



# CLASSIFIED EMPLOYEES' HANDBOOK

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## **INTRODUCTION**

This Classified Employees Handbook (hereinafter called “Handbook”) is intended solely as a guide to outline and explain working conditions, benefits, expectations, performance appraisals, and various policies and procedures which affect employment. It describes many of your responsibilities as an employee of the School Town of Highland. This Handbook is not a contract, express or implied, between the School Town and any of its employees.

It is the responsibility of each employee to read, understand, and comply with all provisions of this Handbook. Please contact your immediate supervisor or the Superintendent’s office should you have any questions.

No employee handbook can anticipate every circumstance or question regarding policy. In the ever-changing environment in which we live and work, the School Town reserves the right, in its sole and absolute discretion, to revise, supplement, or revoke any policies, procedures, and/or benefits temporarily or permanently, if such action is deemed in the best interest of the school corporation. Such revisions will be made as needed and will supplement this Handbook.

If any state or federal law or School Board policy is contrary to the contents of this Handbook, it will be modified to comply with such law or policy. Please keep this Handbook for future reference purposes.

## **EMPLOYMENT RELATIONS**

### **Nature of Employment**

Employment with the School Town of Highland is voluntarily entered into and the employee is free to resign at will at any time, with or without cause. Similarly, the School Town may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law. No classified employee of the School Town of Highland is guaranteed employment for any specified duration.

Policies set forth in this Handbook are not to be construed as contractual obligations of any kind, either expressed or implied, between the School Town of Highland and any of its employees. The provisions of this Handbook have been developed at the discretion of the administration and, except for its policy of employment-at-will, may be amended or cancelled at any time at the School Town's sole discretion.

These provisions supersede all existing policies and practices and may not be amended without the express written approval of the Superintendent.

### **Equal Employment Opportunity**

It is the responsibility of the Superintendent to determine the personnel needs of the School Town of Highland. In order to provide equal employment and advancement opportunities to all qualified individuals and applicants, employment decisions in the School Town will be based on merit, qualifications, and abilities. Seniority will not be a factor in personnel appointments.

Except where required or permitted by law, employment practices will not be influenced or affected by an applicant's or employee's age, race, color, national origin, ancestry, religion, creed, size, sexual orientation, gender identity, genetic information, marital status, disability or any other characteristic protected by law. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

The School Town will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship to the school corporation. This policy governs all aspects of employment including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employees with questions or concerns about any type of discrimination in the workplace, work conditions, compensation, or benefits are encouraged to bring such issues to the attention of their immediate supervisor or the Superintendent. Employees can raise concerns and make complaints without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

Inquiries regarding compliance with Title IX of the Americans with Disabilities Act should be directed to the Superintendent, STOH Administration Building, 9145 Kennedy Avenue, Highland, IN 46322 (219-924-7400).

Inquiries regarding Section 504 should be directed to the Director of Curriculum, Instruction and Student Services, STOH Administration Building, 9145 Kennedy Avenue, Highland, IN 46322 (219-924-7400) or the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-1100.

### **Voluntary Transfer**

Any classified employee may request a transfer to any other position which is available in the school corporation for which he/she is qualified. Interested employees should make all requests for transfer consideration, in writing, to the Superintendent. The Superintendent will make a recommendation to the Board of School Trustees regarding volunteer transfer requests.

### **Involuntary Transfer**

School corporation reorganization, economic conditions, or realignment of staff may require the reassignment of employees through an involuntary transfer process. If circumstances require the reassignment of an employee, or the elimination of a position, the Superintendent will determine who will be transferred or terminated.

### **Hiring of Relatives**

Relatives of persons currently employed by the School Town of Highland may be hired only if they will not be working directly for or supervising a relative. Furthermore, School Town employees cannot be transferred into such a working relationship.

In cases where a conflict or a potential conflict may arise, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

For the purposes of this policy, relatives are defined to include spouses, parents, children, brothers, sisters, brothers/sisters-in-law, fathers/mothers-in-law, stepparents, stepbrothers/sisters, and stepchildren. This policy also applies to individuals who are not legally related but who reside with an employee.

### **Employee Medical Examinations**

All employees are expected to disclose any known health or physical exceptions prior to employment and any health or physical problems that develop after employment. When the Superintendent deems it appropriate and necessary, current employees may be required to take medical/psychological examinations to determine fitness for duty as a condition of continued employment. Such examinations will be scheduled at reasonable times and intervals and performed by a licensed physician/psychologist at the School Town's expense. If the question of physical or mental fitness is the determining factor in the continued employment of an employee, a final decision shall not be made until the Superintendent and examining physician/psychologist confer relative to the physical and/or mental condition of the employee.

