

2023
2024

EIGHT MILE SCHOOL DISTRICT

Employee Handbook



Mission Statement:

"Trenton School is committed to developing lifelong learners who respect themselves and others, contribute to their community, and are productive in a changing world."

Welcome to the Eight Mile School District! You are an important part of a significant team dedicated to providing an extraordinary and meaningful education to the children of the community.

This handbook describes some general employee policies, work rules, and compensation and benefits available to you. It is designed for easy reference to guide and assist you in answering questions that may arise.

This handbook has been prepared solely to provide the Eight Mile School District employees with information about policies and procedures. It is intended to facilitate, not replace, any established District procedures or policies. **It is not intended to constitute an employment contract.**

We are pleased that you are a part of the Eight Mile School District team. We hope that this handbook will be a helpful reference resource for you.

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ABSENTEEISM

You are expected to report to work on time and on a regular basis. Unnecessary absenteeism and lateness are expensive and place an unfair burden on other employees. If you are going to be absent or late for any reason, you must notify your supervisor as far in advance as possible. If you are absent frequently, you will be required to furnish documentation, ~~including medical statements from your doctor~~. Unsatisfactory attendance will result in disciplinary action, including suspension and discharge, as well as having an adverse effect on any promotion considerations.

Note: Absence includes late arrival at work as well as early departure. All lost time on the job for unexcused reasons is subject to disciplinary action. An employee who fails to call in for three successive days and fails to produce an acceptable excuse will be considered terminated.

ACCIDENTS

Every accident must be reported to your supervisor immediately. Any employee who suffers any work-related accident may be subject to a medical examination and drug test within 24 hours or face disciplinary action which can include discharge.

Following treatment for the accident, an employee must:

- a. Complete a worker's compensation report within 24 hours of accident happening.
- b. Keep medical appointments scheduled.
- c. Return to work when cleared by a physician. Employees returning must provide certification from a physician indicating they will be able to work satisfactorily and safely.

AUTOMOBILES

The Eight Mile School District provides parking facilities for the use of employees. These facilities are not for extended periods of time. The District assumes no responsibility for damage to vehicles or theft of articles from vehicles while on District property. All vehicles parked on District property are subject to random searches when there is reasonable suspicion of wrongdoing. Certain employees may be required to use company-owned vehicles to carry out their duties. When the vehicles are not being used for business, they will be kept on company premises, unless temporarily located elsewhere for repairs. All personal use is prohibited without approval from administration. An employee who operates a District vehicle must follow these rules:

- All drivers are strongly encouraged to drive school vehicle when possible.
- If a personal car is used, the driver is paid only for gas, and must provide receipts.
- The employee must possess a valid operator's license for the class of vehicle being driven.
- The employee is responsible for the safe and proper parking and securing of all cargo.
- The employee is responsible for checking the vehicle at the beginning of each trip for safety and maintenance features.
- The employee is required to report any damage or repair needs to the Director of Maintenance
- All accidents must be reported promptly. Failure to report an accident can result in discharge.
- Employees involved in an accident are subject to immediate drug/alcohol test.
- Fines resulting from traffic violations are the exclusive responsibility of the employee.
- All vehicle drivers must fill out logbook in each vehicle.

CHANGE OF STATUS

The Eight Mile School District needs certain data on employees to satisfy legal requirements and ensure the efficient functioning of the Business Office. If the information in your records is not correct, problems could arise concerning your taxes, employee benefits, or paychecks.

Please promptly report changes in any of the following to the Business Manager immediately:

- Name
- Address
- Marital status
- Telephone number
- Dependents
- Person(s) to notify in case of an emergency.
- Insurance or retirement plan beneficiary
- Physical problems that may limit your ability to work.
- Medical coverage plan
- Courses completed.

CONFIDENTIALITY

Employees may have access to records and other personal information about students and other employees. Employees should never discuss this information with any person not employed by the District or with anyone employed by the District who does not "have a need to know". Should an employee leave the District for any reason, the obligation to not disclose personnel and student information continues. Violators may be subject to further legal action according to FERPA law.

CONFLICT OF INTEREST

It is expected that employees will avoid activities which create a conflict of interest with your responsibilities to the District. The Eight Mile School District also expects all employees to observe the highest moral and ethical standards in any dealings in which they represent the District. The Eight Mile School District recognizes and respects the rights to privacy and to engage in personal activities outside the scope of your employment. However, employees have an obligation to refrain from activities which conflict or interfere with the District's operations and reputation. A conflict of interest is not easy to define. The following are some, but not the only conflicts that could trigger ethical concerns:

- Outside employment: No employee shall accept simultaneous employment with another institution when that employment would represent a conflict of interest. Such a conflict could arise if the other employer is a supplier of goods or services to the District. A conflict might also arise if the hours or conditions of the other job interfere with the employee's performance for the Eight Mile School District.
- Outside business interests: Personal financial dealings with individuals or business organizations, other than a regulated financial institution, that furnishes merchandise, supplies, property, or services to the Eight Mile School District may be a conflict of interest.
- Accepting gifts and entertainment: No employee shall accept gifts from an individual or business who does business or seeks to do business with the Eight Mile School District.
- Fair competition: All employees will conduct themselves in a fair and ethical manner when dealing with suppliers. Employees are not to enter arrangements with vendors.
- Legal requirements: No employee will do anything in the conduct of business which would violate any local, state, or federal law.
- Political activities: Employees are encouraged to support political candidates of their choice, by active support as well as voting. All such activities must be in the employee's own time; there must be no use of company facilities; and the employee must not assume to act on behalf of the District.

DISCIPLINE

The purpose of disciplinary action is to correct problem situations, provide an atmosphere in which an employee can learn from past mistakes, and minimize the employee's loss of dignity and self-esteem. The District does not take disciplinary action with the intent to punish. The intent is to improve performance and change behavior. The sequence of disciplinary actions is outlined below. The duration of each step will depend upon the seriousness of the situation.

- Informal counseling: The supervisor will counsel you privately on an informal basis. The seriousness of the problem and the possible consequences if you do not correct the problem will be explained and the specific policies which apply to the situation will be reviewed with you.
- Written warning: For repeated or serious problems, either performance or conduct, the supervisor will counsel you formally and issue a written warning explaining the nature of the problem and what you must do to correct it. The session will be documented, and you will be given a specific timetable for improvement. The warning will include a description of more serious forms of discipline, including suspension and termination that may occur if the problem is not resolved.
- Suspension/Probation: If you do not respond to the first two steps in the progressive discipline policy, you may be suspended, depending on the seriousness of the situation. The suspension notice will include a final warning indicating that termination will be the next step in the process. In certain cases, you may be placed on disciplinary probation instead of being suspended. Probation is a final resolution attempt made to correct a marginal performance or conduct problem. Failure to achieve the specified results within the probation period will result in discharge. When progress reviews are satisfactory, you will be removed from probation on or before the end of the probation period.
- Discharge: Employees who fail to respond to the first three steps in the progressive disciplinary process will be subject to termination. Note: Flagrant disregard for policies, and practices such as gross insubordination, physical violence, dishonesty, drug or alcohol abuse, and falsifying personnel records may warrant immediate discharge.

Note: These rules do not represent every type of offense but are reflective of those most frequently encountered.

Misconduct not specifically described in these guidelines will be handled as warranted by the circumstances of the case involved. Penalties imposed because of infractions of the rules may be modified by the District when extenuating circumstances are found. Also, flagrant infractions of the rules of conduct may result in action of greater severity.

DISCLAIMER

This employee handbook represents the personnel policies of the Eight Mile School District. The District retains the absolute right to modify or alter these policies based upon professional and business concerns considered to be in the best interests of all involved, including management and employees. It is not intended that the policies contained herein would supersede any negotiated agreements currently in place or any local, state or federal laws. They may be changed with or without notice, although you will be informed of changes. No member of the administration has the authority to bind the District to any terms or provisions of this handbook.

DISPUTE RESOLUTION

An employee dispute resolution system procedure is available to you as a fair and effective means of resolving work-related complaints and problems. You can use the dispute resolution procedures series of progressive steps and call upon your supervisors and administration to evaluate your case and decide whether you have been treated fairly. You can use the procedure when you feel a work-related decision is discriminatory, unfair, or inconsistent with established company policies and practices. Complaints or grievances may include such things as discipline, transfer, job posting, harassment, unfair assignments, overtime, vacation, or holiday time, a personal request that was denied, etc. You cannot use the complaint procedure to appeal decisions related to the District's responsibility to determine educational direction or operating procedures, such as the number and assignment of employees, establishment of rules of conduct, determination of the hours and days of work, starting and quitting times, wages, and benefits.

The dispute resolution system involves a series of three steps.

- Step 1: Discuss your complaint with your immediate supervisor as soon as possible. If you are not satisfied with the response, take your complaint to Step 2.
- Step 2: Submit your complaint in writing to the Superintendent. He/she will investigate, examine, and try to resolve your complaint. If the complaint is not mutually resolved, proceed to Step 3.
- Step 3: Present your complaint in writing to the President of the Board of Education. He/she will schedule a time at either a regular board meeting or at a special meeting to hear your complaint.

The facts of your case will be examined thoroughly, and you will be informed of their decision promptly.

The District wants to ensure that there is no discrimination in your workplace. The administration is committed to the informal resolution of complaints and believes that in most cases complaints are best resolved at the level nearest to the complaint.

It is not always possible for the District to grant employees what they would like to have, and if that is the case the District's position will be explained to you.

Whether or not the District resolves your complaint to your satisfaction, it is against the law for anyone to retaliate against you.

DRESS CODE

A professional appearance is a requirement. It is expected that all employees will exercise good judgment and dress appropriately for their jobs. Our goal is to provide a model to our students and parents of what professionalism means.

These are the factors that you should take into consideration when determining appropriate dress:

- The nature of the work.
- Safety considerations, such as necessary precautions when working near machinery or a hazardous work area.
- The nature of your public contact.
- The prevailing dress practices of other workers in similar jobs

Dress Code:

- Dress shirt and dress pants
- Ties are not required but encouraged.
- Hats of any kind should not be worn indoors.
- No jeans except for the last working day of the week (typically Thursday)
- Skirts should be at an appropriate length.
- Dress up for all parent meetings/conferences.

Adults need to model behavior expected from students. When an employee's dress does not comply with established standards or becomes a distraction to the learning process/productivity of others the normal response is to discuss the matter with the employee. If continued counseling fails to bring the desired response, the supervisor may initiate disciplinary action. An employee who disagrees with a supervisor's judgment has recourse to the dispute resolution process.

DRUG FREE WORKPLACE

The Eight Mile School District intends to maintain a drug free workplace. The unlawful manufacture, distribution, possession, or use of a controlled substance is prohibited in any building belonging to or used by the Eight Mile School District or on the grounds of any such building or on any property or in any vehicle belonging to the Eight Mile School District or at any school related activity. Disciplinary sanctions will be imposed on any employee violating this policy, up to and including termination. Violations will further result in the notification of the federal agencies from which funds are received, and notification of proper authorities for prosecution. Employees are required to notify the superintendent of any criminal drug statute conviction or a violation occurring in the workplace no later than five days after such conviction. The Superintendent will notify any federal agency indicated above of any conviction resulting from a violation occurring in the workplace. This policy shall be distributed to each employee and to each new employee at the time of employment. The District Business Manager shall maintain documentation of employee receipt of this information.

