

2020-21

**SUPPORT STAFF  
PERSONNEL HANDBOOK**

**EAST NEWTON  
R-VI SCHOOL DISTRICT**

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**OUR MISSION STATEMENT....**

# Better Learning – Better Lives

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## INTRODUCTION

This handbook is a collection of some of the basic policies governing the support staff of East Newton Schools. A complete volume of these policies is on file in the Superintendent’s office and on the District’s website, [www.eastnewton.org](http://www.eastnewton.org)

# ARTICLE 1 – EMPLOYMENT PRACTICES AND PROCEDURES

## Section A: EMPLOYMENT

1. The term "new employee" includes those who are being employed for the first time by the East Newton R-VI School District.
2. It is the policy of the School Board to consider continued employment of all non-certified employees prior to May 1 of each year.
3. It is mandatory that all employees are enrolled in electronic direct deposit. Funds become available after midnight on the designated payday at the financial institution of your choice.
4. Bus drivers shall have an annual physical examination. This health certificate, signed by a licensed physician, must be on file in the Transportation Office.

## Section B: BACKGROUND CHECKS

Per Department of Elementary and Secondary Education (DESE) mandatory requirements, every newly hired person in a Missouri public school having contact with children must undergo a criminal background check prior to employment and before having contact with students. The background check includes submitting fingerprints to the Missouri Highway Patrol (MHP) and the Federal Bureau of Investigation (FBI). DESE manages the background check process for school districts. The fee for the background check is to be paid by the applicant / employee.

## Section C: ASSIGNMENT

1. The School Board has adopted a position classification system for all support staff personnel. The employee will be placed on the salary schedule based on training, experience, responsibility, supervisory, and organization level required by the position.
2. Salary increases are normally granted only at the beginning of each fiscal year, contingent upon the approval of the Board of Education. The annual increment may be withheld when recommended by the immediate supervisor and agreed to by the Superintendent.
3. If Administration reclassifies an employee to a position on a higher scale, the employee shall be placed on the step of the new scale which will result in transfer to as close to the same salary during the year. If Administration reclassifies an employee to a position on the lower scale, the employee shall retain the step on the salary schedule, which would result in as close to the same salary during the year. Reclassification could potentially become a salary reduction depending on the move.

## Section D: SEPARATION OF EMPLOYMENT

1. Any employee may be dismissed at any time, subject to the provision of the law.
2. If an employee is terminated, the employee must report immediately to the Central Office to make arrangements for final compensation. This check will not be issued until all District property issued to the employee has been returned or accounted for by the District and the issued check will not be available until the next regular payroll date.
3. Any employee wishing to resign shall submit a dated letter of resignation to the Superintendent and Board of Education.

## ARTICLE II - JOB RULES AND REGULATIONS

### Section A: PAYMENT POLICIES

1. **Payment Dates.** Employees will be paid once per month on the 20th. Time sheets are required to be submitted to Central Office ***after the First Friday*** each month. The ***First Friday*** of each month will end the time sheet pay period. Incomplete time cards may not be processed, resulting in a delay in pay.
2. Arrangements for final salary payments for personnel who have resigned, or who have been suspended or terminated, may be made through the Payroll Department at the Central Office.
3. Travel reimbursements must be submitted each month to supervisors and not submitted at the end of the year.

### Section B: WORK SCHEDULE

1. **Regular hours.** Please refer to your supervisor for your scheduled hours per day.
2. **Lunch break.** Any employee working at least six (6) hours or more per day, must take at least a thirty (30) minute unpaid lunch break.
3. **Overtime hours.** In accordance with the Fair Labor Standards Act, the District has a policy of granting non-exempt employees compensatory time off in lieu of compensation for hours worked in excess of forty (40) hours per work week. Overtime hours **MUST** be approved by your supervisor prior to those hours being worked and in many cases the employee must be supervised during those hours. Time will be accrued at one and one-half (1½) times for all time over forty (40) hours of actual work per week. Hours paid for sick leave, vacation, and holidays do not count toward the regular forty (40) hour work week. **POINT OF NOTICE:** Employees must actually work 40 hours in the regular work week before Overtime hours come into effect. Please fill out your time sheets correctly when documenting hours. Overtime pay in lieu of compensatory time must be approved through District supervisor.
4. Any extra curricular work assignment shall be compensated at the regular pay until forty (40) hours worked per week is exceeded.
5. The Superintendent, Director of Facilities, or building principal, prior to paying a different rate scale, must give approval even if there is a mutual consent between the employee and the organization.

### Section C: SUPERVISION

All support staff personnel are under the direction of the building principal or director and the Superintendent, or his/her designated representative.

#### **Section D: PROMOTION AND TRANSFER**

The Superintendent shall post notices throughout the schools and on the District's website when an opening occurs within the District. Those employees desiring to be considered for the position listed shall submit a "request to transfer" form to the superintendent or designee. Employees of the District shall be given first consideration for reassignment to another position if their ability, training, and experience are equal to that of new applicants. It is acknowledged that frequently the desired qualities for certain positions do not exist in the present personnel. Hence, it is sometimes advisable to seek qualified personnel outside the district staff.

#### **Section E: EMPLOYEE EVALUATION**

The principal of each school is charged with the evaluation of all non-certificated personnel working within his/her school. This responsibility may be delegated to a director or supervisor; however, the principal will review all evaluations.

#### **Section F: STAFF CONFLICT OF INTEREST**

Employees of the Board will not engage in, or have direct financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as members of the East Newton R-VI School District staff by adhering to Board Policy GBCA.

