted, when a complaint is filed, and in writing of the results of the investigation. An authorized school official may seek waiver of confidentiality rights in order to inform the complainant of remedial measures undertaken.

C. The Superintendent shall assure that a record of any complaint, its investigation and disposition, as well as any disciplinary or remedial action taken following the completion of the investigation, is maintained by the District in a confidential file accessible only to authorized persons. The report of the investigation shall be kept for at least six years after the report is completed.

VIII. Mandatory Reporting to State Agencies

A. If a harassment complaint is made that conduct by a licensed educator might be grounds under the State Board of Education Rules for suspension or revocation of a license or endorsement, the Principal shall report to the Superintendent and the Superintendent shall report the alleged conduct to the Commissioner.

B. When a person responsible for reporting suspected child abuse under 33 V.S.A. § 4911, et seq., determines that a complaint made pursuant to the Prevention of Harassment of Students policy must

be reported to the Commissioner of the Department for Children and Families, he or she shall make the report as required by law and related District policy. If the victim is a vulnerable adult, as that term is defined in 33 V.S.A. §6902(14), the report shall be made to Adult Protective Services in accordance with 33 V.S.A. § 6903 and 6904.

C. Nothing in these procedures shall preclude anyone from reporting any incidents and/or conduct that may be considered a criminal act to law enforcement officials.

IX. Complaints to the Vermont Human Rights Commission and the U.S. Office of Civil Rights.

In addition to, or as an alternative to filing a harassment complaint pursuant to this policy, a person may file a harassment complaint with the Vermont Human Rights Commission or the Office for Civil rights of the U.S. Department of Education at the following addresses:

Vermont Human Rights Commission
133 State Street
Montpelier, VT 05633-6301
(800) 416-2010 or (802) 828-2480 (voice or tty)

Director, Compliance Division Area II
Office of Civil Rights
U.S. Department of Education, Region I
John W. McCormack Post Office Courthouse, Rm. 222
Post Office Square
Boston, MA 02109
(617) 223-9667

HAZING – Code F24

POLICY

It is the policy of the Springfield School District that all its schools provide safe, orderly, civil and positive learning environments. Hazing has no place in the District's schools and will not be tolerated. Accordingly, the District adopts the following policy and procedures to prohibit hazing and will ensure the enforcement thereof.

Definitions

1. **Hazing** means any act committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization which is affiliated with the District; and which is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating or demeaning the student or endangering the mental or physical health of the student. "Hazing" also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts. Hazing may occur on or off school grounds.

Examples of hazing include:

- Any type of physical brutality such as whipping, beating, striking, branding, electrical shocks, placing a harmful substance on or in the body, or other similar activity; or
- Any type of physical activity such as sleep deprivation, exposure to the elements, confinement in a small space, or other activity that creates or results in an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student; or
- Any activity involving consumption of food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects a student to an unreasonable risk of harm; or
- Activity that induces, causes, or requires a student to perform a duty or task, which involves the commission of a crime or an act of hazing.

Hazing shall not include any activity or conduct that furthers the legitimate curricular, extracurricular, or military training program goals provided that the goals are approved by the School Board of the District and provided that the activity or conduct furthers those goals in a manner that is appropriate, contemplated by the School Board, and normal and customary for similar public school programs. An example of this exception might be reasonable athletic training exercises.

2. **Organization** means a fraternity, sorority, athletic team, association, corporation, order, society, corps, cooperative, club, or other similar group, whose members primarily are students of the District, and which is affiliated with the District.
3. **Pledging** means any action or activity related to becoming a member of an organization.
4. **Principal** means the Principal of a school or the director of a technical center or any person designated by them to carry out a particular function.
5. **Student** means any person who: (1) is enrolled in any school or program operated by the District, (2) has been accepted for admission into any school or program operated by the

District, or (3) intends to enroll in any school or program operated by the District during any of its regular sessions after an official academic break.

Notification of Hazing Policy

Annually, the student handbook, which shall be presented to students prior to the commencement of any academic courses, shall contain: (1) a description of this hazing policy in age-appropriate language, (2) examples of hazing, and (3) a listing of those persons whom the Board has designated to receive reports of hazing. The schools of the District also shall effectively inform students about the substance of this hazing policy and its procedures within the first fifteen (15) days of school.