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Eight Mile School District that an individual's race, color, religion, sex, disability, age or national origin are not and will not be considered in any personnel decisions.

The District's intent is that:

- All promotion decisions will continue to be made in accordance with equal opportunity principles and only All recruiting, hiring, training, and promoting for all job classifications is done without regard to race, color, religion, sex, disability, age, or national origin, except when there is a *bona fide* occupational qualification.
- Valid job requirements will be used.

All other personal actions such as compensation, benefits, transfer, layoffs, return from layoffs, District sponsored training and educational tuition assistance programs will be administered without regard to race, color, religion, sex, age, disability, or national origin, except when there is a *bona fide* occupational qualification.

FALSIFICATION OF RECORDS

The information you furnished when you were hired included employment application materials and medical records. Falsification of employment records is considered a serious offense and may lead to your termination at any point of your career with the District. If at some later date it is determined that your employment records have been falsified, you may be subject to immediate dismissal. Appropriate discipline will also be dispensed for falsification of any reports pertaining to absence from work, claims about injuries while on the job, as well as any falsification of District communications or records.

HAZARDOUS MATERIALS

The Eight Mile School District complies with federal and state "Right to Know" laws, which means you will be made aware of any chemical hazards you may face at your workplace. You will also receive special training concerning labeling, handling, and disposal of hazardous substances, and what steps to take in the event of a spill. If you do not dispose of hazardous waste properly, you do more than pollute the environment and risk the public's health. You stand the chance of becoming sick or injuring yourself. Keep accurate records of all hazardous materials entering your work area. Do not combine hazard classes, such as acids, alkalis, flammable or oxidizers. Storing them together is dangerous and expensive since they must be separated for proper disposal. If you have any questions about how hazardous waste should be handled or stored, see your supervisor immediately.

HOLIDAYS

Full-time employees will be given paid time off for the following holidays:

New Year's Day
Memorial Day
Good Friday
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. Holiday pay may be provided instead of paid time off that may have been the result of the employee's eligible paid absence, i.e., vacation, sick leave. Employees required to work on a holiday will receive their regular rate for the hours worked on the holiday. Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime pay.

INSPECTION OF PERSONNEL RECORDS

You may inspect your personnel records in accordance with state law. You have the right to correct, ask for deletion, or write a statement of disagreement with any item in the file. You may not remove files unless specifically authorized by the superintendent/Board of Education. To make corrections on a personnel record file, you must first submit a formal request in writing to the superintendent. If the request is granted, the changes will be made by the superintendent in your presence. If the request is turned down, you may request that the Board of Education review the decision, or you may request that a statement of disagreement be placed in your file. That statement of disagreement is to be a permanent part of the personnel file.

INSUBORDINATION

Refusal of a legitimate order or the use of obscene or otherwise objectionable language to a supervisor is insubordination. It undermines the discipline and authority needed in the workplace and cannot go unchallenged. Insubordination may result in discipline, up to and including discharge. The best way to avoid this problem is to follow the order given by a supervisor, then later question or challenge it through the dispute resolution procedure. You never have to carry out an order that is unsafe, or may result in death or serious injury, or one that has no job-related connection. No personnel action will be taken against you if you refuse an order because you believed your safety was at stake or a different course of action was available that would have been safer. If you are subject to insubordination discipline procedures, the following factors may be taken into consideration:

- safety or health concerns
- your previous work and discipline record
- provocation or stress
- confusion or ambiguity of orders
- use of obscene or threatening language or physical gestures.

INTERACTION WITH STUDENTS

- Under no circumstances should you make derogatory, disparaging, defamatory, degrading, or insulting remarks about a student to anyone at any time. Respect their dignity even when you feel you are in the right.
- To comply with FERPA law, during conversations with others, keep student names anonymous unless there is a need to know. Use, “student” rather than the name. Avoid the temptation to describe the student’s appearance or behavior to the point where he/she can be identified.
- Issues of home or personal life are confidential, keep them private.
- Be mindful of physical contact with students. Hugs, handshakes, and pats on the back are appropriate, but used ONLY in the presence of others... never behind closed doors.
- Don’t put yourself in a position to be alone with any student—keep the door open.
- DO NOT use sarcasm. Know the difference between adult jokes and humor and the humor of young people.
- Be mindful of the professional relationship/friendship we must maintain with the students and avoid even the appearance of crossing the line.
- What will students remember about our classes long after they have forgotten what we have taught them? Will we be remembered for our character, personality and how we treated our students?

OPEN RECORD LAW AND EMAIL

Definition

The North Dakota Public Open Record Law defines an “open record” as all recorded information, regardless of physical form (paper, email, computer file, photographs, audiotape, or video tape) that has a connection with how public funds are spent or with the public entity’s performance of its governmental functions.

As employees of Eight Mile School District:

- Anything stored on a device (computer, flash drive, iPad, etc.) that is the property of Eight Mile School District is subject to search and seizure under the North Dakota Open Record Law.
- You are provided with an Edutech email account, (K12) to be used for school-related purposes. Any email sent through your K12 accounts are subject to search and seizure under the North Dakota Open Record Law.

OVERTIME

Employees who are considered non-exempt are entitled to overtime pay at the rate of one-and -one-half times their regular pay for hours worked more than 40 hours per workweek. You will not be paid overtime for hours more than eight per day, or for work on Saturdays, Sundays, holidays, or regular days of rest, if the 40-hour requirement has not been met. No employee will work overtime without authorization from the superintendent.

PAY ADVANCES

Pay advances or credit against unearned wages will not be provided.

PAYROLL

Depending on employment status, you will be paid on the 20th. Should the normal payday fall on a Saturday, Sunday, or holiday, your payday will be the previous day. Your paycheck is a valuable document. If you fail to cash or deposit it promptly, you run the risk of it being lost or stolen. Report a lost check to the Business Manager immediately. Applicable federal, state taxes as well as federal Social Security taxes are withheld from your paycheck. The District reserves the right to obey all laws that pertain to paychecks, including garnishment. If in the unlikely event there is an error in your pay, please report it immediately to the Business Manager. If underpayments are noted, they will be corrected immediately. Overpayments will be corrected in the next regular paycheck or immediately in which case a schedule of repayments will be arranged.

PERFORMANCE REVIEW

Performance appraisals provide a systemic way for each employee to measure his/her development, to discuss it with a supervisor and to know how well he/she is meeting the job requirements. As a minimum, staff will be evaluated according to state mandates and Board policy. Certified staff will be a minimum of twice during the first three years of employment with the District. After three years of employment, evaluation of certified staff may be once per year.

PHYSICAL EXAMINATIONS

Certain positions require physical examinations. The District will pay for physical examinations required by the District and may provide a list of approved health care officials to attend to these physicals.

PROFESSIONALISM

The Eight Mile School District believes that courtesy is important at work. If employees of the District treat each other with consideration and respect, the working environment will be pleasant and productive. This consideration and respect will serve as a positive model for students to emulate. If at any time you feel you are not being treated with respect, you are urged to use the dispute resolution procedure. If possible, this will include both parties involved. It may be directed to immediate supervisors. It should be brought to the Superintendent as soon as possible where an investigation will be made, and corrective action taken if warranted. If the issue involves the Superintendent, it should be taken to the Board President. Work areas should be maintained in a neat and orderly manner. At the end of the workday, you are expected to perform a general clean-up of your area. Personal belongings should be placed in appropriate areas and not left at workstations. Under no circumstances should purses, wallets, keys, or other valuables be left in plain view.

REDUCTION-IN-FORCE

In the event of financial constraints and/or declining enrollment, a reduction in force may be necessary. The Board of Education will determine which jobs will be phased out and will notify affected employees in writing. When hiring is resumed after a layoff, the District will use reasonable effort to recall former employees.

SAFETY

Employee safety and health are important. It is the district's policy to provide and maintain safe and healthy working conditions and to follow operating practices that will safeguard all employees and result in safe working conditions and efficient operations. Safety guards should not be removed from any equipment. Safety violations are extremely serious, and penalties may be imposed. All employees must adhere to all OSHA, federal and state regulations and comply with the following general rules:

- Horseplay and practical jokes are not permitted.
- First-aid kits are available in the Elementary and High School Offices.
- Use of tobacco is prohibited in all District buildings and vehicles.
- Employees are to use extreme caution when operating machinery.
- All machinery must be turned off when not in use or unattended, and before cleaning, clearing jams or making repairs. Machines must be unplugged before work is undertaken on any electrical parts.
- No employee should attempt to operate any piece of equipment without being trained to do so.
- The number of passengers being transported will not exceed the number of passengers approved by the manufacturer. This includes all school owned vehicles as well as any private vehicles transporting students for school sponsored activities.

SEXUAL HARASSMENT

Sexual harassment is recognized as a form of sex discrimination and thus a violation of the laws which prohibit sex discrimination. Under the Equal Employment Opportunity Commission (EEOC) guidelines which the school district follows, an employer is held accountable if a person is harassed by supervisory employees, whether the employer is aware of the harassment or acts promptly to remedy the situation. If a person is harassed by fellow workers or by non-employees, the employer is held accountable if the employer knows or should have known of the harassment and fails to take immediate and appropriate corrective action. A learning and working environment that is free from sexual harassment will be maintained in the Eight Mile School District. It will be a violation of policy for any member of the district staff to harass another staff member or student, or for students to harass other students, through conduct or communication of a sexual nature as defined by this policy. Administrators and supervisors will make it clear to their staff and students that sexual harassment is prohibited by Board policy and is grounds for disciplinary action. Administrators will use staff meetings and in-service sessions and student assemblies to inform employees and students of their rights and remedies under the law. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education, advancement, or grade submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment or education, or such conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education or creating intimidating, hostile, or offensive employment or education environment. Sexual harassment, as defined above, may include, but is not limited to:

- Sex oriented verbal "kidding," abuse, or harassment
- Pressure (subtle or otherwise) for sexual activity
- Repeated remarks to a person, with sexual or demeaning implications
- Unwelcome touching, such as patting, pinching, or constant brushing against another's body.
- Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, employment status, or similar personal concerns.

Any person who believes he or she has been the victim of sexual harassment by any employee or student at the school district or any third party with knowledge or belief of conduct which may constitute sexual harassment, should report the alleged acts immediately to the appropriate school district official. If the official designated is the person alleged to have sexually harassed another, the complaint may be made to any other administrator or directly to the board president. Filing of a complaint or otherwise reporting sexual harassment will not reflect upon the individual's status or affect future employment, work assignments, or grades. The right to confidentiality, both complainant and of the accused, will be respected consistent with the school district's legal obligations and with the necessity to investigate allegations of harassment and to take disciplinary action when this conduct has occurred. A substantiated charge against a school district staff member will subject such member to disciplinary action, which may include discharge. A substantiated charge against a student in the school district will subject that student to disciplinary action, which may include suspension or expulsion, consistent with student disciplinary policies. Notice of this policy will be circulated to all district schools and departments and incorporated in teacher and student handbooks.

SICK AND MEDICAL LEAVE

All employees will receive pro-rated 10 days of sick leave on a 12-month contract, unless specified in an established agreement. Any leave over three consecutive days will require a doctor's note.