# ARTICLE III - EMPLOYEE BENEFITS

## Section A: REQUEST FOR TIME OFF

All advance notice requests for time off should be submitted through the use of BlueChalk or paper forms. The leave request will automatically be sent to the supervisor for approval. Upon approval the leave will automatically post to the employee's time card on the date of the leave request. Employee balances will be kept up-to-date in SISFIN.

## Section B: HOLIDAYS

As stated in your letter of intent, full-time employees will receive the following paid holidays if they fall within the employee's work schedule for that fiscal year:

Independence Day	New Year's Eve
Labor Day	New Year's Day
Thanksgiving Day	Good Friday (unless school is in session)
Christmas (3 days)	Memorial Day

These holidays are not applicable during a leave of absence or after separation of employment, in which accumulated vacation would span over a holiday.

## Section C: VACATIONS

1. All twelve (12) month employees shall be granted ten (10) days paid vacation each year for the first five (5) years of employment. Those beginning their eleventh (11) full school year with the District shall receive fifteen (15) days per year.
2. All vacations shall be arranged with the immediate supervisor's approval in the best interest of the school system.
3. Annual vacation for twelve (12) month employees is based upon the fiscal year beginning July 1.
4. Vacation time earned during any one fiscal year must be used by July 31, following the end of the fiscal year (June 30). Employees thus have 13 months to use vacation days. Days not used by July 31 will carry over, ONLY half will be allowed to carry over. Any discrepancy in the area of carry over days needs to be discussed and finalized in Central Office the year the discrepancy occurred. Refer to policy GDBDA or GCBDA for more details regarding short-term leaves and absences.

## Section D: LEAVE

1. **Notification.** It is the responsibility of the employee, when absent, to notify his or her immediate supervisor as soon as possible. The supervisor reserves the right to require a return to duty work release statement from your physician.
2. **Sick leave and emergency leave.** All personnel accrues one (1) day of sick leave per every month worked or a maximum of twelve (12) full days of sick and/or emergency leave each year. An indefinite number of days may be accumulated. All sick leave must be exhausted before an employee can go on unpaid leave. If employee is out three (3) or more days, the District will require a "Physician's Certification of Medical Necessity for Extended Absence" form to be completed by employee's physician. The physician should supply the employee with a "Return to Duty Certification" when the employee is able to return to full duty.

Sick leave shall be granted to an employee in the event of illness or death in the **immediate family** (spouse, employee's or spouse's children, children's spouses, parents, grandparents, grandchildren, brothers, sisters, or any person entirely dependent upon the staff member).

Two (2) days of sick leave shall be granted to an employee for the birth or adoption of a grandchild. If an employee has available any personal leave and/or vacation leave, it may be used at this time.

In 2016 a change was approved to policy GDBDA. All unused sick leave days shall be forfeited when an employee leaves the district, if the employee leaves prior to six years. Employees who have worked six years or more and leave before retirement will be compensated for unused sick days at \$20 per day. If you retire from EN unused sick days will be compensated at \$35 per day with a max of 99 days. Policy GDBDA.

3. **Personal leave** shall be granted to all staff members two (2) days of Personal leave. Personal leave is an extension of sick leave and is part of the acquired days above (see "sick leave" above).

**Whenever possible, it is expected that a request for leave will be made in writing to the designated administrator at least 48 hours in advance of time the leave is requested. The Superintendent will deny requests for personal leave that would extend a scheduled school vacation unless specific written reasons warrant special consideration.** \* *If you are asked to help supervise, you can use one (1) trip per school year as a professional day (outside of your area) in our district.*

4. **Bereavement Leave** may be used for death in the immediate family. Bereavement leave is part of sick leave. Three (3) days will be granted for Bereavement leave to be taken from the employee sick leave. Days after three (3) will be taken from personal leave.
5. **Emergency leave** for personal reasons will be approved when in the judgment of the Superintendent of Schools or his designated representative that such leave is necessary. Prior approval must be secured in writing.
6. **Inclement weather.** No leave will be approved for inclement weather unless that day is so designated by the Superintendent and that designation will be made only after school is resumed following days missed. However, most employees have vacation and/or personal days that can be used for this purpose. The employee can make their decision based on the severity of weather, knowing it may cost a vacation or personal day. In the rare event emergency leave is granted by the Superintendent, the time is charged to administrative leave.

7. **Military Leave.** The Board shall grant military leave as required by law.
8. **Jury Duty Leave.** Employees who miss school as jurors will not have their salary deducted for days missed; however, the employee will give to the District the pay received for their jury duty service. This payment to the District would not include mileage reimbursement.
9. **All absences not approved** according to the stipulations shall have one (1) day's pay deducted for each day's absence.
10. **The Business Office will maintain records** of sick leave and vacation leave. Current balances of each type of leave are reported on the payroll check stub.

#### **Section E: MEDICAL LEAVE (FMLA)**

The District recognizes that a leave of absence from active employment may be necessary for family or medical reasons. The Family and Medical Leave Act of 1993 (FMLA) entitles eligible employees to take up to twelve (12) work weeks of unpaid leave for family and medical reasons. See policy GBBDA in the East Newton R-VI School District Board Regulations and Policy Manual.

#### **Section F: RETIREMENT AND RETIREMENT BENEFITS**

1. All employees of the School District who work twenty (20) hours or more per week become members of the Public Education Employee Retirement System (PEERS), which is an automatic tax deferred deduction of 6.86% of gross wages. All employees become members of the Old Age and Survivors Insurance (O.A.S.I. and Medicare) System, which is also an automatic deduction from gross wages, as directed from the IRS.