Information on an employee's medical condition or history will be kept separate from other employee records and maintained confidentially.

All school transportation drivers with the School Town of Highland will be required to take a physical examination and a drug screening test every two (2) years or as required by law or regulation.

### **Immigration Law Compliance**

The School Town of Highland is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present

documentation establishing identity and employment eligibility. Former employees who are rehired must also complete a I-9 form if they have not done so with the School Town of Highland within the past three (3) years, or if their previous I-9 form is no longer retained or valid.

### **Conflicts of Interest**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. Therefore, employees are expected to exercise the utmost in good faith in all transactions relating to their duties. Employees are held to a strict rule of honest and fair dealings with the school corporation and vendors.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of School Town of Highland business dealings. For the purpose of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. An employee shall not use the knowledge or circumstances of his/her position so that conflict may arise between the interests of the school corporation and those of the employee.

No “presumption of guilt” is created by the mere existence of a relationship with outside firms. However, if an employee has any contact with any existing or potential firm or client which could affect any existing or potential business with the School Town, it is imperative that he/she discloses to the Superintendent as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the School Town does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the School Town of Highland.

All materials, products, designs, plans, ideas, and data of the School Town of Highland are the property of the School Town and should never be given to an outside firm or individual except through normal channels and with appropriate authorization. Any improper transfer of material or disclosure of information, even though it is not apparent that an employee has personally gained by such action, constitutes unacceptable conduct. Any employee who participates in such a practice will be subject to disciplinary action, up to and including possible termination of employment.

### **Outside Employment**

An employee may hold a job outside the School Town of Highland as long as he/she satisfactorily performs his/her job responsibilities with the School Town. Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by the same performance standards and be subject to the School Town’s needs regardless of any existing outside work requirements.

If the School Town determines that an employee’s outside work interferes with his/her performance or ability to meet the School Town’s requirements or expectations as they may be modified from time to time, the employee may be asked to terminate the outside employment if he/she wishes to remain employed by the School Town of Highland.

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on the School Town of Highland. Notwithstanding anything contained in this Handbook, outside employment must not conflict in any way with an employee’s duties with the School Town.

### **Non-Disclosure/Confidentiality**

All School Town of Highland employees work in an environment where the confidentiality of students and employees must be preserved at all times. The protection of confidential information is vital to the interests, credibility, and success of the school corporation. **All information associated with the School Town in any manner should be treated as strictly confidential.** The reproduction of written materials, accessing unauthorized computer or electronic records, or the disclosure of employee home telephone numbers or addresses is forbidden.

It is of utmost importance that all employees clearly understand their responsibilities regarding student information which they may be subjected to during the course of their work duties. Any such student information can absolutely **not be shared with anyone.** To do so would be a serious violation against the Family Educational Rights Privacy Act (FERPA).

All employees may be required to sign a non-disclosure agreement as a condition of employment. **Any employee who discloses confidential information or records will be subject to disciplinary action, up to and including possible termination of employment and legal action, even if he or she does not actually benefit from the disclosed information.**

### **Board Policy Manual**

A current *Board Policy Manual* is maintained in each building and at the Administration Center. The manual contains adopted School Board policies and administrative procedures. Therefore, employees are encouraged to familiarize themselves with the *Board Policy Manual*. The *Board Policy Manual* supersedes this Handbook in cases where conflict may exist. Questions regarding the *Board Policy Manual* should be directed to the Superintendent's office.

## **EMPLOYMENT STATUS**

### **Employment Categories**

Employees will be classified into one (1) of the following categories for fringe benefit purposes:

- 260 Day (Custodians, Maintenance, Central Office, Tech)
- 190-259 Day (Secretaries-Building, Nurses)
- Less than 190 Day (Instructional Aides, Nurse's Aides, Transportation Aides)
- Transportation Drivers
- Head Cook/1<sup>st</sup> Helper

In addition, each employee will be considered one (1) of the following:

**Regular Full-Time** employees are those who are not in a temporary or probationary status and who are regularly scheduled to work a full-time schedule. In most cases, such employees are eligible for the School Town of Highland's benefit package, subject to the terms, conditions, and limitations of each benefit program.