SOCIAL NETWORKING

The District strongly discourages teachers from accepting invitations to friend students on social networking sites. People classified as "friends" can then download and share your information with others. For the protection of your professional reputation, the District recommends the following practices:

- Do not accept students as friends on personal social networking sites. Decline any student-initiated friend requests.
- Do not initiate friendships with students.
- If you wish to use networking sites as part of the educational process, please work with your administrators and technology staff to identify and use a school-endorsed networking platform.
- Do not use commentary deemed to be defamatory or obscene. Exercise caution with regards to exaggeration, colorful language, obscenity, copyrighted materials, legal conclusions, and derogatory remarks or characterizations.
- Weigh whether a posting puts your effectiveness as a teacher at risk.
- Post only what you want the world to see. Imagine your students, their parents, and your administrator visiting your site.

- Do not post images that include students.

STAFF HOURS

Unless otherwise assigned, certified staff workday is from 7:30am to 4:15pm, Monday-Thursday. As part of their 1,456-hour contract commitment, certified staff are required to participate in Parent/Teacher Conferences and all other Professional Development or other activities as determined by the district. Non-certified employee hours will be set by the administration.

VOLUNTARY TERMINATION

Employees who decide to leave the District through resignation are expected to give at least two weeks' notice. Failure to give proper notice will become a part of the employment record and will be noted in any reference requests. Employees who resign voluntarily are required to complete an exit interview with their supervisor/superintendent.

INVOLUNTARY TERMINATION

It is the policy of the District to retain the services of all employees who perform their duties efficiently and effectively. However, it may become necessary under certain conditions to terminate employment for the good of the employee/district. The types of terminations are layoff, discharge due to performance, or disciplinary discharge. Layoff or reduction-in-force.

TRANSFERS

Transfer of employees for District or employee convenience may be necessary.

The most common reasons for transfer are:

- To move the employee to an assignment for he or she is better suited. Some good employees are misplaced in jobs that do not make appropriate use of their skills and knowledge. A transfer can mean a better fit and performance.
- To give the employee a new challenge. The current job may have become boring or repetitive. A new assignment, even at the same level, could bring new life to the employee's work.
- The job requirements have changed. Reorganization may eliminate some jobs or drastically change others. A transfer may be the best method to keep a good employee employed.
- To increase flexibility
- To enable a better accommodation for a disabled employee. The District will do its best to transfer a disabled employee who is unable to meet the job requirements, despite an accommodation, to where he or she can perform satisfactorily.

GENERAL NOTICES

BULLYING POLICY

The Eight Mile Public School District is committed to providing all students with a safe and civil school environment in which all members are treated with dignity and respect. Bullying of or by a student or school staff member is against federal, state, and local policy and is not tolerated by the Board. Bullying behavior can seriously disrupt the ability of students to learn and succeed. Therefore, it is the policy of the state and the District that students and school staff members shall not engage in bullying behavior while on school property.

Definitions

For the purposes of this policy:

1. *Bullying* is defined in NDCC 15.1-19-17 as:
 - a. Conduct that occurs in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
 - i. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities.
 - ii. Places the student in actual and reasonable fear of harm.
 - iii. Places the student in actual and reasonable fear of damage to property of the student; or
 - iv. Substantially disrupts the orderly operation of the public school; or
 - b. Conduct received by a student while the student is in a public school, on school district premises, in a district owned or leased school bus or sponsored activity or event and which:
 - i. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities.
 - ii. Places the student in actual and reasonable fear of harm.
 - iii. Places the student in actual and reasonable fear of damage to property of the student; or
 - iv. Substantially disrupts the orderly operation of the public school; or
 - c. Conduct received or sent by a student using an electronic device while the student is outside a public school, off school district premises, and off school district owned or leased property and which:
 - i. Places the student in actual and reasonable fear of:
 - i. Harm; or
 - ii. Damage to property of the student; and
 - ii. Is so severe, pervasive, or objectively offensive that the conduct substantially interferes with the student's educational opportunities or substantially disrupts the orderly operation of the public school.

Conduct includes the use of technology or other electronic media (e.g., cyberbullying)

2. *Electronic communication* is defined in NDCC 12.1-17-07(5) as a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system.
3. *Protected classes* are classifications/characteristics protected from discrimination by NDCC 14-02.4-01 and federal law. The following statuses are protected: race, color, religion, sex (including sexual orientation, gender identity, and gender expression), national origin, age, disability (physical or mental), and status with regard to marriage or public assistance.
4. *School property* is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
5. *School-sanctioned activity* is defined as an activity that:
 - a. Is not part of the district's curricular or extracurricular program; and
 - b. Is established by a sponsor to serve in the absence of a district program; and
 - c. Receives district support in multiple ways (i.e., not school facility use alone); and
 - d. Sponsors of the activity have agreed to comply with this policy; and
 - e. The District has officially recognized through board action as a school-sanctioned activity.
- *School-sponsored activity* is an activity that the District has approved through policy or other board action for inclusion in the district's extracurricular program and is controlled and funded primarily by the District.
- *School staff* include all employees of the Eight Mile School District, school volunteers, and sponsors of school-sanctioned activities.
- *True threat* is a statement that, in light of the circumstances, a reasonable person would perceive as a serious expression of an intent to inflict harm.

Prohibitions

A student or school staff member may not:

1. Engage in bullying.
2. Engage in reprisal or retaliation against:
 - a. A victim of bullying.
 - b. An individual who witnesses an alleged act of bullying.
 - c. An individual who reports an alleged act of bullying; or
 - d. An individual who provides information/participates in an investigation about an alleged act of bullying.
3. Knowingly file a false bullying report with the District.

Reporting Procedures for Alleged Policy Violations

1. **Reporting requirements for school staff:** Any school staff member with knowledge or suspicion of a violation of this policy or who has received an oral or written report of a violation of this policy from a student, community member, or anonymously shall contact the building principal to inform him/her as soon as possible. If the alleged violation implicates the building principal, the school staff member shall report it to the Superintendent. If the alleged violation implicates the Superintendent, the school staff member shall file it with the Board President.

Should school administration determine that a school staff member knew of or suspected a violation of this policy and failed to report it in accordance with the procedure above, the staff member may be subject to disciplinary consequences or, for sponsors of school-sanctioned activities, other corrective measures.

2. **Reporting options for students and community members:** Students and community members (including parents) may report known or suspected violations of this policy using any of the following methods:
 - a. Completing a written complaint form (ACEA-E4). The District will place the form in a variety of locations throughout the school and should inform students and staff of these locations. A complainant will have the option of including their name on this form or filing it anonymously. The form may be returned to any school staff member, filed in a school building's main office, or placed in a designated drop box located in each school.
 - b. Complete and submit an online complaint form. A complainant will have the option of including his/her name on the form or submitting it anonymously.
 - c. File an oral report with any school staff member.

Bullying may be a repeated or, in rare cases, one-time exposure to deliberate, negative behavior by one or more individuals. Single incidents and conflicts between two or more individuals do not automatically constitute bullying behavior. Districts should investigate each situation to determine if the alleged behavior meets this policy's definition of bullying. If the misconduct does not meet this policy's definition of bullying, it may be addressed under other district policies. A complaint filed anonymously may limit the district's ability to investigate and respond to the alleged violations.

A complaint filed anonymously may limit the district's ability to investigate and respond to the alleged violations.

Documentation & Retention

The District shall develop a form to report alleged violations of this policy (ACEA-E3). The form should be completed by school staff when they:

1. Initiate a report of an alleged violation of this policy; or
2. Receive an oral report of an alleged violation of this policy.

The form should be completed by an administrator when they ~~s/he~~:

1. Initiates a report of an alleged violation of this policy; or
2. Receives an oral report of an alleged violation of this policy.

All written reports of an alleged violation of this policy received by the District shall be forwarded to the appropriate school administrator for investigation and retention.

Report forms and all other documentation related to an investigation of an alleged violation of this policy involving a student shall be retained by the District for six years after the student turns 18 or graduates from high school, whichever is later.

Investigation Procedures

School administrators (i.e., a principal, an assistant superintendent, or the Superintendent) or the Board President, if the Superintendent is implicated, are required to investigate violations of this policy (as prescribed under "Prohibitions"), when in receipt of actual notice of an alleged violation. Actual notice of an alleged violation occurs when alleged bullying, reprisal, retaliation, or false reporting is reported using the applicable method(s) prescribed in the reporting section of this policy.

Upon receipt of a report of an alleged policy violation, the designated administrator shall first determine if the alleged policy violation is based on a protected status—whether actual or perceived. Reports involving a protected status shall be investigated in accordance with the district's harassment/ discrimination policy, including the timelines contained therein.

In all other cases, administration shall determine the level of investigation necessary based on the nature of the alleged violation of this policy after considering factors such as, but not limited to: the identity of the reporter and his/her relationship to the victim/alleged perpetrator; the ages of the parties involved; the detail, content, and context of the report; whether or not this report is the first of its type filed against the alleged perpetrator. Based on the level of investigation the administrator deems necessary, investigations may include any or all the following steps or any other investigatory steps that the administrator deems necessary:

1. Identification and collection of necessary and obtainable physical evidence (*NOTE: In some cases physical evidence may be unobtainable, e.g., a private social networking profile*).
2. Interviews with the complainant, the victim, and/or the alleged perpetrator. At no time during an investigation under this policy shall the victim/ complainant be required to meet with the alleged perpetrator.
3. Interviews with any identified witnesses.
4. A review of any mitigating or extenuating circumstances.
5. Final analysis and issuance of findings in writing to the victim and perpetrator ~~bully~~ and, if applicable, implementation of victim protection measures and disciplinary measures under this or other applicable policies.

Investigations shall be completed within 60 days unless the administrator documents good cause for extending this deadline. Such documentation should be sent to the victim and alleged perpetrator during the investigation.

Reporting to Law Enforcement and Other Forms of Redress

Law enforcement must be notified by a school administrator or the Board President if there is reasonable suspicion that a bullying incident constituted a crime on or off school ~~district~~ property. Nothing in this policy shall prevent a victim/their family from seeking redress under applicable state and federal law.

Disciplinary & Corrective Measures

Students who the District has found to have violated this policy shall be subject to disciplinary consequences and/or corrective measures. When determining the appropriate response to violations of this policy, administration shall consider the totality of circumstances surrounding the violation. Measures that may be imposed include, but are not limited to:

1. Require the student to attend detention.
2. Impose in- or out-of-school suspension or recommend expulsion. Due process procedures contained in the district's suspension and expulsion policy shall be followed.
3. Recommend alternative placement. This recommendation shall be submitted to the Superintendent for approval or denial. Alternative placement of special education students will be handled in accordance with applicable policy.
4. Create a behavioral adjustment plan.
5. Refer the student to a school counselor.
6. Hold a conference with the student's parent/guardian and classroom teacher(s), and other applicable school staff.
7. Modify the perpetrator's schedule and take other appropriate measures (e.g., moving locker) to minimize contact with the victim.
8. If applicable, contact the administrator of the website on which the bullying occurred to report it
- 9.

If the misconduct does not meet this policy's definition of bullying, it may be addressed under other district disciplinary policies.

If the perpetrator is a school staff member, the District shall take appropriate disciplinary action that may include, but is not limited to: a reprimand, modification of duties (only if allowed by applicable policy, the negotiated agreement, and/or the individual's contract), suspension, or a recommendation for termination/discharge in accordance with any applicable law.