Employees holding a Missouri Certified Teaching Certificate working in a non-teaching covered position will pay into Social Security and 9.67% into retirement.

2. Upon separation of employment with the School District, the employee may obtain his own retirement contributions, plus any accumulated interest. All requests must be made by the employee in writing directed to:

Public Education Employee Retirement System  
P.O. Box 268  
Jefferson City, MO 65102

Questions can be referred to 1-800-392-6848.

#### **Section G: INSURANCE BENEFITS**

1. **Workers' Compensation.** All school employees will be covered by Workers' Compensation Insurance and are eligible for compensation for an injury incurred in the performance of their job. Any accident resulting in injury, no matter how minor, must be reported immediately to the supervisor who in turn will notify the appropriate administrative office. The supervisor or school nurse will fill out a Report of Injury form by asking the injured person for details of the accident. The injured employee will go to OccuMed in Neosho

or Joplin. After hours will go to Freeman Hospital Neosho or Freeman Hospital West Joplin. **DO NOT GO TO YOUR PERSONAL PHYSICIAN FOR A WORK RELATED INJURY UNLESS YOU ARE WILLING TO PAY ALL FEES.** Please let Karen Taylor in the Central Office know if an employee is off from work for more than three (3) days.

2. **Medical Insurance.** All support staff employees considered fulltime are eligible to participate in the District's support staff medical insurance plan. Coverage will begin the first day of the month following date of hire and will continue until the end of the month of the date employment terminates. **Employees leaving the district will terminate insurance on June 30.** Employees become eligible for insurance the first of the month following the month employed. The District pays \$400 of the premiums per employee with the option to pay a portion above that amount if possible. The District will pay \$400.00 toward each plan selected by staff. Any amount above \$400.00 will be payroll deducted from the employee.

Each year there is an open enrollment period from May to mid June, for coverage July 1 through June 30 of the following year. If you miss this opportunity, you will not be able to enroll until the following year open enrollment period, with the only exception being a significant life change.

The East Newton School District is a member of MET (Missouri Educator Trust) a self-funded insurance trust. Over eighty school districts participate, and well over 18,000 members are part of the trust. Being self insured allows the trust various flexibilities for insurance coverage's. Those flexibilities are designed to benefit schools and their employees to get the best insurance coverage's available. As the trust grows it is the hope that even more benefits will be possible for schools and the employees.

3. **Life Insurance.** All employees fulltime under the age of 65 are covered by a life insurance policy in the amount of \$20,000. There is also \$20,000 coverage for accidental death, dismemberment and loss of sight. This coverage is provided by the District at no cost to the employee.

4. **OPTIONAL INSURANCES:**

- **LIFE.** Employees can purchase Hartford Life insurance through a payroll deduction. The coverage will remain in effect for one (1) year. Employees can purchase or drop coverage during open enrollment period only (January).
- **DENTAL.** Employees can purchase The Standard Dental Insurance through a payroll deduction. These premiums are run through Section 125 plan and will remain in effect for one (1) year. Employees can purchase or drop coverage only during open enrollment period (January).
- **VISION.** Employees can purchase Eye Med Vision Insurance through a payroll deduction. These premiums are run through Section 125 plan and will remain in effect for one (1) year. Employees can purchase or drop coverage only during open enrollment period (January).

5. **Liability Insurance.** Liability insurance will be provided for all staff members.
6. **Unemployment compensation insurance.** All eligible school employees will be covered by unemployment compensation insurance and subject to the provisions thereof. Based on an analysis of district data, the Board will annually determine if the District shall pay on the basis of reimbursement or purchase unemployment compensation insurance. (According to the Division of Employment Security, if an

employee has been issued an employment agreement or letter of intent, they do not qualify for summer unemployment.)

7. **Cobra Coverage.** The right to COBRA continuation coverage was created and is governed by federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA is available if the employee's health coverage under the plan would otherwise terminate due to employment separation or other qualifying events. Please refer to the "General Notice of COBRA Continuation Coverage Rights", provided through your payroll department.
8. **Retiree Coverage.** Retirees may elect to remain on District medical, dental, vision and life insurance by paying the premium.
9. **American Fidelity** Summary Plan Description (SPD), plan information and product brochures available online at [www.afadvantage.com](http://www.afadvantage.com)
  - **IRS SECTION 125, CAFETERIA PLAN.** Employees can participate in an IRS Section 125 Cafeteria Plan that reduces tax liability. The plan has been found to be beneficial to nearly all employees by saving many tax dollars. Yearly meetings will be held at the first of the school year to explain the plan and answer individual questions. Eligibility begins the following month after employment or every October 1. Enrollment forms must be signed and checked as to the status of enrollment and returned to the Business Office as proof that all eligible employees were provided an opportunity to participate in the Plan.

DEFINITION: A cafeteria plan is a legally written document that is filed with the federal government for the sole purpose to save employee tax dollars. The term "Cafeteria Plan" is derived from having multiple benefit options from which the employee can choose in order to build an individual benefit program. Since there are many types and components to cafeteria plans, the District has selected the most commonly used plan types: (Flex Plan)

- Medical Reimbursement Plan (Out-of-pocket expenses)
- Dependent Care Assistance Plan (child care expenses)

We cannot stress enough how beneficial the Plan can be to the employee. The simple act of signing "yes" will unconditionally save you money if you qualify. Following are more detailed explanations of the three plan types. You may enroll in all or just one of the types.