Each student who participates in a co- or extra-curricular activity that begins prior to the commencement of any academic courses shall be provided by the coach or supervisor of the co- or extra-curricular activity a copy of the excerpt from the student handbook regarding the hazing policy prior to the first practice session. Each coach or supervisor of a co- or extra-curricular activity shall orally explain to participants the prohibition against hazing, the reasons for the prohibition, and the potential consequences to participants and, in the case of a club or an athletic team, to the club or team itself.

Annually, custodial parents and guardians of students shall be provided a copy of this hazing policy prior to the commencement of co- or extra-curricular activities.

Annually, staff members shall be provided with a copy of this hazing policy prior to the opening of school. Coaches or supervisors of co- or extra-curricular activities shall be provided a copy of this hazing policy upon employment by the District. All new employees shall be provided notice of this hazing policy upon employment by the District via the Employee Handbook.

Reporting of Hazing

Students who have reason to believe that an incident of hazing might or did occur shall report such belief to any coach of an extracurricular team, teacher, school nurse, guidance counselor, or school administrator. Staff members who have received such a report from a student or who otherwise have reason to believe that an incident of hazing might or did occur shall report such belief to the Principal of the school, or, in the event of the unavailability of the Principal, to the designated person. The report may be in writing or orally. If the report is made orally, the receiver shall make a written record of the report.

It shall be a violation of this policy for a person to retaliate against a student or other person for reporting a suspected incident of hazing or cooperating in any investigation or disciplinary proceeding regarding an incident of hazing.

It is possible that an incident of hazing might also fall within the definition of abuse, neglect, or exploitation as those terms are defined in 33 V.S.A. §4912(2) and 33 V.S.A. §§6902(1), (7) and (9). Reporting a suspected incident of hazing to the Principal does not relieve the reporter of any obligations additionally to report such suspicions to the Commissioner of the Vermont Department of Social and Rehabilitation Services as set forth in 33 V.S.A. §4914 or to the Commissioner of the Department of Aging and Disabilities as set forth in 33 V.S.A. §6904 as outlined in policy F8.

Investigation of Reports of Hazing

The Principal, or designee, upon receipt of a report of hazing, promptly shall cause an investigation to commence. The investigation shall be timely and thorough and the findings and conclusions of the investigation shall be reduced to writing. Unless there are exceptional circumstances, the investigation shall be concluded within ten school days.

Disciplinary Action

It is not a defense in a disciplinary proceeding under this policy that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

1. If the investigation concludes a student committed an act of hazing or otherwise violated this policy, that student shall be subject to appropriate disciplinary action, including but not limited to suspension or expulsion from co- or extra-curricular activities or from school. Any disciplinary action against a student shall be subject to the procedures set forth in policy (F1) of this Policy Manual.
2. If the investigation concludes that a staff person committed an act of hazing or otherwise violated this policy, that person shall be subject to appropriate disciplinary action in accordance with applicable law and the provisions of any applicable collective bargaining agreement or other contract.
3. If the investigation concludes that two or more members of an athletic team or other co- or extra-curricular activity or organization knowingly permitted, authorized, or condoned hazing, disciplinary action may be imposed against the team, activity or organization, including cancellation of one or more athletic contests or the entire athletic season, or revocation or suspension of an organization's permission to operate or exist within the District's purview.
4. Acts of hazing may also be illegal and may be prosecuted under 16 V.S.A. §§140b-140d or other state law.
5. Nothing in this policy shall limit or preclude the District from disciplining a student or other person affiliated with the District under any other District policy as well as under the terms of this policy.

Training of Staff

The Principal shall ensure that each staff member, with particular emphasis on staff members who are coaches or supervisors of co- or extra-curricular activities, receive training in preventing, recognizing and responding to hazing.

Reporting Incidents of Hazing to Law Enforcement Officials

All staff members are subject to the confidentiality requirements of the Family Education Rights and Privacy Act (20 U.S.C. §1232g and 34 C.F.R. Part 99). Accordingly, information deriving from student records (if the information is obtained through other means, the restrictions of FERPA do not apply) which is personally identifiable, may not be disclosed without parental consent unless it meets one or more of the exceptions specified in 34 C.F.R. Part 99. Certain of these exceptions, depending upon whether the circumstances meet the conditions set forth in those exceptions, may permit the reporting of hazing to law enforcement officials. Those relevant exceptions are:

1. Where there is a health or safety emergency;
2. Where the information has been subpoenaed; or
3. Where the records in question are created and maintained by a law enforcement unit established by the school.