Victim Protection Strategies

When the District confirms that a violation of this policy has occurred, it should notify the victim's parents and shall implement victim protection strategies. These strategies shall be developed on a case-by-case basis after administration has reviewed the totality of the circumstances surrounding the bullying incident(s) or other violations of this policy. Strategies may include, but not be limited to, the following:

1. Additional training for all students and applicable staff on implementation of this policy and/or bullying prevention.
2. Notice to the victim's teachers and other staff to monitor the victim and his/her interaction with peers and/or the

- assignment of a staff member to escort the student between classes.
3. Assignment of district staff to monitor, more frequently, areas in the school where bullying has occurred.
 4. Referral to counseling services for the victim and perpetrator.
 5. Modification of the perpetrator's schedule and other appropriate measures imposed on the perpetrator (not the victim) to minimize the perpetrator's contact with the victim.

Dissemination and Education

The District shall review and revise this policy as it determines necessary. A copy of this district bullying policy and any amendments must be filed with the Department of Public Instruction.

The District shall place this policy, in its entirety, in student and staff handbooks and ensure that it is explained and discussed with its students each school year. The District shall also develop and implement bullying prevention programs for all students and staff professional development activities. School administration may develop guidelines to assist students and staff with identifying bullying conduct.

COBRA CONTINUATION COVERAGE

What is COBRA continuation coverage?

COBRA continuation coverage is a continuation of Plan coverage when it would otherwise end because of a life event. This is also called a "qualifying event." Specific qualifying events are listed later in this notice. After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the Plan is lost because of the qualifying event. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

If you're an employee, you'll become a qualified beneficiary if you lose your coverage under the Plan because of the following qualifying events:

- Your hours of employment are reduced, or
- Your employment ends for any reason other than your gross misconduct.

If you're the spouse of an employee, you'll become a qualified beneficiary if you lose your coverage under the Plan because of the following qualifying events:

- Your spouse dies.
- Your spouse's hours of employment are reduced.
- Your spouse's employment ends for any reason other than his or her gross misconduct.
- Your spouse becomes entitled to Medicare benefits (under Part A, Part B, or both); or
- You become divorced or legally separated from your spouse.

Your dependent children will become qualified beneficiaries if they lose coverage under the Plan because of the following qualifying events:

- The parent-employee dies.
- The parent-employee's hours of employment are reduced.
- The parent-employee's employment ends for any reason other than his or her gross misconduct.
- The parent-employee becomes entitled to Medicare benefits (Part A, Part B, or both).
- The parents become divorced or legally separated; or
- The child stops being eligible for coverage under the Plan as a "dependent child."

When is COBRA continuation coverage available?

The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. The employer must notify the Plan Administrator of the following qualifying events:

- The end of employment or reduction of hours of employment.
- Death of the employee.
- The employee's becoming entitled to Medicare benefits (under Part A, Part B, or both).

For all other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the Plan Administrator within 60 days after the qualifying event occurs. You must provide this notice to: Eight Mile School District, Business

Manager.

How is COBRA continuation coverage provided?

Once the Plan Administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children. COBRA continuation coverage is a temporary continuation of coverage that generally lasts for 18 months due to employment termination or reduction of hours of work. Certain qualifying events, or a second qualifying event during the initial period of coverage, may permit a beneficiary to receive a maximum of 36 months of coverage.

There are also ways in which this 18-month period of COBRA continuation coverage can be extended:

Disability extension of 18-month period of COBRA continuation coverage

If you or anyone in your family covered under the Plan is determined by Social Security to be disabled and you notify the Plan Administrator in a timely fashion, you and your entire family may be entitled to get up to an additional 11 months of COBRA continuation coverage, for a maximum of 29 months. The disability would have to have started at some time before the 60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of COBRA continuation coverage.

Second qualifying event extension of 18-month period of continuation coverage

If your family experiences another qualifying event during the 18 months of COBRA continuation coverage, the spouse and dependent children in your family can get up to 18 additional months of COBRA continuation coverage, for a maximum of 36 months, if the Plan is properly notified about the second qualifying event. This extension may be available to the spouse and any dependent children getting COBRA continuation coverage if the employee or former employee dies; becomes entitled to Medicare benefits (under Part A, Part B, or both); gets divorced or legally separated; or if the dependent child stops being eligible under the Plan as a dependent child. This extension is only available if the second qualifying event would have caused the spouse or dependent child to lose coverage under the Plan had the first qualifying event not occurred.

Are there other coverage options besides COBRA Continuation Coverage?

Yes. Instead of enrolling in COBRA continuation coverage, there may be other coverage options for you and your family through the Health Insurance Marketplace, Medicaid, or other group health plan coverage options (such as a spouse's plan) through what is called a "special enrollment period." Some of these options may cost less than COBRA continuation coverage. You can learn more about many of these options at www.healthcare.gov.

If you have questions

Questions concerning your Plan, or your COBRA continuation coverage rights should be addressed to the contact or contacts identified below. For more information about your rights under the Employee Retirement Income Security Act (ERISA), including COBRA, the Patient Protection and Affordable Care Act, and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit www.dol.gov/ebsa. (Addresses and phone numbers of Regional and District EBSA Offices are available through EBSA's website.) For more information about the Marketplace, visit www.HealthCare.gov.

Keep your Plan informed of address changes

To protect your family's rights, let the Plan Administrator know about any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator.

Plan contact information

Janae Reynen
Eight Mile School District
PO Box 239
Trenton, ND 58853
(701) 774-8221

Holly Buys
Blue Cross Blue Shield
1137 2nd Ave. W Ste. 105
Williston, ND 58801
(701) 572-4535

Code of Professional Conduct for Educators

Article 67.1-03

State of North Dakota

Code of Professional Conduct for Educators

Section 67.1-03-01-01

Preamble

The educator recognizes that education preserves and promotes the principles of democracy. The educator shares with all other citizens the responsibility for the development of educational policy. The educator acts on the belief that the quality of the services of the education profession directly influences the nation and its citizens. The educator promotes the worth and dignity of each human being and strives to help each student realize the student's potential as a worthy, effective member of society. The educator, therefore, works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. The educator measures success by the progress each student makes toward the realization of his/her potential as an effective citizen. The educator regards the employment agreement as a solemn pledge to be executed both in spirit and in fact in a manner consistent with the highest ideals of professional service. The educator accepts the responsibility to practice the profession according to the highest ethical standards. The educator strives to raise professional standards to improve service and achieve conditions which attract highly qualified persons to the profession.

The following code of professional conduct of the education standards and practices board governs all members of the teaching profession. A violation of this section constitutes grounds for disciplinary action which include the issuance of a warning or reprimand or both, suspension or revocation of the license of the affected educator, or other appropriate disciplinary action.

History: Effective July 1, 1995; amended effective August 1, 2002.

General Authority: NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

Law Implemented: NDCC 15.1-13-08, 15.1-13-10.

Section 67.1-03-01-02

Principle I - Commitment to the Student

In fulfilling obligations to students, the North Dakota educator:

Shall not, without just cause, deny the student access to varying points of view;

Shall not intentionally suppress or distort subject matter relevant to a student's academic program;

Shall protect the student from conditions detrimental to learning or to physiological or psychological well-being;

Shall not engage in physical abuse of a student or sexual conduct with a student and shall report to the education standards and practices board knowledge of such an act by an educator;

Shall not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds;

Shall not use professional relationships with a student for personal advantage or gain;

Shall disclose confidential information about individuals, in accordance with state and federal laws, only when a compelling professional purpose is served or when required by law; and,

Shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.

History: Effective July 1, 1995; amended effective August 1, 2002.

General Authority: NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

Law Implemented: NDCC 15.1-13-08, 15.1-13-10

Section 67.1-03-01-03

Principle II - Commitment to the Profession

In fulfilling obligations to the profession, the North Dakota educator:

Shall accord just and equitable treatment of all members of the profession in the exercise of their professional rights and responsibilities;

Shall not, on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical condition, family, social or cultural background, or sexual orientation, deny to a colleague a professional benefit, advantage, or participation in any professional organization, nor discriminate in employment practice, assignment, or evaluation of personnel;

Shall not sexually harass a fellow employee;

Shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves a compelling professional purpose;

Shall present complete and accurate information on the application for licensure and employment;

Shall present complete and accurate information on any document in connection with professional responsibilities;

Shall present evaluations of and recommendations for colleagues fairly, accurately, and professionally;
Shall cooperate with the education standards and practices board in inquiries and hearings and shall not file false complaints or shall not seek reprisal against any individuals involved with the complaint;
Shall not knowingly distort, withhold or misrepresent information regarding a position from an applicant or misrepresent an assignment or conditions of employment;
Shall not breach a professional employment contract;
Shall not knowingly assign professional duties for which a professional educator's license is required;
Shall not accept a gratuity, gift, or favor that might influence or appear to influence professional judgement, nor offer a gratuity, gift, or favor to obtain special advantage; and
Shall exhibit professional conduct in safeguarding and maintaining the confidentiality of test materials and information.
History: Effective July 1, 1995; amended effective August 1, 2002.
General Authority: NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10
Law Implemented: NDCC 15.1-13-08, 15.1-13-10

Section 67.1-03-01-04

Principle III - Commitment to the Community

In fulfilling these obligations to the public, the North Dakota educator:
Shall distinguish between personal views and the views of the employing educational agency;
Shall not distort or misrepresent the facts concerning educational matters; and,
Shall not interfere in the exercise of political and citizenship rights and responsibilities of others.
History: Effective July 1, 1995; amended effective August 1, 2002.
General Authority: NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10
Law Implemented: NDCC 15.1-13-08, 15.1-13-10

CONCUSSION MANAGEMENT POLICY

The District shall comply with the concussion management program requirements contained in law (NDCC 15.1-18.2). The District has placed concussion signs and symptoms; removal from practice, training, and/or game requirements; return to play requirements, and staff, student, and parental training requirements in administrative regulations (FCAF-AR). **These regulations shall be published in staff and student handbooks.**

The Board has also established the following definitions and requirements for the purpose of implementing the concussion management program law.

Definitions

Law requires that all school-sponsored and sanctioned athletic training, practices, and games be governed by a concussion management program. The District has developed the following definitions for purposes of determining what constitutes athletic sponsorship and sanctioning:

- *School-sanctioned athletic activity* is a sport that:
 - Is not part of the district's curricular or extracurricular program;
 - Is established by a sponsor to serve in the absence of a district program;
 - Receives district support in multiple ways (i.e., not school facility use alone);
 - Requires participating students to regularly practice or train and compete.
 - The District has officially recognized through board action as a school-sanctioned activity.

The Board shall make all sanctioning decisions on a case-by-case basis, based on the criteria in this paragraph. As a condition of receiving school sanctioning, sponsors of the athletic activity shall agree to comply with this policy and the concussion management law. This includes agreeing to provide appropriate training and providing appropriate information to parents and students as required by law. The sponsor shall provide to the District documentation certifying that this training has occurred, and students/parents have viewed required informational material on concussions prior to beginning the activity.

- *School-sponsored athletic activity* is a sport that the District has approved through policy or other board action for inclusion in the district's extracurricular program, is controlled and funded primarily by the District, and requires participating students to regularly practice, train, and compete.