**Regular Part-Time** employees are those who are not assigned to a temporary or probationary status and who are scheduled to work less than 30 hours per week. While they do receive all legally mandated benefits, such as social security and workmen's compensation insurance, they are ineligible for all School Town of Highland's other benefit programs.

The normal work week for most classified employment positions is five (5) days unless otherwise noted. The daily schedule and hours of work vary by position.

Maintenance employees work from 6 am to 2:30 pm if they take a lunch; 6 am to 2 pm if they do not take a lunch. Custodians' hours are staggered. Hours should be confirmed with the Head Custodian.

Maintenance and custodians are entitled to two (2) 15-minute breaks each day. Breaks are to be taken on corporation property only. Employees are not to leave the premises for breaks.

### **Access to Personnel Files**

The School Town of Highland maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of the School Town and access to the information they contain is restricted. Generally, only supervisors and administrative personnel of the School Town who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their personnel file should contact the Superintendent's office. With reasonable advance notice, employees may review their personnel files in the School Town personnel office in the presence of an individual appointed by the Superintendent to maintain the files.

### **References**

To ensure that individuals employed by the School Town of Highland are well qualified and have a strong potential to be productive and successful, it is the policy of the School Town to check the employment references of all applicants.

Requests for references by current or former employees should be referred to the personnel department. The school corporation will respond only to those reference inquiries that are submitted in writing. As a general rule, the school corporation does not release detailed information regarding past performance, but simply provides only basic information regarding employment, such as dates of employment, wages earned, and position(s) held.

### **Personnel Data Changes**

It is the responsibility of each employee to promptly notify the School Town of Highland's personnel office of any changes in personal data. Home and e-mail addresses, telephone numbers, name changes, marital status, names of dependents, beneficiary designations, emergency contact information, educational accomplishments, and other such data should be accurate and current at all times.

### **Job Postings**

The School Town of Highland believes in hiring the best possible candidate for all vacant positions. The School Town supports promoting from within, as well as providing employees an equal opportunity for consideration for any position that becomes available. Appointments are not based on seniority. Vacancies may be posted on the School Town website. Employees who are interested in a posted position should contact the personnel office as soon as possible.

**Employment Applications**

All interested applicants for a vacant position in the School Town of Highland are required to complete an on-line application.

The School Town relies on the accuracy of information contained in the employment application and obtained throughout the hiring process. Any misrepresentations, falsifications, or material omissions of any information may result in the School Town's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

**Criminal History Check**

To help ensure a safe environment, it is the policy of the School Town of Highland to complete a criminal history investigation of finalists for all positions. All permanent employee applicants can access a background check on line. This criminal history investigation is a condition of employment. Permanent positions are those positions that continue until retirement, resignation or termination.

**Performance Evaluation**

In order to maintain the highest standards of performance possible, annual performance evaluations may be conducted on each classified employee. Supervisors are strongly encouraged to discuss job performance and goals with each classified employee on an informal, frequent basis.

Formal performance reviews may be conducted annually to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful strategies for meeting goals and improving performance. The performance evaluation will be based on each employee's job description, specified goals, supervisor's assessment, and other relevant criteria. The final evaluation document will be placed in each employee's personnel file. An unsatisfactory performance evaluation could result in termination of employment.

## **BENEFIT PROGRAMS**

### **Employee Benefits**

Eligible employees in the School Town of Highland are provided a wide range of benefits. A number of benefits, such as social security, workmen's compensation, and unemployment insurance, cover all eligible employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employment classification. The following benefit programs may be available to eligible employees:

Health Insurance	Public Employees' Retirement Fund Contribution
Dental Insurance	Retirement/Severance Plan
Vision Insurance	Family and Medical Leave
Term Life Insurance	Bereavement Leave
Workmen's Compensation Insurance	Leave of Absence
Absence Day Benefits	Legal Duty
Vacation Benefits	Military Leave
Holidays	

### **Health/Dental/Vision Insurance**

(As per the insurance plan discussed and in place for the current year.)

Insurance benefits and coverages for employees are provided as described in the Certificate of Coverage Benefit Booklet provided by the respective insurance carriers. Questions regarding insurance benefits and coverages should be directed to the insurance secretary at the Administration Center.

### **Term Life Insurance**

Group term life insurance will be provided each year to eligible employees at 1.3 times his/her annual earnings.