MEDICAL REIMBURSEMENT ACCOUNT: may be used to reimburse yourself for eligible medical expenses incurred for yourself, your spouse, and your eligible dependents. Examples of eligible medical expenses may include, but are not limited to medical deductibles, co-payments, prescriptions and other medical expenses not reimbursed by another source.

DEPENDENT CARE REIMBURSEMENT ACCOUNT: is used to reimburse yourself for eligible dependent care expenses incurred to allow you to work or if you are married, your spouse to work or look for a work. You may allocate up to \$5,000 pre-tax per calendar year for reimbursement of dependent care services (\$2,500 if you are married and file a separate tax return).

GENERAL: If you do not file sufficient claims for reimbursement, you will lose the unused amounts. This is often referred to as the “use-or-lose” rule. Therefore, the balance of the unused amounts must be forfeited to your Employer.

- **Life Insurance.** Employees can purchase through a payroll deduction. These premiums are run through Section 125 plan and will remain in effect for one (1) year. Employees can purchase or drop coverage during open enrollment period only.
- **Disability Income Insurance.** Employees can purchase through a payroll deduction. Employees can purchase or drop coverage during open enrollment period only.
- **Accident Only Insurance.** Employees can purchase through a payroll deduction. These premiums are run through Section 125 plan and will remain in effect for one (1) year. Employees can purchase or drop coverage during open enrollment period only.
- **Cancer Insurance.** Employees can purchase through a payroll deduction. These premiums are run through Section 125 plan and will remain in effect for one (1) year. Employees can purchase or drop coverage during open enrollment period only.

#### **Section H: OTHER BENEFITS**

1. **Home athletic events.** All District employees and family (students living at home) will be admitted free of charge to all home activity events. This includes home athletic events (excluding district or tournament games) and school productions. You must present the current year district issued “Activities Pass” at gate or door. Should your card be lost, contact your building office for a replacement.
2. **Expense Reimbursement.** Reimbursement will be granted for professional travel that is approved in advance by the Administrator who supervises the staff member requesting the reimbursement. Travel must be beneficial to the East Newton R-VI School District to be approved. In all cases of professional travel, personnel will be expected to be as economical as is practical. Because expenses are reimburse from public funds, all persons traveling at the district’s expense are expected to use good judgment, differentiate between expenditures for business and those for personal convenience and avoid unnecessary fees and excessive charges.

Reimbursed for employee travel (sales tax will not be reimbursed). **Original itemized receipts** must accompany the reimbursement form. **The form must include where the person traveled, the date and the purpose of the travel.**

## **ARTICLE IV – AIDES, BUS DRIVERS AND CAFETERIA PERSONNEL**

1. Substitutes who assume a long-term substitute position for more than ten (10) consecutive days shall have be paid at a higher rate of pay for time substituting beyond the ten (10) days.
2. Teacher aides require a minimum of sixty (60) college hours successfully completed.
3. When school is called off due to inclement weather, employees will be expected to work if/when the inclement days are rescheduled.
4. Bus drivers, aides and cafeteria workers will be paid for all time worked when school is in session.
5. All employees required by the District to hold a commercial drivers license (CDL) and perform safety-sensitive functions in the course of their employment are subject to the regulations for drug and alcohol testing found in policy GBEBB and the related regulations of the East Newton R-VI Schools Policy Manual.
6. All bus drivers must hold a school bus permit and are required to attend eight (8) hours of training annually.
7. Bus drivers shall have an annual physical examination. This health certificate, signed by a licensed physician, must be on file in the Transportation Office.
8. Bus drivers may not accumulate more than 29 hours of work per week.

## ARTICLE V: DISTRICT REGULATIONS

The East Newton R-VI Schools Board of Education policies are developed and maintained through assistance from the Missouri School Board's Association. For your reference and convenience, all District policies, regulations, and procedures can be found on the District's website at [www.eastnewton.org](http://www.eastnewton.org).

As an employee of the District, it is your responsibility to review, become familiar with, and adhere to all District policies. As part of the annual mandatory requirements (see Section B below), your electronic receipt of this handbook is included as part of these requirements. By acknowledging receipt of this handbook online (or in some instances, by signature), you agree to all procedures, policies and regulations in place.

### Section A: POLICIES

1. **DRUG-FREE WORKPLACE.** Staff members are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the District's intent and obligation to provide a drug-free work environment.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on District premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

The District recognizes drug dependency as an illness and a major health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use our health insurance plan, as appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job, and will not be noted in any personnel record.

Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off District premises while conducting District business. A report of conviction must be made within five (5) days after the conviction. This requirement is mandated by the Drug-Free Workplace Act of 1988.

#### **DRUG-FREE WORKPLACE (GBEBA CRITICAL):**

*Student and employee safety is of paramount concern to the Board of Education. In recognition of the threat to safety posed by employee use or possession of drugs or alcohol, the Board of Education commits itself to a continuing good-faith effort to maintain a drug-free workplace. The Board of Education shall not tolerate the manufacture, use, possession, sale, distribution or being under the influence of controlled substances, alcoholic beverages or unauthorized prescription medications by district employees on any district property; on any district-approved vehicle used to transport students to and from school or district activities; off district property at any district-sponsored or district-approved activity, event or function, such as a field trip or athletic event, where students are under the supervision of the school district; or during*

*any period of time such employee is supervising students on behalf of the school district or is otherwise engaged in school district business.*

*When it is evident that an employee has consumed alcoholic beverages or controlled substances off school property before or during a district activity, the staff member will not be allowed on school property or to participate in the activity and will be subject to the same disciplinary measures as for possession or consumption on district property.*

