

CERTIFICATED 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 certificated staff of East Newton R-VI School District. A complete volume of these policies is on file in the Superintendent’s office and online at the school website www.eastnewton.org .

ARTICLE 1: EMPLOYMENT PRACTICES AND PROCEDURES

Section A: BENEFITS

- 1. **HEALTH INSURANCE** benefits provided by the East Newton R-VI School Board of Education will cover all full-time certificated employees under contract. 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.** Teachers who complete nine months or more of

employment will be provided board-paid insurance for 12 month as part of their compensation, unless they leave the district.

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. The only exception being a significant life changing event.

Married or unmarried children will be covered from birth until the end of the month that they turn 26.

Medical insurance is a Board paid benefit for full-time certificated employees. The Board has capped paid premiums at \$400 per employee with an option each year to pay a portion above that amount if possible. Dependent coverage is available through payroll deduction. The District will pay \$400.00 toward each plan selected by staff. Any amount above \$400.00 will be payroll deducted from the employee.

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.

2. **CLAIMS PROCEDURE.** Claims should be filed by your physician's office or the hospital where you receive treatment. Anthem BlueCross BlueShield must be notified prior to any hospital admission. Please refer to the back side of your medical insurance card for information pertaining to claims and hospital procedures.
3. **COBRA INSURANCE COVERAGE.** COBRA is an acronym for a law that requires the District to provide continued health insurance benefits to employees and their dependents when their coverage would have otherwise been terminated for any of the following qualifying reasons:
 - Termination of employment
 - Entitled to benefits under Medicare
 - Your death
 - Dissolution of your marriage
 - Legal separation from your spouse
 - Dependent child's ceasing to be an eligible Dependent under this plan

The cost of the coverage will be at the employee's or dependents expense. Continued insurance coverage must be elected within 60 days of the last day of coverage or other changes in family status. All employees are offered this coverage as required by law. This coverage is good for 36 months after the qualifying event, or 18 months in case of termination or reduction in work hours. This plan will cease to remain in force if qualified beneficiary fails to make the required contribution for coverage, or if the qualified beneficiary becomes covered as an employee under any other group health plan or is entitled to benefits under Medicare.

4. **RETIREE INSURANCE COVERAGE.** Retirees have one (1) year from the date they are last employed by the District to elect retiree health insurance coverage. Conversion to retiree status should be done in a timely manner to avoid any lapse in health insurance coverage. Retirees may elect to remain on District medical, dental, vision and life insurance by paying the premium.
5. **LIFE INSURANCE.** All active full-time employees 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.

6. OPTIONAL:

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

7. American Fidelity Summary Plan Description (SPD), product brochures available online at afadvantage.com):

- **IRS SECTION 125, CAFETERIA PLAN.** The Section 125 Plan allows you to deduct needed benefits from gross earnings before taxes are computed. What that means is that current after-tax expenses for insurance products and benefits can now be paid for with pre-tax dollars. Plus, the plan is available to you at no cost and you're already eligible – all you have to do is enroll. By implementing this plan, your employer is helping you reduce your taxes and increases your spendable income. The cost savings advantage of the plan is simple. Any benefits cost or insurance premiums you pay under the plan are paid on a pre-tax basis.

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: is 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 work. You may allocate up to \$5,000 pre-tax 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. Employee can purchase or drop coverage during open enrollment period only.
- **Disability Income Insurance.** Employees can purchase through a payroll deduction. Employee 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. Employee 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. Employee can purchase or drop coverage during open enrollment period only.

8. **RETIREMENT CONTRIBUTIONS** are withheld from your salary while you are working in covered employment. Those contributions, currently 14.5% of salary and medical insurance benefit, are matched by the District and remitted monthly to the retirement system. All extra duty pay earned while in employment of East Newton R-VI School District is subject to retirement. Your contributions, while being tax deferred, are credited to your individual account, and can be withdrawn (at a 10% penalty and applicable state and federal taxes) only if you cease covered employment. You cannot borrow against your account funds, nor can they be garnisheed, attached, assigned or subjected to any other claim. The retirement law allows a certified employee of a school district the option to obtain service credit while on unpaid leave under the district’s sick leave policy or under Workers’ Compensation. To acquire the credit, the employee must remit through the district during the leave, the contributions which would have been withheld from salary had the employee been on active status. The District is required by law to match the employee contributions and send them to the retirement office as a part of the regular monthly remittance.