### **Workmen's Compensation Insurance**

Employees who are injured while performing their duties will receive benefits through the Indiana Workmen's Compensation Insurance program. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, Workmen's Compensation Insurance provides benefits after a five (5) day waiting period.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately in writing no matter how minor such an injury may appear. All hospital/doctor visits must be approved in advance by the Superintendent's office.

### **Absence Days**

Paid absence days will be provided each year according to the following schedule:

260 day employees	12 days
Less than 260 day employees (190-259)	10 days
Less than 190-day employees	3 days
Transportation drivers	6 days
Head cooks/1 <sup>st</sup> helpers	6 days

Absence days may be used for personal illness, family illness, personal business, or for any other purpose, and may be used in full or half-day units. All unused absence days shall transfer to accumulated absence days on June 30 each year.

Doctor and other appointments need to be scheduled outside the regular work day. Employees will need to use absence days for any appointments that cannot be scheduled outside the regular work day. Extenuating circumstances will need to be discussed with the employee's supervisor.

Employees who wish to use an absence day must notify their immediate supervisor and/or the Administration Center receptionist as soon as possible prior to the absence. In addition, it is the responsibility of absent employees to submit an Employee Absence Report form to the Administration Center prior to the absence day, if possible, or no later than the first day upon return to work.

### **Vacation Days**

Regular full-time employees in the 260-day employment classification are eligible to earn vacation time. The amount of paid vacation employees receive each year increases with the length of their employment, as indicated below:

After 1 year of eligible service	10 vacation days
At 10 years of eligible service	15 vacation days
At 15 years of eligible service	20 vacation days

The length of eligible service is calculated from July 1 to June 30 each year. All vacation days must be used by December 31 of each year and cannot be extended. Vacation time not used will be lost.

Paid vacation time can be used in minimum increments of one-half (1/2) day. To take vacation, employees must request advance approval from their immediate supervisors at least two (2) weeks prior to the desired date(s) requested. Vacation requests will be considered and vacation days assigned based on a number of factors, including corporation needs, staffing requirements, and the daily operation of the school corporation. **Employees are encouraged not to finalize vacation plans until their request has been approved. Should an emergency situation occur, an employee's approved vacation request may be rescinded.**

Vacation time is paid at the employee's base pay rate at the time of vacation and does not include overtime. Vacation pay will be paid on the regular payday for the period which the employee is on vacation.

### **Holidays**

The School Town of Highland will grant paid time off to 260 day employees for the following twelve (12) holidays:

New Year's Day	Labor Day
Martin Luther King's Day	Thanksgiving Day
Presidents' Day	Day following Thanksgiving
Good Friday	Christmas Eve
Memorial Day	Christmas Day
Independence Day	New Year's Eve

Individuals employed from 190-259 days will be paid for the following seven (7) holidays:

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

If a recognized holiday falls on a weekend, the paid day off will be the Friday immediately preceding the holiday or the Monday immediately following the holiday at the discretion of the Superintendent. A recognized holiday that occurs during an employee's vacation period will not count toward a vacation day.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime. Overtime is counted after 40 actual worked hours.

### **Indiana Public Employees' Retirement Fund (PERF)**

A contribution of three percent (3%) of wages will be made each month by the school corporation on behalf of each eligible employee into the Indiana Public Employees' Retirement Fund (PERF) for 260 day employees, 190-259 day employees, transportation drivers, and head cooks/1<sup>st</sup> helpers. In addition, a contribution will be made into the Fund each month for all eligible employees as required by statute. Employees who leave the employment of the School Town of Highland and are not vested in the Indiana Public Employees' Retirement Fund may withdraw their PERF contributions, plus accrued interest, upon application to the Indiana Public Employees' Retirement Fund.

### **Retirement/Severance Plan**

The Board of School Trustees supports a retirement/severance plan for all classified employees who qualify. This plan serves as an incentive for employees to remain with the School Town of Highland and also to provide benefits to those who have successfully completed long-term service to the School Town. It is a prerequisite for eligibility for retirement/severance benefits that the employee be in good standing at the time of retirement. An employee shall not be eligible for retirement/severance benefits if he/she is not in good standing, is discharged, or fails to return to work on schedule following a leave of absence or vacation.