*Staff members will be tested for alcohol and controlled substances if the district has reasonable suspicion that the staff member has violated this policy. In addition, staff members who operate district transportation must submit to alcohol and drug testing as otherwise required by law. All testing will be conducted in accordance with Board policy, administrative procedures and law.*

*Any employee who violates this policy will be subject to disciplinary action, which may include satisfactory participation in rehabilitation programs, suspension, termination and referral for prosecution. Employees needing help in dealing with substance abuse problems are encouraged to use our health insurance plan, as appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job, and will not be noted in any personnel record, except where the employee has committed violations of this policy within the scope of employment as otherwise described herein.*

*Each employee of this school district is hereby notified that, as a condition of employment, the employee must abide by the terms of this policy and notify the superintendent or designee of any criminal drug statute conviction for a violation occurring in or on the premises of this school district, or while engaged in regular employment. Such notification must be made by the employee to the superintendent or designee in writing no later than five (5) calendar days after conviction. The superintendent or designee will provide notice in writing of such violation to the United States Department of Education or other appropriate federal agency within ten (10) calendar days after the superintendent or designee receives such notification if the district receives any federal grants directly from such agency, as opposed to federal grants received through the Department of Elementary and Secondary Education (DESE).*

*The district will take appropriate disciplinary action within 30 days.*

*The district will institute a drug-free awareness program to inform employees of the dangerous and harmful nature of drug and alcohol abuse in the workplace, of this policy of maintaining a drug-free workplace, of available counseling and rehabilitation, and of the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.*

*The Board of Education recognizes that employees who have a drug abuse problem should be encouraged to seek professional assistance. Although the district will not assume financial responsibility, treatment facilities or agencies in the community may be recommended to an employee requesting assistance.*

*Upon the request of DESE or an agency of the United States, the district shall certify that it has adopted and implemented the drug prevention program described in this policy. The district shall conduct a biennial review of this policy to determine its effectiveness, implement necessary changes and ensure that the disciplinary sanctions are consistently enforced.*

*This policy shall be communicated in writing to all present and future employees. Compliance with this policy is mandatory.*

*Adopted: 04/16/1998; Revised: 11/17/2005*

2. **DISCRIMINATION, HARASSMENT AND RETALIATION.** The School District is committed to providing an environment free from intimidating, hostile or offensive behavior; unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication constituting sexual harassment. Each employee will annually complete a Sexual Harassment Program. Sexual harassment by an employee, student or other person in the district against any person is prohibited.

Allegation of sexual harassment shall be investigated and, if substantiated, corrective or disciplinary action taken, up to and including suspension and/or expulsion of the student or suspension and/or termination of the employee.

**PROHIBITION AGAINST ILLEGAL DISCRIMINATION, HARASSMENT AND RETALIATION (AC Critical):**

**General Rule**

*The East Newton R-VI School Board of Education is committed to maintaining a workplace and educational environment that is free from discrimination and harassment in admission or access to, or treatment or employment in, its programs, services, activities and facilities. In accordance with law, the district strictly prohibits discrimination and harassment against employees, students or others on the basis of race, color, religion, sex, national origin, ancestry, disability, age, genetic information or any other characteristic protected by law. The East Newton R-VI School District is an equal opportunity employer.*

*The Board also prohibits:*

1. *Retaliatory actions including, but not limited to, acts of intimidation, threats, coercion or discrimination against those who:
  - a. *Make complaints of prohibited discrimination or harassment.*
  - b. *Report prohibited discrimination or harassment.*
  - c. *Participate in an investigation, formal proceeding or informal resolution, whether conducted internally or outside the district, concerning prohibited discrimination or harassment.**
2. *Aiding, abetting, inciting, compelling or coercing discrimination, harassment or retaliatory actions.*
3. *Discrimination, harassment or retaliation against any person because of such person's association with a person protected from discrimination or harassment in accordance with this policy.*

*All employees, students and visitors must immediately report to the district for investigation any incident or behavior that could constitute discrimination, harassment or retaliation in accordance with this policy. If discrimination, harassment or retaliation that occurs off district property and that is unrelated to the*

*district's activities negatively impacts the school environment, the district will investigate and address the behavior in accordance with this policy, as allowed by law.*

### **Additional Prohibited Behavior**

*Behavior that is not unlawful or does not rise to the level of discrimination, harassment or retaliation might still be unacceptable for the workplace or the educational environment. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics including, but not limited to, socioeconomic level, sexual orientation or perceived sexual orientation.*

### **Boy Scouts of America Equal Access Act**

*As required by law, the district will provide equal access to district facilities and related benefits and services and will not discriminate against any group officially affiliated with the Boy Scouts of America, the Girl Scouts of the United States of America or any other youth group designated in applicable federal law.*

### **Interim Measures**

*When a report is made or the district otherwise learns of potential discrimination, harassment or retaliation, the district will take immediate action to protect the alleged victim, including implementing interim measures. For example, the district may alter a class seating arrangement, provide additional supervision for a student or suspend an employee pending an investigation. The district will take immediate steps to prevent retaliation against the alleged victim, any person associated with the alleged victim, or any witnesses or participants in the investigation. These steps may include, but are not limited to, notifying students, employees and others that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment or retaliation have occurred.*

### **Consequences and Remedies**

*If the district determines that discrimination, harassment or retaliation have occurred, the district will take prompt, effective and appropriate action to address the behavior, prevent its recurrence and remedy its effects.*