Certified teachers working in a non-teaching covered position will pay into Social Security and 9.67% into retirement.

9. **RETIREMENT BENEFICIARY DESIGNATION.** Your beneficiary listing should be reviewed each time there is a change in your life, change of address, marriage, birth, adoption, separation, divorce, non-dependency of children, death of a beneficiary, etc. If a change is needed, obtain the beneficiary designation form from the school Central Office or the retirement office, and send the new listing to PSRS. It will be acknowledged soon after receipt.

10. **RETIREMENT.** An employee is vested in the retirement system after five years of service. Disability

retirement or service retirement information may be obtained by contacting:

Public School Retirement System of Missouri
P O Box 268
Jefferson City, MO 65102
1-800-392-6848 or 1-573-634-5290

11. **SOCIAL SECURITY PROTECTION ACT.** The Social Security Protections Act of 2004 requires the district to provide a statement to employees hired January 1, 2005 or later in a job not covered under Social Security. The statement explains how a pension from the district could affect future Social Security benefits to which you may become entitled.
12. **MEDICARE WITHHOLDING.** All extra duty pay for certified staff members and salary for all certificated employees hired after March 31, 1986, will also be subject to Medicare FICA withheld at 1.45%. For questions or information please contact your local Social Security Office.
13. **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.
14. **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. A Report of Injury Form will be completed by the school nurse by asking the injured person for details of the accident. The injured employee will go to OccuMed in Neosho or Joplin. After hours go to Freeman Hospital Neosho or Freeman Hospital West in Joplin. **DO NOT GO TO YOUR PERSONAL PHYSICIAN FOR A WORK RELATED INJURY UNLESS YOU ARE WILLING TO PAY ALL FEES.** Please let Sheba Cook in the Central Office know if an employee is off from work for more than three (3) days.
15. **LIABILITY INSURANCE** will be provided for all staff members.
16. **SCHOOL ACTIVITIES PASSES.** 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.

Section B: PAYROLL

1. **PAYROLL** for certified staff members is the 20th of each month. If that date falls on a holiday or weekend, payroll will be distributed on the bank business day prior to the 20th. Payroll changes must be made before the 10th of the month to be reflected that month.
2. **DEDUCTIONS.** Salary deductions are allowed only upon approval by the Superintendent and are subject to the following requirements:
 - Organizations, companies, or individuals desiring the institution of a salary deduction plan must

submit a desired plan to the Superintendent for advance approval.

- Deductions are to be withheld in equal installments.
- The payroll department of the Central Office shall be given 30 days notice of the initial beginning or termination of a salary deduction by an individual.
- All salary deductions other than those regulated by the federal or state government will be deducted only upon written approval of the employee.
- Voluntary payroll deductions may be authorized, if 10 or more employees so request.

The Board of Education authorizes, within the above regulations, salary deduction plans for the District's approved health insurance plan, *MSTA/CTA dues.

**MSTA dues = 4 payments, CTA dues = 1 payment.*

3. **DIRECT DEPOSIT.** The District pays all employees by electronic direct deposit. Funds become available after midnight on the designated monthly payday at the financial institution of your choosing.

Section C: LEAVE

1. **SICK LEAVE.** Each professional staff member shall acquire one day of sick leave in accordance to days contracted, as follows:

10 – 12 months full-time employment – 10-12 days per year

Fulltime only during regular school term – 10 days per year

Ninety (90) days may be accumulated. If employee is out three (3) or more consecutive days, the District will/may require a certification of fitness. Absences may be charged against sick leave for the following reasons:

- Illness, injury or disability of the employee
- Illness, injury or disability of a member of the “immediate family”

Professional staff employees may be terminated for excessive absences or tardiness. Unless authorized by the Board or the superintendent or otherwise authorized by law, an employee’s absence or tardiness is considered excessive if it:

- Is for a reason not granted as paid or protected leave under Board Policy.
- Exceeds the number of days allotted by the Board for that particular leave.
- Is for a reason authorized by Board policy but exceeds 20 days in a semester or 40 days per school year.

No employee will be disciplined or terminated for absences qualifying for protection under the Family and Medical Leave Act (FLMA) or other applicable law (see Board Policy GBBDA).