The School Town of Highland's retirement/severance plan consists of the following benefits:

- For 260 day employees, 190-259 day employees, who have completed fifteen (15) or more years of service with the School Town of Highland at the effective date of retirement, is at least sixty (60) years of age, is eligible for retirement with the Indiana Public Employee Retirement Fund, and is a member of the School Town of Highland health insurance plan a minimum of one (1) year prior to retirement, the employee will be eligible to continue in the group health insurance plan in effect on the date of retirement. The annual premium cost increases for the single health plan shall be the responsibility of the employee. This benefit will be cancelled if the employee allows the health insurance plan to lapse for any reason. Eligibility for insurance will stop when the individual reaches the age for Medicare.
- A group term life insurance policy will be provided by the School Town of Highland in an amount to the nearest \$1,000 no less than 1.3 times the annual base salary of the employee. Upon retirement, the coverage will reduce at age 66 to 75% of the prior year's face value, at age 67 to 50%, at age 68 to 25%, and at age 70, the coverage will cease.
- For 260 day employees, retirement/severance payments of \$35 for each accumulated absence day and a \$7,500 one-time supplemental pay benefit after ten (10) consecutive years of service. Employees who are eligible for the existing retirement/severance plan on June 30, 2004, shall automatically become eligible for such retirement/severance payments and shall receive a credit of \$750 for each year of consecutive service up to a maximum of \$7,500 in supplemental pay benefits. Employees prior to June 30, 2004 shall compute days and years of service on the formula previously in effect (accumulated absence days over 600 + numbers of years of service times – 10 x last year's salary).

- For 190-250 day employees, retirement/severance payments of \$25 for each accumulated absence day and a \$5,000 one-time supplemental pay benefit after ten (10) consecutive years of service. Employees who are eligible for the existing retirement/severance plan as of June 30, 2004, shall automatically become eligible for such retirement/severance payments and shall receive a credit of \$500 for each year of consecutive service up to a maximum of \$5,000 in supplemental pay benefits.
- For less than 190 day employees, a \$2,500 one-time retirement/severance pay benefit after ten (10) consecutive years of service.
- Retirement/severance pay benefits will be put into a Valic 403B. It is up to the retiree to ensure they are set up to have their benefits put into the Valic 403B.
- Upon the death of any employee eligible for retirement/severance pay benefits, and if an executor, administrator, or personal representative has been designated by the courts, a lump sum shall be paid to such executor, administrator, or personal representative. If no such representative has been designated by the courts, payment may be made to the employee's surviving spouse. If no surviving spouse exists, payment may be made to the distributees of the estate in accordance with Indiana law, rulings, and regulations.

## **LEAVE BENEFITS**

### **Family and Medical Leave**

The Family and Medical Leave Act (FMLA) of 1993 requires employers to provide up to twelve (12) weeks of paid, job-protected leave within a twelve (12) month period to eligible employees for certain family and medical reasons. Employees are eligible if they have worked for an employer for at least one (1) year and for at least 1,250 hours over the previous twelve (12) months. FMLA leave may not be used for more than twelve (12) weeks during any twelve (12) month period.

Leaves may be granted for any of the following reasons:

- To care for the employee's child after birth. The initial twelve (12) weeks will be FMLA leave.
- To care for the employee's child after placement for adoption. The initial twelve (12) weeks will be FMLA leave.
- To care for a foster child after placement.
- To care for the employee's spouse, son, daughter, or parent who has a serious health condition.
- For a serious health condition that makes the employee unable to perform his/her job.

Employees must use their available absence days and/or vacation days as part of their FMLA leave.

Request for family or medical leave should be made in writing to the Superintendent as soon as possible and must be approved by the Board of School Trustees. The twelve (12) month leave eligibility period begins the first day of FMLA leave.

Employees may be required to provide advance leave notice and medical certification. Taking a leave may be denied if the following requirements are not met:

- The employee ordinarily must provide thirty (30) days advance notice when the leave is foreseeable.
- The School Town will require medical certification to support a request for leave because of a serious health condition, and may require second and third opinions and a fitness-for-duty report to return to work. Sufficient certification will include a statement that a serious health condition prevented the employee from being able to perform the functions of his/her position on the dates of requested leave, or that the employee is needed to care for a family member who has a serious health condition on the dates of the employee's leave. The phrase "is needed to care for" a family member should be interpreted to include psychological, physical, or medical care.

For the twelve (12) week duration of FMLA leave, the School Town will maintain the employee's health insurance coverage under the group plan, with the corporation paying its customary portion of the premiums and the employee paying his/her portion. Upon returning from FMLA leave, employees will be reinstated to their former or equivalent position with equivalent pay, benefits, and other employment terms and conditions. The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, employees who have been granted FMLA leave shall not be eligible for such benefits as absence days, vacation days, holidays, or any other benefits during the leave period. Exceptions to the provision of no loss of benefits may apply if business circumstances warrant such change.