Removal Decisions

Under the concussion management law, the District is authorized to designate removal-from-play authority to individuals who have direct responsibility for student athletes during practice, training, and/or games if a student reports or exhibits a sign or symptom of a concussion. The **Athletic Director** shall make this determination, and the **Athletic Director** shall ensure that such designees are aware of this responsibility and have undergone appropriate training in accordance with law before commencing duties.

Law also authorizes licensed, registered, or certified healthcare providers whose scope of practice includes recognition of concussion signs and symptoms to make removal decisions. The **Athletic Director** may consult with medical personnel to determine who has such credentials and who would be willing to assist in this regard. The District must compile a list of

such individuals, which may be provided to all coaches. This measure in no way guarantees that a healthcare provider trained and credentialed in accordance with law will be present at athletic training, practices, and/or events nor shall the voluntary creation of this safety precaution be construed to create or assume any potential liability under local, state, or federal law or regulation.

High school students and minors who serve as coaches or officials are encouraged to work with an adult who has removal from play authority prior to removing a student from play.

If two or more individuals with removal-from-play authority disagree on whether or not a student must be removed, the determination must be made in the interest of the student's safety, meaning that the student shall be required to sit out and comply with return-to-play requirements contained in law.

Return to Play

The Board designates the **Athletic Director** to receive return-to-play documentation from a healthcare provider. This designee shall review the documentation, determine if the healthcare provider has placed any conditions on return to play, contact the healthcare provider for any necessary clarification on the authorization document, and communicate such information to applicable coach(es) and assistant coach(es). This designee shall also file return-to-play authorization documents in the student's educational record. This documentation must be retained for seven years after the student's enrollment or six years after a student turns 18, whichever is later.

DRUG & ALCOHOL TESTING PROGRAM FOR EMPLOYEES

Definitions

For the purpose of this policy:

- *Drugs and controlled substances* are interchangeable and have the same meaning.
- *Controlled substance* refers to substances covered by the Omnibus Transportation Act, including but, not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP) (See 21 CFR part 1308).
- *Covered employee/position* means an employee/position subject to the Omnibus Transportation Employee Testing Act.
- *Safety-sensitive position* means a job in which a momentary lapse in the discharge of duties poses a safety threat with potentially severe consequences. In addition to covered positions, the board recognizes the following as safety-sensitive positions: school vehicle drivers as described in NDCC 15.1-07-20 and maintenance personnel.

Statement of Philosophy

The Eight Mile School District is committed to the establishment of a drug and alcohol testing program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act. All covered and safety-sensitive employees are prohibited from using controlled substances and alcohol as stipulated in this policy.

Prohibitions and Hours of Compliance

Covered and safety sensitive employees are prohibited from using a controlled substance at all times unless use is at the instruction of a physician, and the physician has advised that use will not affect the employee's ability to perform safety-sensitive duties.

Covered and safety sensitive employees are prohibited from using alcohol while on duty, four hours prior to performing duties, and up to eight hours following an accident or until the employee performs a post-accident test (whichever occurs first).

No supervisor having actual knowledge that an employee covered by this policy has used a controlled substance or alcohol within prohibited hours shall permit the employee to perform or continue to perform safety-sensitive duties.

Notice of Medication Use

Employees covered by this policy shall notify the District any time they are using medication prescribed by a physician that could adversely affect performance of safety-sensitive duties. Employees shall not drive or perform other safety-sensitive duties at any time they have been advised by a physician that medication may or will adversely affect their ability to safely perform these duties.

Participation in Drug and Alcohol Testing Program Required

Employees serving in positions covered by this policy are required to participate in all applicable drug and alcohol testing as a condition of employment.

Circumstances for Testing

1. All covered employees shall be subject to pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. Pre-employment controlled substance and alcohol testing shall be administered to an applicant offered a covered position in the District prior to the first time the employee performs any safety-sensitive duties for the District unless the applicant meets exemption criteria contained in federal regulations. Employment with the District is conditional upon the applicant receiving negative test results.
2. An individual applying for, transferring to, or being promoted to any safety-sensitive position shall initially be

subject to controlled substance and alcohol testing. Verified positive test results shall prevent an applicant/employee from moving into a safety-sensitive position. School vehicle drivers shall also be subject to post-accident and, reasonable suspicion and random testing. Non-transportation safety-sensitive positions shall be subject to post-accident and reasonable suspicion tests.

3. Transportation contracts approved by the District shall contain assurance that the contractor will establish or join a drug and alcohol testing program that meets the requirements of federal regulations and this policy and regulations and will actively enforce the regulations of this policy and regulations as well as federal requirements. An independent contractor who drives his/her own bus/vehicle is subject to the same requirements as the district's own employees.

Testing Procedures

Testing will be performed in accordance with federal drug and alcohol testing regulations and testing procedures are outlined in administrative regulations.

Refusal to Submit

An employee covered by this policy may not refuse to take a required test. Refusal includes tampering with, adulterating, or substituting a specimen for testing; inability to provide sufficient quantities of the substance being tested without a valid medical exemption; interfering with the collection procedure; not immediately reporting to the collection site; leaving the collection site before the collection process is complete; and/or leaving the scene of an accident without a valid reason before a drug and alcohol test has been conducted. Employees who refuse required testing will, at a minimum, be prohibited from performing safety-sensitive duties.

Violations

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related duties and may be subject to the disciplinary consequences contained in the Drug and Alcohol-Free Workplace policy. Before an employee is reinstated, if at all, the employee shall comply with all applicable return-to-duty requirements, including evaluation, rehabilitation, and drug/alcohol testing requirements. An employee who is prohibited from performing safety-sensitive duties may be assigned to non-safety-sensitive duties until such time as the employee complies with the requirements for returning to duty. The District will follow treatment referral procedures contained in federal regulations for covered employees.

Employees with verified alcohol concentrations below prohibited amounts shall be removed from safety-sensitive positions and may be subject to the disciplinary consequences contained in the Drug and Alcohol-Free Workplace policy.

The District is not required to provide rehabilitation, pay for substance abuse treatment, or to reinstate the employee. The Board retains the authority consistent with law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affect the qualifications for and performance of his/her job.

Confidentiality of Records

The District shall maintain records in compliance with law. Drug and alcohol testing records are confidential and shall be maintained in a secured location. An employee shall be entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including information pertaining to alcohol or drug tests. Records shall be made available to a subsequent employer upon receipt of a written request from an employee only as expressly authorized by the terms of the employee's request.

Necessary records and reports shall be maintained and made available to federal and state transportation agencies upon request in accordance with federal regulations.

Records from Former Employers

With the employee's consent and in accordance with 49 CFR 40.25, the District may obtain any information concerning drug and alcohol testing from the employee's previous employer.

Training

The District shall take steps to ensure that supervisors receive proper training to administer the drug and alcohol testing program.

Identity of Contact Person

The Board designates Business Manager to serve as the contact person for questions concerning the drug and alcohol testing program and this policy. This designee may be reached at **707-774-8221**.

Policy Dissemination

The Superintendent shall disseminate this policy and other educational material in accordance with federal law. Each employee subject to this policy shall certify in writing that s/he has received this material upon receipt. The Board designates the Superintendent as the individual responsible for answering questions related to this material.

Effects of Alcohol and Controlled Substances

The Business Manager Office contains information on the effects of alcohol and controlled substance misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem; and available methods of intervening when a misuse problem is detected.

Conflict Between Regulations and Federal Law and Regulations

In the event of a conflict between the provisions of federal law or regulations concerning alcohol and drug testing and this

policy or regulations, the federal law or regulations shall control.

FMLA

The Family and Medical Leave Act requires all local education agencies or schools to grant up to 12 weeks of unpaid leave per year to eligible employees with qualifying reasons. Consistent with applicable law and upon notice to the employee by the employing entity, FMLA and available paid time off, sick leave, emergency leave, and/or personal/vacation leave run concurrently. Eligible employees are those whose employment is not limited in duration, who have been employed by the **Eight Mile School District** for at least 1,250 hours during the previous twelve months, and who have been employed by the district for at least 12 months (need not be continuous). Family and medical leave is an unpaid leave of absence available to all eligible employees for the birth, adoption, or foster placement of a child; for the serious health condition of the employee, the employee's parent, child or spouse; for qualifying exigencies arising out of the fact that the employee's spouse, child or parent is on active duty or has been notified of an impending call or order to active duty in the Reserve or National Guard, in support of a contingency operation (The final rule clarified that this National Defense Authorization Act provision applies to a federal call to active duty, not a state call to active duty); or for military caregiver leave for a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty that is a spouse, child, parent or next of kin (This entitles the employee to up to 26 weeks of leave in a single 12 month period). Family leave used for the birth, adoption or foster care placement of a child expires within twelve months of the date of birth or placement.

HIPAA

The Health Insurance Portability and Accountability Act of 1996 ("HIPAA") defines privacy rules that require an employer to guard against misuse of an individual's identifiable health information, and to limit the sharing of such information. An individual's identifiable health information consists of any health-related information you or a student's family may provide to Fargo Public Schools during employment or school related programming. The district limits requests for disclosure of health information to the minimum needed for the request. The district will always work toward securing health information so that it is not readily available to persons who do not have a business purpose to see it. The district has developed a HIPPA process, which limits access to protected health information to those employees who are authorized to receive health information to administer the group health plan, to manage the flexible benefits program, process flex claims or work with student records and needs. The district has notified affected employees of the HIPPA privacy provisions this distribution. HIPAA Protects Employees and Their Families By:

1. Limiting exclusions for preexisting medical conditions (known as preexisting conditions)
 2. Providing credit against maximum preexisting condition exclusion periods for prior health coverage and a process for providing certificates showing periods of prior coverage to a new group health plan or health insurance issuer.
 3. Providing new rights that allow individuals to enroll for health coverage when they lose other health coverage, get married or add a new dependent
 4. Prohibiting discrimination in enrollment and in premiums charged to employees and their dependents based on health status-related factors
 5. Guaranteeing availability of health insurance coverage for small employers and renewability of health insurance coverage for both small and large employers
 6. Preserving the states' role in regulating health insurance, including the states' authority to provide greater protections than those available under federal law
-

MAINTAINING PROFESSIONAL EMPLOYEE-STUDENT BOUNDARIES

The Board requires employees, volunteers, and students to treat one another with respect and professionalism. District employees and volunteers are legally and ethically obligated to exercise good judgment and always maintain professional boundaries when interacting with students on and off school property.

Employees and volunteers must not intrude on a student's physical and emotional boundaries unless the intrusion is necessary to serve a legitimate health, safety, or educational purpose. Any type of sexual conduct with a student is an inappropriate boundary invasion.

Inappropriate boundary invasions can take many forms. Employees and volunteer are expected to be aware of the appearance of impropriety in their own conduct and the conduct of other employees when interacting with students.

The Board recognizes that employees and volunteers may have familiar and pre-existing social relationships with parents or guardians and students. Employees and volunteers should use appropriate professional judgement when they have a

dual relationship with students to avoid violating this policy, the appearance of impropriety, and/or the appearance of favoritism. Employees and volunteers shall pro-actively discuss these circumstances with their building administrator or supervisor.

Activities that May Create an Impropriety or Appearance of Impropriety

Employees and volunteers should avoid activities that may create an impropriety or appearance of impropriety. If these activities are unavoidable, they should be pre-approved by the appropriate administrator. If not preapproved, the employee or volunteer must report the occurrence to the appropriate administrator as soon as reasonably possible.