Policy change to GCBDA in 2016 created an incentive for teacher who retire from East Newton. It also, changed payment of unused sick days. Please refer to policy GCBDA for a full explanation.

(Note: The Board defines “immediate family” to include spouse, parents, children, children’s spouses, grandparents, grandchildren and siblings of an employee or employee’s spouse and any other family members residing with the employee.)

2. **PERSONAL LEAVE** shall be granted to all staff members at the rate of two (2) days per year up. A request for personal leave that would extend a scheduled school vacation will be denied unless specific written reasons warrant special consideration by the Superintendent. Personal leave is an extension of sick leave and is part of the acquired days above. You are using sick days for personal reasons. The personal days are split out of sick and reported on your check stub as two balances, but added together they represent your total of accumulated sick leave. **Personal leave may not be used the day before or after extended weekends, holidays, spring break, etc.**
3. **MEDICAL LEAVE (FMLA).** The District recognized that a leave of absence from active employment might be necessary for family or medical reasons. The Family and Medical Leave Act of 1993 (FLMA) entitle eligible employees to take up to twelve workweeks of unpaid leave for family and medical reasons. See policy GCBDA in the East Newton R-VI School District Board Regulations and Policy Manual.

4. **PROFESSIONAL LEAVE.** Teachers may be granted professional leave upon the approval of the superintendent. Professional leave must be arranged well in advance and is not considered personal leave. ** 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.*
5. **EDUCATIONAL LEAVE.** The staff member shall have educational leave as approved by the superintendent without a deduction of pay or loss of sick leave. Educational leave will be allowed for worthwhile educational experiences or for trips involving school business.
6. **JURY DUTY.** Staff members who miss school to serve, as jurors will not have their salary deducted for time missed; however, the staff member will give to the District the pay received for jury duty service. This payment to the District would not include mileage reimbursement.
7. **MILITARY LEAVE.** The Board shall grant military leave as required by law.
8. **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.

Submit leave request through the online system BlueChalk. If you were absent and unable to submit the request prior to the absence, remember to go back and enter the absence. Central Office keeps a leave balance on SISFIN.

Section D: OTHER

1. **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 Schools staff by adhering to Board Policy GBCA.

2. **BACKGROUND CHECKS.** Effective January 1, 2005, it is mandatory that all new hires submit to an FBI fingerprint background check. The fee for the background check is to be paid by the employee. Appointment for background check must be scheduled and/or must have been completed before first day of employment. Continued employment with the District is contingent on favorable background clearance.
3. **PERSONAL PROPERTY INSURANCE COVERAGE.** If you choose to bring personal items to school and feel that they need to be insured, please do so through your home owners or renters insurance policy. The school District's insurance does not provide coverage for personal items.
4. **EXPENSE REIMBURSEMENT** will be granted for professional travel, which 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.

The following is a list of amounts that will be 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.** The form must indicate what budget code is being utilized and have appropriate administrative approval. **Reimbursement of meals is subject to prior approval and financial condition of the district.**

****IMPORTANT NOTE: Reimbursement of meals is subject to prior approval and financial condition of the district.***

5. **SALES TAX** is not reimbursed. Please use the schools tax ID number for all purchases including lodging.
6. **TIMELY REPORTING OF EXPENDITURES.** Reimbursement requests should be submitted within 30 days of purchase or completion of travel.

ARTICLE II: DISTRICT REGULATIONS

The East Newton R-VI School 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.

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 Schools 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 Schools 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: 471-472-3500
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 R-VI School District
22876 E. Hwy 86
Granby MO 64844
Phone: 417-472-6238
Fax: 471-472-7129
medlinj@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 East Newton R-VI School District 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

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

Revised: 05/15/2014

Section B: MANDATORY TRAINING

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 Mary Blewett at ext. 472-6231, should you have any questions.

Beginning with the 2017-2018 school year mandatory requirements include the following:

- Technology Usage & Staff / Student Relations Policies
- Preventing Sexual Harassment
- Blood Born Pathogen
- Cyber Security Awareness
- Discrimination Awareness
- Diversity Equity and Inclusion (DEI)
- Practices: Staff to Student
- Drug Free Work Place
- FERPA: Confidentiality of Records
- Bullying
- Recognition and Response
- Sexual Misconduct: Staff to Student
- Youth Suicide Awareness and Prevention
- Sexual Awareness: Staff to Staff
- Staff Handbook, Verification and District Policies

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.