If an employee fails to report to work promptly at the end of the approved leave period, the School Town will assume that he/she has resigned. Should the employee elect not to return to work at the end of the leave for reasons not associated with the health condition that prompted the leave, or for circumstances beyond the control of the employee, he/she shall reimburse the school corporation for the insurance premiums and other benefits paid by the corporation during the leave period.

### **Bereavement Leave**

Employees in the following employment classifications shall qualify for bereavement leave with full pay regardless of the date of employment: 260 day employees, 190-259 day employees, transportation drivers, and head cooks/1<sup>st</sup> helpers. Up to five (5) consecutive work days of bereavement leave may be granted immediately following each death of a spouse, parent, child, brother, sister, or person living in the household as part of the family. Up to three (3) consecutive work days of bereavement leave may be granted immediately following each death of a grandparent, grandchild, father/mother-in-law, brother/sister-in-law, son/daughter-in-law, aunt or uncle. Bereavement days must be taken within seven (7) calendar days following the death, do not count toward the loss of any other type of leave, and are not cumulative. The Superintendent may grant additional days at his/her sole discretion. Proof of death may be required.

### **Leave of Absence**

Leave of absence without pay may be authorized by the Board of School Trustees upon written application to the Superintendent. Such leaves shall be confined to illness, disability, or maternity, and typically are granted for a maximum of one (1) year. Employees on an approved leave of absence are not necessarily guaranteed a return to their previous job assignment.

A physician's statement verifying the medical problem or disability must be submitted at the time of application. Applications must state the beginning and expected return date from the leave, and should be submitted no later than ten (10) calendar days prior to the effective date of the leave except in the case of a medical emergency.

Employees who have been granted an unpaid leave of absence shall not be eligible for benefits such as absence days, vacation days, holidays, bereavement leave, legal duty, etc. Such employees, however, shall be entitled to continue participation in health, dental, vision, and/or life insurance coverage in which he/she was participating in at the time the unpaid leave was approved, so long as he/she assumes the total cost of all insurance premiums for the duration of the unpaid leave. Cancellation of insurance benefits may occur upon the default of premium payments.

If any leave use, including absence days, has been excessively frequent or suspicious, the School Town retains the right to require the submission of a physician's statement certifying the illness or injury. Likewise, an employee returning to work from a leave of absence due to illness, injury, or maternity will be required to submit a physician's release prior to returning to work, or be required to pass an appropriate medical examination at the request of the School Town before returning to work. If an employee fails to report to work promptly at the end of any approved leave period, the School Town will assume that he/she has resigned.

### **Legal Duty**

Full-time employees may request paid court, jury, or witness duty leave. Income received for serving legal duty will be forfeited to the School Town of Highland. Part-time employees serving legal duty will be paid by the Courts and not by the School Town.

Legal duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence.

Employees must provide the court duty summons, subpoena, or attorney letter requesting their appearance before a governmental body, court, or judicial tribunal to their supervisor as soon as possible so that arrangements can be made to accommodate their absence. Employees are expected to report to work whenever the court schedule permits.

Either the School Town or the employee may request an excuse from legal duty if, in the School Town's judgment, the employee's absence would create a serious operational hardship.

The School Town will continue to provide all fringe benefits for the full-term of the legal duty for employees who qualify. Employees who are subpoenaed to court as a witness in a legal matter not involving the school corporation must request an absence day, vacation day, or day without pay in order to attend such a legal proceeding.

### **Military Leave**

A military leave of absence for up to fifteen (15) days per calendar year will be granted without loss of pay, benefits, or time for an employee who is a member of a military reserve authority or the National Guard and is on required training duties or temporary active duty under the order of the governor. This temporary leave of absence will be in addition to such employee's regular vacation entitlement. All leaves must be approved by the Board of School Trustees and be in accordance with state and federal laws.

If an employee who is a member of the military reserves or the National Guard is called to active duty by order of the governor or the President of the United States, a leave of absence will be granted to the employee without pay or benefits. The employee will be entitled to reemployment rights provided he/she fulfills the reemployment criteria.

## **PAYROLL**

### **Timekeeping**

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the School Town of Highland to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is the actual time spent on the job performing assigned duties.