Activities include, but are not limited to, the following:

1. Being alone with an individual student out of the view of others;
2. Inviting or allowing individual students to visit the employee or volunteer's home;
3. Visiting a student's home;
4. Sending or soliciting email, text messages or other electronic communications to the student, except when the communication relates to school business, and the building administrator or supervisor has consented to such communications; and/or;
5. Social networking with students for non-educational purposes.

Inappropriate Boundary Invasion

Examples of possible inappropriate boundary invasions by an employee or volunteer include, but are not limited to, the following:

1. Any type of inappropriate physical contact with a student or any other conduct that might be considered harassment under board policy AAC, Nondiscrimination & Anti-Harassment Policy;
2. Any conduct that would constitute sexual abuse of a minor under law;
3. Any activity that may lead to a sexual relationship such as dating, sending intimate correspondence, and/or engaging in sexualized dialogue. This includes, but is not limited to, banter, allusions, jokes or innuendos of a sexual nature with students;
4. Any sexual relationship between an employee or volunteer and a current student, regardless of their age, or a former student under the age of 18;
5. Showing pornography to a student;
6. Singling out a particular student or students for personal attention and friendship beyond the professional employee-student relationship;
7. Socializing where students are consuming alcohol, drugs, or tobacco;
8. For non-guidance/non-counseling staff, encouraging students to confide their personal or family problems and/or relationship. If a student initiates such discussions, employees are expected to refer the student to appropriate guidance/counseling staff. In either case, employee involvement should be limited to a direct connection to the student's school performance.
9. Sending students on personal errands unrelated to any educational purpose;
10. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students;
11. Addressing students or permitting students to address staff members with personalized terms of endearment, pet names or otherwise in an overly familiar manner;
12. Maintaining personal contact with a student outside of school by phone, email, text messaging, instant messenger or Internet chat rooms, social networking websites, or letters beyond homework or other legitimate school business without including the parent/guardian.
13. Exchanging personal gifts, cards, or letters with an individual student;
14. Socializing or spending time with students (including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling and recreational activities) outside of school-sponsored events, except as participants in organized community activities;
15. Giving any student a ride alone in a vehicle in a non-emergency situation;
16. Unnecessarily invading a student's privacy, (e.g. walking in on the student in the bathroom); or
17. Any other conduct that fails to maintain professional staff/student boundaries.

Exemption

Student instruction on board approved curriculum pertaining to sexual education that may include, but is not limited to, instruction on human anatomy, childbirth, puberty and the reproductive system, and human sexuality is exempt from violating this policy or applicable laws when taught for educational purposes as directed by the Board.

Reporting

Employees and volunteers shall discuss these issues with their building administrator or supervisor whenever they suspect or question whether their own or another employee's conduct is inappropriate or constitutes a violation of this policy.

Individuals aware of any of these prohibited behaviors are expected to report such action to a building administrator or the Superintendent. Allegations of such inappropriate misconduct shall be investigated by the Superintendent or designee in accordance with district policy.

All allegations of sexual misconduct shall be reported to and investigated by the Title IX Coordinator in accordance with the procedures utilized for complaints of sexual harassment (see board policy AAC).

If disciplinary action is deemed warranted at the completion of the investigation, the District shall take appropriate action, up to and including termination of employment, in accordance with district policy, the negotiated agreement, and law. When appropriate, such disciplinary action may include reporting such activity to appropriate state licensing and law enforcement officials. Volunteers who violate this policy may be prohibited from working or serving in district schools for an appropriate period of time or permanently, as determined by the Superintendent or designee.

Policy Dissemination

The Superintendent or designee shall inform employees, volunteers, students, and parents/guardians annually or upon acceptance of the position of the contents of this policy through employee and student handbooks, posting on the district website, and/or by other appropriate methods. The District, at its sole discretion, may require independent contractors and their employees who interact with students or are present on school grounds to receive this policy.

Training

The District shall provide annual training to employees and volunteers regarding professional employee-student boundaries.

NONDISCRIMINATION AND ANTI-HARASSMENT POLICY

General Prohibitions

The Eight Mile School District is committed to maintaining a learning and working environment free from discrimination and harassment in all employment and educational programs, activities, and facilities. The District prohibits discrimination and harassment based on a student's, parent's, guardian's, or employee's race, color, religion, sex, gender identity, national origin, ancestry, disability, age, or other status protected by law. The District also provides equal access to the Boy Scouts and other designated youth groups, as required by federal law.

It is a violation of this policy for any district student, parent, guardian, employee, or third party to discriminate against or harass another district student or employee, based on any status protected by law, if the conduct occurred within the context of an education program or activity, or if the conduct had a continuing effect in the educational setting of a program or activity occurring on or off school district property. The District will not tolerate discrimination or harassment of a district student or employee by a third party. The District also prohibits aiding, abetting, inciting, compelling, or coercing discrimination or harassment; discriminating against or harassing any individual affiliated with another who is protected by this policy and/or law; knowingly making a false discrimination and/or harassment report; and retaliation against individuals who report and/or participate in a discrimination and/or harassment investigation, including instances when a complaint is not substantiated.

The District shall promptly investigate any discrimination, harassment, or retaliation complaint and act on findings as appropriate, or as required by law. Outcomes which may include disciplinary measures such as termination of employment or expulsion in accordance with board policy, law, and, when applicable, the negotiated agreement. Students and employees are expected to fully cooperate in the investigation process. The District will take steps to prevent recurrence of discrimination, harassment, or retaliation and remedy discriminatory effects on the complainant and others, if appropriate.

Definitions

- *Complainant* is the individual filing the complaint. If the complainant is not the victim of the alleged discrimination and/or harassment, the victim must be afforded the same rights as the complainant under this policy and regulations AAC-BR1 or AAC-BR2.
- *Disability* is defined in accordance with NDCC 14-02.4-02 (5).

- *Discrimination* means failure to treat an individual, equally due to a protected status. Protected status is defined in applicable state (NDCC 14-02.4-02 (6)) and federal laws.
- *Employee* is defined in accordance with NDCC 14-02.4-02 (7).
- *Harassment* is a specific type of discrimination based on a protected status. It occurs under the following conditions:
 - a. For employees: When enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe, persistent, and/or pervasive enough to create a work environment that a reasonable individual would consider intimidating, hostile, or abusive.
 - b. For students: When the conduct is sufficiently severe, persistent, and/or pervasive so as to limit the student's ability to participate in or benefit from the education program or to create a hostile or abusive education environment.
- *Section 504* (Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794) is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.
- *North Dakota Human Rights Act* (NDCC ch. 14-02.4) provides protection from discrimination in the workplace on the basis of race, color, religion, sex, national origin, age, the presence of any mental or physical disability, status with regarding to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer.
- *Sexual harassment* is a form of harassment based on sex. It is defined under Title IX as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written or physical conduct or communication of a sexual nature, that:
 - a. Constitutes quid pro quo harassment, meaning submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of the basis for employment decisions or educational decisions or benefits for students (e.g., receiving a grade).
 - b. Is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
 - c. Constitutes sexual assault, dating violence, domestic violence, or stalking as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f) and the Violence Against Women Act, 34 U.S.C. § 12291(a).
- *Sexual harassment examples* include, but are not limited to, the following:
 - a. Sexual or "dirty" jokes;
 - b. Sexual advances;
 - c. Pressure for sexual favors;
 - d. Unwelcome touching, such as patting, pinching, or constant brushing against another's body;
 - e. Displaying or distributing of sexually explicit drawings, pictures, and written materials;
 - f. Graffiti of a sexual nature;
 - g. Sexual gestures;
 - h. Touching oneself sexually or talking about one's sexual activity in front of others;
 - i. Spreading rumors about or rating other's sexual activity or performance;
 - j. Remarks about an individual's sexual orientation; and
 - k. Sexual violence, including rape, sexual battery, sexual abuse, and sexual coercion;
- *Title II* of the Americans with Disabilities Act extends the prohibition on discrimination established by Section 504 to all services, programs, and activities of State and local government entities.
- *Title VI* is a federal law that provides protection from discrimination based on race, color, or national origin in employment and employment practices in programs or activities receiving federal financial assistance.
- *Title VII* is a federal law that provides protection from discrimination on the basis of race, color, religion, sex or national origin. Title VII applies to all public-school districts with 15 or more employees.

- *Title IX* is a federal law that provides protection from discrimination, based on sex, in education programs or activities that receive federal financial assistance.
- *Other or different definitions may be set forth in board regulations AAC-BR1 or AAC-BR2.*

Complaint Filing Procedure

The Board shall create an informal and formal discrimination and harassment complaint filing procedure in board regulations coded AAC-BR. For Title IX sexual harassment complaints, grievance procedures shall be followed in accordance with federal regulations and board regulation AAC-BR2.

The procedure provides for an impartial investigation free of conflicts of interest and bias. Nothing in this policy or in the discrimination and harassment grievance procedure prevents an individual from pursuing redress available through state and/or federal law.

Confidentiality

An individual wishing to file an anonymous discrimination and/or harassment complaint must be advised that confidentiality may limit the district's ability to fully respond to the complaint and that retaliation is prohibited. The appropriate grievance coordinator (Title IX, 504/Title II, or Nondiscrimination) shall perform a confidentiality analysis to determine when a request for confidentiality cannot be honored due to safety reasons or the district's obligation to maintain a nondiscriminatory educational environment. The complainant must be notified in writing of the confidentiality analysis outcome. A discrimination or harassment investigation report is subject to the open records law after 60 days or when the investigation is complete (whichever comes first), with limited exceptions such as when the record is protected by FERPA.

Complaint Recipients

If any district employee receives a discrimination or harassment complaint, the employee shall promptly forward it to the appropriate grievance coordinator. All district employees must receive training on their reporting duties.

Training

The Board authorizes the Superintendent to develop discrimination and harassment awareness training for students and employees. Employee training requirements are delineated in board exhibit AAC-E3, Discrimination and/or Harassment Training Requirements for Employees.

Grievance Coordinators

Districts must designate at least one employee to be their Title IX Coordinator and authorize such individual(s) to coordinate the district's efforts to comply with its responsibilities under the applicable regulations.

The Title IX Coordinator's responsibilities include overseeing the district's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinator must have knowledge of the requirements of Title IX, of the district's policies and procedures on sex discrimination, and of all complaints raising Title IX issues throughout the District. To accomplish this, the Title IX Coordinator must be informed of any report or complaint raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office.

The Board designates School Counselor as the Title IX Coordinator. They may be contacted at: 701-774-8221. Districts must notify students, parents or legal guardians, employees and unions of the same name and specified contact information for the designated Title IX Coordinator(s). The notification must also state that inquiries about the application of the Title IX and its regulations may be directed to the district's Title IX Coordinator or the Assistant Secretary of Education, or both. Districts must prominently display the Title IX Coordinator(s) contact information on their website, if any, and in each handbook, it makes available to students, parents, or legal guardians, employees and unions.