*Employees who violate this policy will be disciplined, up to and including employment termination. Students who violate this policy will be disciplined, which may include suspension or expulsion. Patrons, contractors, visitors or others who violate this policy may be prohibited from school grounds or otherwise restricted while on school grounds. The superintendent or designee will contact law enforcement or seek a court order to enforce this policy when necessary or when actions may constitute criminal behavior.*

*Students, employees and others will not be disciplined for speech in circumstances where it is protected by law.*

*In accordance with law and district policy, any person suspected of abusing or neglecting a child will be reported to the Children's Division (CD) of the Department of Social Services.*

*Remedies provided by the district will attempt to minimize the burden on the victim. Such remedies may include, but are not limited to: providing additional resources such as counseling, providing access to community services, assisting the victim in filing criminal charges when applicable, moving the perpetrator to a different class or school, providing an escort between classes, or allowing the victim to*

retake or withdraw from a class. The district may provide additional training to students and employees, make periodic assessments to make sure behavior complies with district policy, or perform a climate check to assess the environment in the district.

### **Definitions**

Compliance Officer – The individual responsible for implementing this policy, including the acting compliance officer when he or she is performing duties of the compliance officer.

Discrimination – Conferring benefits upon, refusing or denying benefits to, or providing differential treatment to a person or class of persons in violation of law based on race, color, religion, sex, national origin, ancestry, disability, age, genetic information or any other characteristic protected by law, or based on a belief that such a characteristic exists.

Grievance – A verbal or written report (also known as a complaint) of discrimination, harassment or retaliation made to the compliance officer.

Harassment – A form of discrimination, as defined above, that occurs when the school or work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment.

Behaviors that could constitute illegal harassment include, but are not limited to, the following acts if based on race, color, religion, sex, national origin, ancestry, disability, age, genetic information or any other characteristic protected by law or based on a belief that such a characteristic exists: graffiti; display of written material, pictures or electronic images; name calling, teasing or taunting; insults, derogatory remarks or slurs; jokes; gestures; threatening, intimidating or hostile acts; physical acts of aggression, assault or violence; theft; or damage to property.

Sexual Harassment – A form of discrimination, as defined above, on the basis of sex. Sexual harassment is unwelcome conduct that occurs when a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or punishment is applied for refusing to comply with, unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature; or b) the school or work environment becomes permeated with intimidation, ridicule or insult that is based on sex or is sexual in nature and that is sufficiently severe or pervasive enough to alter the conditions of participation in the district's programs and activities or the conditions of employment. Sexual harassment may occur between members of the same or opposite sex. The district presumes a student cannot consent to behavior of a sexual nature with an adult regardless of the circumstance.

Behaviors that could constitute sexual harassment include, but are not limited to:

1. Sexual advances and requests or pressure of any kind for sexual favors, activities or contact.
2. Conditioning grades, promotions, rewards or privileges on submission to sexual favors, activities or contact.
3. Punishing or reprimanding persons who refuse to comply with sexual requests, activities or contact.
4. Graffiti, name calling, slurs, jokes, gestures or communications of a sexual nature or based on sex.
5. Physical contact or touching of a sexual nature, including touching of intimate parts and sexually motivated or inappropriate patting, pinching or rubbing.

6. *Comments about an individual's body, sexual activity or sexual attractiveness.*
7. *Physical sexual acts of aggression, assault or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking) against a person's will or when a person is not capable of giving consent due to the person's age, intellectual disability or use of drugs or alcohol.*
8. *Gender-based harassment and acts of verbal, nonverbal, written, graphic or physical conduct based on sex or sex stereotyping, but not involving conduct of a sexual nature.*

Working Days – Days on which the district's business offices are open.

### **Compliance Officer**

*The Board designates the following individual to act as the district's compliance officer:*

*Special Services Director  
East Newton R-VI School District  
22808 E. Hwy 86  
Granby, MO 64844  
Phone: 417-472-6233  
Fax: 417-472-3500  
copelands@eastnewton.org*

*In the event the compliance officer is unavailable or is the subject of a report that would otherwise be made to the compliance officer, reports should instead be directed to the acting compliance officer:*

*High School Principal  
East Newton High School  
22876 E. Hwy 86  
Granby, MO 64844  
Phone: 417-472-6238  
Fax: 417-472-7129  
pattersonje@eastnewton.org*

*The compliance officer or acting compliance officer will:*

1. *Coordinate district compliance with this policy and the law.*
2. *Receive all grievances regarding discrimination, harassment and retaliation in the East Newton Public Schools.*
3. *Serve as the district's designated Title IX, Section 504 and Americans with Disabilities Act (ADA) coordinator, as well as the contact person for compliance with other discrimination laws.*
4. *Investigate or assign persons to investigate grievances; monitor the status of grievances to ensure that additional discrimination, harassment and retaliation do not occur; and recommend consequences.*
5. *Review all evidence brought in disciplinary matters to determine whether additional remedies are available, such as separating students in the school environment.*

6. *Determine whether district employees with knowledge of discrimination, harassment or retaliation failed to carry out their reporting duties and recommend disciplinary action, if necessary.*
7. *Communicate regularly with the district's law enforcement unit to determine whether any reported crimes constitute potential discrimination, harassment or retaliation.*
8. *Oversee discrimination, harassment or retaliation grievances, including identifying and addressing any patterns or systemic problems and reporting such problems and patterns to the superintendent or the Board.*
9. *Seek legal advice when necessary to enforce this policy.*
10. *Report to the superintendent and the Board aggregate information regarding the number and frequency of grievances and compliance with this policy.*
11. *Make recommendations regarding changing this policy or the implementation of this policy.*
12. *Coordinate and institute training programs for district staff and supervisors as necessary to meet the goals of this policy, including instruction in recognizing behavior that constitutes discrimination, harassment and retaliation.*
13. *Perform other duties as assigned by the superintendent.*