It is the responsibility of every employee to accurately record the time he or she begins and ends their work, as well as the beginning and ending time of each meal period. Employees should also record the beginning and ending time of any split shift or departure from work for personal reasons.

Altering or falsifying time records or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Additional pertinent payroll-related information includes the following:

- All classified employees are employed on an established hourly rate.
- A minimum work week for all full-time employees with benefits is 30 hours (except for transportation drivers whose minimum work week is 20 hours).
- Overtime pay is generally not afforded to employees. Any overtime request must be approved by the Superintendent prior to the work being performed. Employees who do work approved overtime will be paid a rate of time and a half for hours that exceed a forty (40) hour work week.
- Time off for vacation days, holidays, absence days, or a leave of absence will not be considered hours worked for purposes of overtime calculations.

### **Paydays**

All employees are paid bi-weekly on Friday. Each paycheck will include earnings for all work performed through the end of the prior week. Employees have the option of depositing their earnings directly into a participating financial institution.

In the event that a regularly scheduled payday falls on a day off, such as a holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

Pay checks are automatically deposited.

### **Pay Corrections**

The School Town of Highland takes all reasonable steps to ensure that employees receive the correct amount of pay in each pay check and that they are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay that an employee has earned, he/she should promptly notify the Superintendent's office so that corrections can be made as quickly as possible.

### **Pay Deductions**

The law requires that the School Town of Highland make certain automatic deductions from every employee's compensation. Among these mandatory deductions are applicable federal, state, and local withholding taxes. The School Town also must deduct social security taxes on each employee's earnings up to a specified limit. The School Town matches the amount of social security taxes paid by each employee.

The School Town offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs, such as tax sheltered annuity contributions, various group insurance plan premiums not paid by the school corporation, and Section 125 deductions. Tax sheltered annuity deductions provide an excellent opportunity for employees to set aside funds on a pre-tax basis for their retirement.

Employees with questions about why deductions were made from their paychecks, how such deductions were calculated, or who wish to change the number of dependents claimed for tax withholding purposes, should contact the Superintendent's office.

### **Section 125 Plan**

Employees will be provided the option to participate in a Flexible Benefit Spending Plan pursuant to Section 125 of the United States Internal Revenue Code (IRS). This benefit allows employees the opportunity to set aside an amount not to exceed twenty-five percent (25%) of his/her salary as non-taxable funds to cover non-reimbursed medical expenses, long-term or short-term disability insurance premiums, and/or dependent care costs. Deductions are taken out of an employee's paycheck on a pre-tax basis.

### **Employment Termination**

Since employment with the School Town of Highland is based on mutual consent, both the employee and the School Town have the right to terminate employment at will, with or without cause, at any time. Employees will receive their final pay in accordance with applicable state law. Employee benefits will continue for as long as they have been paid, which is typically the following week. Health insurance benefits can be continued up to eighteen (18) months under the Consolidated Omnibus Budget Reconciliation Act (COBRA) plan so long as the former employee pays all premium costs and related expenses in the prescribed manner.

The following are examples of circumstances under which employment is terminated:

**Resignation** - employment termination initiated by an employee who chooses to leave the school corporation voluntarily.

**Discharge** - employment termination initiated by the school corporation.

**Layoff** - involuntary employment termination initiated by the school corporation for non-disciplinary reasons.

**Medical Termination** – employment termination initiated by the employee or by the school corporation when an employee is unable to continue to work for health reasons.

**Retirement** - voluntary retirement from active employment initiated by the employee.

Letters of resignation should be addressed to the Superintendent and submitted at least two (2) weeks prior to the effective date of termination.

## **WORK CONDITIONS**

### **Professional Development/In-Service**

The School Town uses SafeSchools professional development software to provide much of its state and/or federal mandated training. Once entered into the program, the employee will receive an email notifying him/her of the required trainings he/she needs to complete and the timeline for completion. (The employee will need an STOH email address to access the training.)

Employees may be required to attend additional in-service training as scheduled from time to time by the school corporation.

### **Safety**

The School Town of Highland provides information to employees about workplace safety, health issues, and emergency procedures through both communication and in-service means, such as training activities, demonstrations, seminars, departmental meetings, bulletin board postings, memos, and/or other written communications. It is the responsibility of every employee to become familiar with all safety and emergency procedures, as well as updates as they become available.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their direct supervisor in writing by completing an Accident Report form. Such reports are necessary to comply with specified laws and to initiate insurance and workmen's compensation benefits procedures.