The 504/Title II Coordinator's responsibilities include overseeing the district's response to disability discrimination reports and complaints. The 504/Title II Coordinator must have knowledge of the requirements of Section 504 and Title II, of the district's policies and procedures on disability discrimination, and of all complaints raising Section 504/Title II issues throughout the District. To accomplish this, the 504/Title II Coordinator must be informed of any report or complaint raising Section 504/Title II issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Board designates School Counselor as the 504/Title II Coordinator. They may be contacted at: 701-774-8221.

The Nondiscrimination Coordinator's core responsibilities include overseeing the district's response to discrimination and harassment reports and complaints that do not include sex or disability under applicable federal laws, but instead the other protected statuses or sex or disability-based discrimination under state law. The Board designates Superintendent, as the Nondiscrimination Coordinator. They may be contacted at: 701-774-8221

Training

The Title IX, 504/Title II, and Nondiscrimination Coordinators, and any other school official responsible for the investigation of discrimination complaints, shall receive training. This training must include:

1. The definition of discrimination, harassment, and retaliation;
2. The handling of complaints under the Discrimination and Harassment Grievance Procedure (AAC-BR); and
3. The applicability of confidentiality requirements.

In addition, the Title IX Coordinator(s), investigators, decision-makers, and those facilitating an informal resolution process, if applicable, under Title IX shall receive training in a number of areas specified in board regulation AAC-BR2.

STAFF CODE OF CONDUCT

Purpose

The Board has adopted this policy with the intent of fostering learning and working environments that operate efficiently; are safe, ethical, and equitable for students and staff; and meet community expectations.

Application of Policy

All school district employees, including teachers, administrators, other contracted staff, and ancillary staff, are required to adhere to this policy.

Code of Conduct

All staff members are responsible for becoming familiar with and abiding by the laws of the state as they affect their work, professional codes of ethics associated with their licensure if applicable, the school district's policies, and the regulations designed to implement them.

The Board has adopted the following policies on staff conduct, which are considered part of this code of conduct and to which all district staff are required to adhere¹:

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">• Acceptable Technology Use• Accident Reporting• Bullying• Complaints about Personnel• Confidentiality• Conflict of Interest• Copyrighted Material and Intellectual Property• Distribution and Posting of Noncurricular Material in Schools• Drug and Alcohol-Free Workplace• Employee Relations with Vendors• Employee Speech | <ul style="list-style-type: none">• Gifts to District Personnel• Hazing• Nondiscrimination and Anti-harassment• Occupational Safety• Off-Duty Electronic Communication with Students• Outside Employment• Political Activities• Records Retention• Restraint or Seclusion• Sportsmanship• Staff Attendance• Staff Dress Code• Staff Use of Electronic Devices | <ul style="list-style-type: none">• Student Conduct and Discipline (Prohibition on Corporal Punishment)• Student Education Records and Data Privacy• Student-Staff Relations• Tobacco Use• Unauthorized Purchases• Vandalism• Violent and Threatening Behavior• Weapons Prohibitions on District Property—Employees• Whistleblower Protections |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The Board may have adopted or may adopt additional conduct policies applicable to specific categories of employees (e.g., academic freedom standards for teachers). Such policies are also considered part of this code of conduct, and the Superintendent is charged with disseminating such policies using the policy dissemination procedure contained in this policy.

In addition to district policies governing staff conduct, each staff member is required to:

1. Conduct oneself professionally whenever serving in his/her official capacity as a school district employee including maintaining professional decorum and professional boundaries in all interactions with students.

2. Exercise honesty and integrity when executing all duties.
3. Comply with confidentiality laws (e.g., student education records are protected by FERPA).
4. Be faithful and prompt in attendance at work.
5. Support and enforce policies and regulations of the District.
6. Diligently execute all duties as assigned by supervisors and as set forth in job descriptions, district policies, or the negotiated agreement; staff members are also required to fulfill the terms of their contracts if applicable.
7. Demonstrate care and conservation of school property and resources.
8. Make job-related decisions in a manner that is fair and consistent with district policy and the district's mission.
9. Not use his/her position with the District for private gain.
10. Treat all staff, students, and community members with dignity and respect.
11. Report suspected violations of this code of conduct, district policy, or workplace violations of law to an immediate supervisor or individual/entity designated by law/policy to receive such reports.

Dissemination of Staff Conduct Standards

The Superintendent or designee shall develop a procedure to ensure that this code of conduct and other policies governing staff conduct are provided to all staff annually. The Board further directs the Superintendent or designee to compile a list of state laws related to staff conduct and disseminate this information to staff annually. The Superintendent or designee also shall provide a copy of the Education Standards and Practices Board Code of Professional Conduct for Educators to teachers and administrators annually. Administration should require staff to acknowledge, in writing, receipt and understanding of all documents provided to them under this policy.

If a staff conduct policy contains specific policy dissemination procedures that are more comprehensive than the policy dissemination requirements contained herein, the more comprehensive policy dissemination procedures should be followed.

Reporting and Investigation

Any staff member who has reason to believe that this policy may have been violated is required to report the alleged violation to an immediate supervisor or individual/entity designated by law/policy to receive such reports as soon as possible. Students and community members who have reason to believe this policy has been violated are encouraged to report this to a building principal.

The reporter may submit a written or oral report of the alleged violation. The supervisor or administrator receiving the report should document the date and time that the report is received, nature of the alleged violation, name of the reporter (if choosing to identify him/herself), and names of any witnesses to the alleged violation if this information is not submitted by the reporter in writing.

The supervisor shall refer the report to the Superintendent as soon as possible for investigation and resolution. The Superintendent shall investigate the alleged violation in a timely manner not to exceed 60 days unless the Superintendent determines additional time is needed. The Superintendent shall issue a summary of the investigation's findings to the employee who is the subject of the investigation.

At any time during the investigation process, the Superintendent or designated investigator may refer the alleged violation to law enforcement if a violation of law is reasonably believed to have occurred and/or ESPB if a violation of the Code of Professional Conduct for Educators is reasonably believed to have occurred. Such referrals do not relieve the District of its responsibility to complete an internal investigation of the alleged violation.

If a staff conduct policy contains an investigation procedure that conflicts with the investigation procedure contained herein, the most comprehensive investigation protocol of the two in conflict must be used to conduct the investigation.

Alleged Violations by the Superintendent

If the Superintendent is believed to have violated this policy, the alleged violation shall be reported to the Board President who is responsible for conducting the investigation and rendering a final decision on the outcome of the investigation in accordance with this policy. The Board President may retain an attorney or consultant to assist with the investigation process.

Violations

Violations of this policy shall result in appropriate disciplinary action as determined by the Superintendent. The superintendent's decision is final. If the violation is covered by another district policy on staff conduct (e.g., discrimination or harassment), any specific disciplinary consequences contained in that policy shall apply.

Retaliation and Providing False Information Prohibited

The District prohibits retaliation for an individual's participation in an investigation and/or initiation of a report under this policy, including instances when an allegation is not substantiated. The District also prohibits knowingly filing a false report and/or knowingly making false statements during an investigation. Staff and students who violate these prohibitions are subject to appropriate disciplinary action.

NORTH DAKOTA'S COMPREHENSIVE MODEL SCHOOL POLICY FOR TOBACCO USE

Definitions

For purposes of this policy:

- *Electronic smoking device* means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, e-hookahs, mods, tank systems, Juul, Suorin, or under any other product name or descriptor. Electronic smoking device also includes any component part of a product, whether or not marketed or sold separately, including, but not limited to, e-liquids, e-juice, cartridges, or pods.
- *Imitation tobacco product* means any edible non-tobacco product designed to resemble a tobacco product, or any non-edible tobacco product designed to resemble a tobacco product and is intended to be used by children as a toy. Imitation tobacco product includes, but is not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snus, and shredded beef jerky in containers resembling snuff tins
- *Lighter* means a mechanical or electrical device typically used for lighting tobacco products.
- *Possession of Tobacco Products means:*
 - a. Actual physical possession of the tobacco product while on school property;
 - b. Use or consumption of the tobacco product while on school property;
 - c. Tobacco product located in the student's locker, car, handbag, backpack, or other belongings while on school property; or
 - d. Appearance by a student on school property after having consumed or ingested the tobacco product that is noticeable by breath odor.
- *Smoking* means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco, nicotine, or plant product intended for inhalation, including hookah and marijuana, whether natural or synthetic. "Smoking" also includes the use of an electronic smoking device. This excludes any FDA-approved nicotine replacement therapy.
- School property is defined in NDCC 15.1-19-10 (6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- *Tobacco product* means any product containing, made, or derived from tobacco, or that contains nicotine, whether synthetic or natural, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to: a cigarette; electronic smoking device; cigar; little cigar; cheroot; stogie; perique; granulated; plug cut; crimp cut; ready rubbed; and other smoking tobacco; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; snuff; snuff flour; snus; refuse scraps, clippings, cuttings and sweepings or tobacco; and other kinds and forms of tobacco.
- *Tobacco use* means smoking and the heating, inhaling, chewing, absorbing, dissolving or ingesting of any tobacco product.
- *Visitor* means any person subject to this policy that is not a district student or staff member. This includes school volunteers, independent contractors, individuals performing services on behalf of the District, and individuals attending school-sponsored events or activities.

Rationale for Regulating Possession & Use

The health hazards of tobacco use have been well established. This policy is established to:

1. Reduce the high incidence of tobacco use in North Dakota.
2. Protect the health and safety of all students, employees, and the general public.
3. Set a non-tobacco-use example by adults.
4. Assist in complying with smoking restrictions in state and federal law (NDCC 23-12-10 and 20 U.S.C. 7973).

Tobacco use is the leading cause of preventable death and disability in North Dakota. To support and model a healthy lifestyle for our students and ensure a safe learning and working environment, the Eight Mile School Board establishes the following tobacco-free policy.

Prohibitions

Students are prohibited from possessing, using, consuming, displaying, promoting, or selling tobacco products, electronic smoking devices, imitation tobacco products, or lighters at any time on school property or at any school sponsored event or activity.

In addition, students who participate in extracurricular activities are prohibited from possessing or using tobacco products at any time, on and off school property, as directed by district policy (FFE) and the North Dakota High School Activities Association bylaws.

District staff and visitors are prohibited from using, consuming, displaying, activating, promoting, or selling tobacco products, electronic smoking devices, imitation tobacco products, or lighters at any time on school property or at any school sponsored event or activity.

This policy includes all events on school property that are not sponsored by, or associated with, the school. ~~at all times.~~

The District shall not promote or allow promotion of tobacco products, electronic smoking devices, imitation tobacco products, or lighters on school property, at any school sponsored event or activity, or in any school publications. This includes promotion of these products via gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers or any other materials.

The District shall not accept any gifts (such as curriculum, book covers, speakers, etc.) or funds from the tobacco industry or from any tobacco products shop.

Exceptions

It shall not be a violation of this policy for an individual to possess or provide tobacco, electronic smoking devices, imitation tobacco products, or lighters to any other individual as part of a genuine indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice off of school property. It shall not be a violation of this policy to use a tobacco product as part of an educational experience related to indigenous tobacco practices when such use and education experience has been approved by administration.

It shall not be a violation of this policy for tobacco products, electronic smoking devices, imitation tobacco products, or lighters to be included in an instructional or work-related activity on school property if the activity is conducted by a staff member or an approved visitor, the activity does not include smoking, chewing, or otherwise ingesting the tobacco product, and has been approved by administration.