### **Public Notice**

*The superintendent or designee will continuously publicize the district's policy prohibiting discrimination, harassment and retaliation and disseminate information on how to report discrimination, harassment and retaliation. Notification of the district's policy will be posted in a public area of each building used for instruction or employment or open to the public. Information will also be distributed annually to employees, parents/guardians and students as well as to newly enrolled students and newly hired employees. District bulletins, catalogs, application forms, recruitment material and the district's website will include a statement that the Rolla Public Schools does not discriminate in its programs, services, activities, facilities or with regard to employment. The district will provide information in alternative formats when necessary to accommodate persons with disabilities.*

### **Reporting**

*Students, employees and others may attempt to resolve minor issues by addressing concerns directly to the person alleged to have violated this policy, but they are not expected or required to do so. Any attempts to voluntarily resolve a grievance will not delay the investigation once a report has been made to the district.*

*Unless the concern is otherwise voluntarily resolved, all persons must report incidents that might constitute discrimination, harassment or retaliation directly to the compliance officer or acting compliance officer. All district employees will instruct all persons seeking to make a grievance to communicate directly with the compliance officer. Even if the potential victim of discrimination, harassment or retaliation does not file a grievance, district employees are required to report to the compliance officer any observations, rumors or other information regarding actions prohibited by this policy. If a verbal grievance is made, the person will be asked to submit a written complaint to the compliance officer or acting compliance officer. If a person refuses or is unable to submit a written complaint, the compliance officer will summarize the verbal complaint in writing. A grievance is not needed for the district to take action upon finding a violation of law, district policy or district expectations.*

*Even if a grievance is not directly filed, if the compliance officer otherwise learns about possible discrimination, harassment or retaliation, including violence, the district will conduct a prompt, impartial, adequate, reliable and thorough investigation to determine whether unlawful conduct occurred and will implement the appropriate interim measures if necessary.*

### **Student-on-Student Harassment**

*Building-level administrators are in a unique position to identify and address discrimination, harassment and retaliation between students, particularly when behaviors are reported through the normal disciplinary process and not through a grievance. The administrator has the ability to immediately discipline a student for prohibited behavior in accordance with the district's discipline policy. The administrator will report all incidents of discrimination, harassment and retaliation to the compliance officer and will direct the parent/guardian and student to the compliance officer for further assistance. The compliance officer may determine that the incident has been appropriately addressed or recommend additional action. When a grievance is filed, the investigation and complaint process detailed below will be used.*

### **Investigation**

*The district will immediately investigate all grievances. All persons are required to cooperate fully in the investigation. The district compliance officer or other designated investigator may utilize an attorney or other professionals to conduct the investigation.*

*In determining whether alleged conduct constitutes discrimination, harassment or retaliation, the district will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. If, after investigation, school officials determine that it is more likely than not (the preponderance of the evidence standard) that discrimination, harassment or other prohibited behavior has occurred, the district will take immediate corrective action.*

### **Grievance Process Overview**

- 1. If a person designated to hear a grievance or appeal is the subject of the grievance, the compliance officer may designate an alternative person to hear the grievance, or the next highest step in the grievance process will be used. For example, if the grievance involves the superintendent, the compliance officer may designate someone outside the district to hear the grievance in lieu of the superintendent, or the grievance may be heard directly by the Board.*
- 2. An extension of the investigation and reporting deadlines may be warranted if extenuating circumstances exist as determined by the district's compliance officer. The person filing the complaint will be notified when deadlines are extended. If more than twice the allotted time has expired without a response, the appeal may be taken to the next level.*
- 3. Failure of the person filing the grievance to appeal within the timelines given will be considered acceptance of the findings and remedial action taken.*
- 4. The district will investigate all grievances, even if an outside enforcing agency such as the Office for Civil Rights, law enforcement or the CD is also investigating a complaint arising from the same circumstances.*

5. *The district will only share information regarding an individually identifiable student or employee with the person filing the grievance or other persons if allowed by law and in accordance with Board policy.*
6. *Upon receiving a grievance, district administrators or supervisors, after consultation with the compliance officer, will implement interim measures as described in this policy if necessary to prevent further potential discrimination, harassment or retaliation during the pending investigation.*

### **Grievance Process**

**Level I:** *A grievance is filed with the district's compliance officer. The compliance officer may, at his or her discretion, assign a school principal or other appropriate supervisor to conduct the investigation when appropriate.*

*Regardless of who investigates the grievance, an investigation will commence immediately, but no later than five working days after the compliance officer receives the grievance. The compliance officer or designee shall conduct a prompt, impartial, adequate, reliable and thorough investigation, including the opportunity for the person filing the grievance and other parties involved to identify witnesses and provide information and other evidence. The compliance officer or designee will evaluate all relevant information and documentation relating to the grievance.*

*Within 30 working days of receiving the grievance, the compliance officer will complete a written report that summarizes the facts and makes conclusions on whether the facts constitute a violation of this policy based on the appropriate legal standards. If a violation of this policy is found, the compliance officer will recommend corrective action to the superintendent to address the discrimination, harassment or retaliation; prevent recurrence; and remedy its effects. If someone other than the compliance officer conducts the investigation, the compliance officer or acting compliance officer will review and sign the report. The person who filed the grievance, the victim if someone other than the victim filed the grievance, and any alleged perpetrator will be notified in writing, within five working days of the completion of the report, in accordance with law and district policy, regarding whether the district's compliance officer or designee determined that district policy was violated.*