It shall not be a violation of this policy for no-students 18 years and older to use or possess a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Communicating to Students, Staff, & Public

The District shall comply with all smoking prohibition posting requirements in law. Appropriate signage shall be posted throughout the district at building entrances and other highly visible locations on school property, such as, but not limited to, school buildings, district vehicles, vehicular entrances to school grounds, school playgrounds, and all indoor and outdoor athletic facilities. Signage shall indicate that the Eight Mile Public School District 6 is tobacco free. This policy will be printed in employee and student handbooks. Parents and/or guardians shall be notified of this policy, and the local media may be asked to communicate this tobacco-free policy communitywide.

Responsibility for Violations

All individuals on the district's premises share in the responsibility for adhering to and enforcing this policy. The Superintendent shall develop regulations for the enforcement and implementation of this policy (ABA-AR).

Prevention Education

The District may consult with the county health department and other applicable health organizations to provide students with age-appropriate tobacco prevention information that follows the guidance from the Centers for Disease Control and Prevention.

Tobacco Cessation Services

Individuals requesting assistance with tobacco cessation services will be referred to NDQuits, the North Dakota Department of Health multi-media tobacco cessation program. This is a free cessation service provided to citizens of North Dakota.

Evaluation

The Board shall review this policy at regular intervals, at least once a year, to determine whether policies and practices are properly implemented and effective.

WELLNESS POLICY

The Board shall form a District Wellness Committee to develop the wellness policy and perform additional duties described. The Board encourages parents, students, school food service representatives, teachers of physical education, school health professionals, school board members, school administrators, and the public to participate in the development, implementation, and periodic review and update of the school wellness policy.

The District Wellness Committee shall determine the best methods for these individuals and groups to participate in meetings and shall provide information about the participation processes to others using appropriate, effective, and cost-efficient methods.

The District Wellness Committee shall meet to develop a plan for implementing the wellness policy in each school. The implementation plan shall delineate roles, responsibilities, and timelines specific to each school and set goals and objectives in accordance with the requirements of this policy.

The District Wellness Committee shall work with the Superintendent to evaluate each implementation plan. The Superintendent shall designate one individual per school building to ensure building-level compliance with this policy. The name of each designee must be listed in administrative regulations (see ABCC-AR.) Each designee shall collect, summarize, and report evaluation data to the committee.

At least once every three years, the District Wellness Committee shall assess the wellness policy and comply with all reporting requirements mandated by federal law. The District Wellness Committee shall provide the assessment to the Board and disseminate it publicly on the district's website.

The District Wellness Committee may recommend amendments to the wellness policy for Board consideration, based on the results of the assessment; changes in District priorities; changes in community needs; changes in wellness goals; advances in health science, information, and technology; new federal or state guidance; or the issuance of new standards or regulations.

Annually, the District shall disseminate the wellness policy to staff, students, parents, and the public. The District shall also inform parents regarding improvements that have been made to school meals and compliance with school meal standards, the availability of child nutrition programs and how to apply; as well as the USDA [Smart Snacks in Schools](#) nutrition standards.

The District shall retain all wellness policy records mandated by federal law.

Physical Activity

In addition to state standards and mandates² related to physical education, the District should strive to make opportunities available for students to be physically active.

The goals of physical activity programs must be to:

1. Develop students' knowledge and skills necessary to perform a variety of physical activities;
 2. Assess, maintain and improve personal fitness;
 3. Regularly participate in physical activity;
 4. Understand the short- and long-term benefits of physical activity; and
 5. Value and enjoy physical activity as an ongoing part of a healthy lifestyle.
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Students with disabilities and other special health needs may participate as fully as possible in physical education and other school physical activity programs. Teachers and other school personnel shall not withhold opportunities for physical activity (e.g., recess, physical education class) as punishment.

Nutrition Education and Promotion

The District shall teach, model, and support healthy eating in grades K-12 through the curriculum and through other promotional methods. The District should strive to:

1. Educate teachers and other staff members responsible for nutrition education (e.g., provide training regarding the [Dietary Guidelines for Americans](#) and how to teach them);
2. Identify and implement methods to educate family members about district nutrition standards and goals as well as involve them in program development and implementation.
3. Integrate nutrition education into core curricula that is aligned with state standards and requirements;
4. Include developmentally appropriate, culturally relevant and participatory activities in the nutrition curriculum;
5. Emphasize caloric balance between food intake and physical activity
6. Provide students with the knowledge and skills necessary to promote and protect their health;
7. Promote fruits, vegetables, whole-grain products, low-fat dairy products, healthy food preparation methods, and accurate portion sizes; and
8. Promote healthy food and beverage choices for all students as well as encourage participation in school meal programs.

Nutrition promotion must be implemented using evidence-based healthy food promotion techniques (e.g. Smarter Lunchroom techniques³). All foods and beverages offered to students during the school day must meet or exceed the USDA [Smart Snacks in Schools](#) nutrition standards.

The District Wellness Committee may develop a list of activities that will help the District achieve the above goals.

Other School-Sponsored Activities

The District shall seek to promote the physical activity and nutrition goals of this policy through other activities that are practical, implementable, and within district budgetary and statutory parameters. The goals of these other activities shall reinforce the nutrition promotion, nutrition education, and/or physical activity goals set forth above. Activities implemented under this provision may be offered to students, parents, and/or district staff.

The District Wellness Committee may develop activities and programs that will help the District achieve its goals. Such activities and programs may include before-school and after-school physical activities, active transport programs, staff wellness programs, staff professional development programs related to wellness, alternatives to using food as rewards, healthy celebration/party ideas and fundraisers, as well as community partnership programs.

Nutrition Standards

The District shall comply with applicable nutrition standards established in federal regulations for all reimbursable meals, e.g., the National School Breakfast and Lunch program.

The District shall comply with applicable nutrition standards established in federal regulations for all competitive foods and beverages sold on school grounds during the school day to students (see USDA [Smart Snacks in Schools](#) nutrition standards).

Except as otherwise provided, all foods and beverages provided for celebrations, for snacks, or as rewards, or sold for fundraising by the District, should be selected judiciously, taking into consideration the nutritional value of the food being served, the goals of this policy, and the frequency of use.

Exception to Competitive Food and Beverage Sales

Each school year, schools within the District may hold up to three fundraisers that do not comply with federal nutrition standards for competitive food and beverage sales. The Superintendent shall develop rules for requesting and receiving approval to hold fundraisers under this exception. The fundraiser may occur during school hours, but not during school mealtimes.

Standards for competitive food and beverage sales do not apply to foods and beverages sold off school grounds and foods and beverages sold on school grounds more than 30-minutes after the school day until midnight of the next school day.

Hydration Standards

To promote hydration, unflavored drinking water that is free must be made available to all students throughout the school day and throughout every school. The District shall make drinking water available where school meals are served during mealtimes.

Marketing

The District permits marketing and advertising of only those foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards. These standards do not apply to foods and beverages sold off school grounds.

Qualifications and Training

The District must comply with any applicable hiring requirements under federal regulations for new hires in the food service program. They must also comply with the annual training requirements under federal regulations for all food service personnel (see ABCC-E).

WHISTLEBLOWER PROTECTIONS POLICY: PROHIBITION AGAINST RETALIATION

Protections: Employees

The Eight Mile School District prohibits and will not tolerate any form of reprisal, retaliation, or discrimination (including, but not limited to: discharge, discipline, threats, or penalizing compensation, work conditions, location, or privileges of employment) against any employee because s/he:

1. In good faith, made or intends to make a report that the School Board, school employee, or an entity/person with whom the District has a business relationship has violated federal, state, or local law/administrative rules or school district policy through practice, policy, act, or omission;
2. Participates in an Eight Mile School District-related investigation, hearing, or inquiry; or
3. Refused to carry out a directive that the employee believes is a violation of state or federal law, rule, or regulation or poses a substantial or specific danger to public health and safety provided the employee has an objective basis for that belief and informs the employer that the directive is being refused for that reason.

Protections: False Claims Act (FCA)

The District shall comply with the FCA and prohibits any district employee, contractor, or other district agent from knowingly submitting or causing the submission of a false or fraudulent claim to the federal government in the district's name. The District will not tolerate any form of reprisal, retaliation, or discrimination (including, but not limited to: discharge, discipline, threats, or penalizing compensation, work conditions, location, or privileges of employment) against any employee, contractor, district agent, student, community member because s/he filed a complaint in good faith under FCA against the District and/or any of its employees, contractors, or agents.

Protections: Students & Community Members

The District will not tolerate any form of reprisal, retaliation, or discrimination against a student and/or community member because s/he, in good faith, filed a complaint against the District (or a district employee, contractor, or agent) under district policy or when authorized by law. Furthermore, the District will not tolerate any form of reprisal, retaliation, or discrimination against a student and/or community member because s/he participates in a district-related investigation, hearing, or inquiry.

Grievance Procedure

Anyone covered by the above protections who reasonably believes that this policy has been violated by a district employee, contractor, or other authorized district agent may file a grievance in accordance with the district's applicable complaint or grievance policy. In the absence of policy, or if policy is not applicable given the nature of the grievance, the individual should report to the Superintendent who shall investigate. If a grievance under this policy concerns the Superintendent, Business Manager, or a school board member, the complainant should report to the Board President or Board Vice President (if the report concerns the Board President) who shall investigate.

Grievances not otherwise covered by deadlines in the applicable district policy must be reported within 180 calendar days unless state or federal law specifies otherwise.⁴ Failure to timely present the grievance shall be deemed a waiver of the grievance. Investigations of grievances filed under this policy shall be completed within 60 days unless the investigator

⁴ FCA has a three year statute of limitations.

documents in writing reasonable cause for extending this investigation deadline. Upon completion of the investigation, the investigator shall issue his/her findings to the complainant in a written report.

Complainants may also report grievances under this policy to the state agency with jurisdiction over the subject of the grievance (e.g., ND Department of Labor or ND Department of Public Instruction), the appropriate federal agency⁵, and/or, if applicable, law enforcement.

If necessary, the Superintendent or the Board President/Vice President may take reasonable steps to protect the complainant from retaliation during and/or after the investigation. Reports of suspected employee impropriety under this policy shall be treated as confidential to the extent permitted by state law on administrative investigations of school personnel. All individuals involved in an investigation shall be advised to keep information about the investigation confidential and should be advised of the protections contained in this policy.

Policy Violation Consequences

Any employee, district contractor, district agent, or student who is found to have engaged in any of the prohibitions contained in this policy may be subject to disciplinary action including, but not limited to, dismissal or expulsion in accordance with applicable policy and law.

Prohibition of False Claims

The District may take appropriate disciplinary action against a district employee, contractor, and/or other district agent and/or may take legal action against anyone who knowingly files a false claim of reprisal, retaliation, or discrimination under this policy.

Notice of Policy

Each employee, contractor, volunteer, school board member, and student should receive a copy of this policy and should sign a statement verifying his/her receipt and understanding of this policy.

⁵ State and federal agencies may have reporting deadlines in place after which the grievance may be denied.



EIGHT MILE SCHOOL DISTRICT

Employee Handbook

I acknowledge that I have received a copy of the Eight Mile Public School District #6 Employee Handbook. I understand that the policies and practices contained in the handbook govern school procedures and staff. I understand that all staff will be held accountable for reading and abiding by the handbook.

Staff Member Printed Name

Staff Member Signature

Date