**Level II:** *Within five working days after receiving the Level I decision, the person filing the grievance, the victim if someone other than the victim filed the grievance, or any alleged perpetrator may appeal the compliance officer's decision to the superintendent by notifying the superintendent in writing. The superintendent may, at his or her discretion, designate another person (other than the compliance officer) to review the matter when appropriate.*

*Within ten working days, the superintendent will complete a written decision on the appeal, stating whether a violation of this policy is found and, if so, stating what corrective actions will be implemented. If someone other than the superintendent conducts the appeal, the superintendent will review and sign the report before it is given to the person appealing. A copy of the appeal and decision will be given to the compliance officer or acting compliance officer. The person who initially filed the grievance, the victim if someone other than the victim filed the grievance and any alleged perpetrator will be notified in writing, within five working days of the superintendent's decision, regarding whether the superintendent or designee determined that district policy was violated.*

**Level III:** *Within five working days after receiving the Level II decision, the person filing the grievance, the victim if someone other than the victim filed the grievance, or any alleged perpetrator may appeal the superintendent's decision to the Board by notifying the Board secretary in writing. The person filing the grievance and the alleged perpetrator will be allowed to address the Board, and the Board may call for the presence of such other persons deemed necessary. The Board will issue a decision within 30 working days for implementation by the administration. The Board secretary will give the compliance officer or acting compliance officer a copy of the appeal and decision. The person who filed the grievance, the victim if someone other than the victim filed the grievance, and the alleged perpetrator will be notified in writing, within five working days of the Board's decision, in accordance with law and district policy, regarding whether the Board determined that district policy was violated. The decision of the Board is final.*

### **Confidentiality and Records**

*To the extent permitted by law and in accordance with Board policy, the district will keep confidential the identity of the person filing a grievance and any grievance or other document that is generated or received pertaining to grievances. Information may be disclosed if necessary to further the investigation, appeal or resolution of a grievance, or if necessary to carry out disciplinary measures. The district will disclose information to the district's attorney, law enforcement, the CD and others when necessary to enforce this policy or when required by law. In implementing this policy, the district will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record. The district will keep any documentation created in investigating the complaint including, but not limited to, documentation considered when making any conclusions, in accordance with the Missouri Secretary of State's retention manuals and as advised by the district's attorney.*

### **Training**

*The district will provide training to employees on identifying and reporting acts that may constitute discrimination, harassment or retaliation. The district will instruct employees to make all complaints to the district's compliance officer or acting compliance officer and will provide current contact information for these persons. The district will inform employees of the consequences of violating this policy and the remedies the district may use to rectify policy violations. All employees will have access to the district's current policy, required notices and complaint forms. The district will provide additional training to any person responsible for investigating potential discrimination, harassment or retaliation.*

*The district will provide information to parents/guardians and students regarding this policy and will provide age-appropriate instruction to students.*

*Adopted: 06/16/1998*

*Last Revised: 05/15/2014*

- 3. TOBACCO-FREE DISTRICT.** Employees must, as a condition of employment, abide by the terms of the following policy.

*Please refer to the following District policy (AH Critical):*

*To promote the health and safety of all students and staff and to promote the cleanliness of district property, the district prohibits all employees, students and patrons from smoking or using tobacco products in all district facilities, on district transportation and on all district grounds at all times. This prohibition extends to all facilities the district owns, contracts for or leases to provide educational services, routine health care, daycare or early childhood development services to children, as well as facilities in which services are not provided to children. This prohibition does not apply to any private residence or any portion of a facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol in which the district provides services.*

*Students who possess or use tobacco products on district grounds, district transportation or at district activities will be disciplined in accordance with Board policy.*

*Adopted: 04/16/1998*

*Last Revised: 05/15/2014*

## **Section B: MANDATORY TRAINING & REQUIREMENTS**

As a District, it is crucial that we ensure that all staff members are informed and educated in all aspects of student / staff behavior and workplace basics. Therefore, all new staff must complete the following requirements within 30 days of date of hire. All returning staff will be required to re-train at the beginning of each school year. It is our goal to work with all new hires to promptly complete this training upon the first day of employment as part of their orientation. Please contact Tammy Yost at ext. 472-6231, should you have any questions.

The 2017-18 mandatory requirements include the following:

- Technology Usage & Staff / Student Relations Policies
- Preventing Sexual Harassment
- Safe School Training – Online training
- Handbook Acknowledgment

## **SECTION C: SAFETY**

In order to promote safety and to reduce the occurrence of injuries to the employee; to the employee's colleagues, students and visitors to our school, the following requirements are not intended to be exclusive, but to illustrative for measures required to promote safety.

- All accidents are to be reported to your supervisor on the date they occur. A written report may be needed.
- All unsafe conditions are to be reported to your supervisor immediately.
- No running or horseplay is permitted.
- The use of alcohol or non-prescribed drugs during work hours is strictly prohibited. Prescribed drugs are permitted subject to the limitations imposed by the prescribing physician.

- Standing on chairs, desks, boxes, or any object other than a ladder or step stool is prohibited. Staff other than custodians should request a custodian do any work that requires a ladder or stool.
- When using chemicals, all appropriate safety equipment must be used. If the appropriate safety equipment is not available, the absence of equipment should be reported to your supervisor.
- If your duties require you to drive, the use of a seatbelt is mandatory. The use of a cell phone for phone calls or texting is prohibited in a moving vehicle.
- The use of employer provided safety devices is mandatory.