### **Use of Mail Systems**

The use of School Town postage for personal correspondence or the personal use of fax machines is not permitted.

### **Use of Internet/E-Mail**

Most employees of the School Town of Highland will have access to School Town internet and e-mail service, as well as other school corporation-owned technology equipment and services. The use of such technological equipment and services is a privilege and not a right. The information network system is owned by the School Town and is to be used for educational or school corporation business purposes only. Employees are expected to access their e-mail accounts at least on a daily basis.

It is the responsibility of each employee to read the School Town of Highland's E-mail and Internet Acceptable Use Policy and obey all provisions of the agreement, copyright laws, and all other local, state, and federal laws and regulations that pertain to the use of network services. Employees will assume full responsibility and be held accountable for any such legal violations and for all repair/replacement costs arising from damage to hardware and software caused by negligent, careless, or deliberate actions on the part of the user. Any violations of the E-mail and Internet Acceptable Use Policy may result in revocation of the e-mail account, disciplinary action, termination of employment, and/or legal action.

## **CORPORATION-ISSUED STAFF E-MAIL ACCOUNT (Board Policy 7540.05)**

### **Staff**

The School Board is committed to the effective use of electronic mail ("e-mail") by all School Corporation staff and Board members in the conduct of their official duties. This policy and any corresponding guidelines are intended to establish a framework for the proper use of e-mail for conducting official business and communicating with colleagues, students, parents and community members.

When available, the Corporation's e-mail system must be used by employees for any official Corporation e-mail communications. Personal e-mail accounts on providers other than the Corporation's e-mail system may be blocked at any time if concerns for network security, SPAM, or virus protection arise.

Corporation staff are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the Corporation's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

Corporation staff shall not send or forward mass (district-wide) e-mails, even if the e-mails concern Corporation business, without prior approval of the Superintendent and/or designee.

Staff members are encouraged to keep their inbox and folders organized by regularly reviewing e-mail messages, appropriately saving e-mails that constitute a public record or student record and e-mails that are subject to a litigation hold (see Policy **8315** – Information Management), and purging all other e-mails that have been read.

Staff members are prohibited from using school email (or school time) to promote any referendum after the resolution is passed or any political candidates.

Nothing in this policy is intended to interfere with any school employee's rights under applicable law with respect to union organizing or collective bargaining.

### **Public Records**

The Corporation complies with all Federal and State laws pertaining to electronic mail. Accordingly, e-mails written by or sent to Corporation staff and Board members may be public records if their content concerns Corporation business or education records if their content includes personally identifiable information about a student. E-mails that are public records are subject to retention and disclosure, upon request, in accordance with Policy **8310** – Public Records. E-mails that are student records must be maintained pursuant to Policy **8330** – Student Records. Finally e-mails may constitute electronically stored information ("ESI") that may be subject to a litigation hold pursuant to Policy **8315** – Information Management.

State and Federal law exempt certain documents and information within documents from disclosure, no matter what their form. Therefore, certain e-mails may be exempt from disclosure or it may be necessary to redact certain content in the e-mails before the e-mails are released pursuant to a public records request, the request of a parent or eligible student to review education records, or a duly served discovery request involving ESI.

E-mails written by or sent to Corporation staff and Board members by means of their private e-mail account may be public records if the content of the e-mails concerns Corporation business or education records if their content includes personally identifiable information about a student. Consequently, staff shall comply with a Corporation request to produce copies of e-mail in their possession that are either public records or education records or that constitute ESI that is subject to a litigation hold, even if such records reside on a computer owned by an individual staff member or are accessed through an e-mail account not controlled by the Corporation.

## **Retention**

Pursuant to State and Federal law, e-mails that are public records or education records and e-mails that are subject to a litigation hold shall be retained.

The Corporation maintains archives of all e-mails sent and/or received by users of the Corporation's e-mail service. Staff members are required to forward copies of any e-mails received in their personal e-mail account(s) not affiliated with the Corporation server to their Corporation e-mail account so that these records also are archived for future retrieval, if necessary.

## **Unauthorized E-mail**

The Board does not authorize the use of its Technology Resources, including its computer network ("network"), to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or nonexistent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

## **STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY (Board Policy 7540.04)**

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning, to incorporate the vast, diverse, and unique resources available through the Internet. The School Board provides Technology Resources and Information Resources (as defined by Bylaw 0100) to support the educational and professional needs of its staff and students. The Board provides staff with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students and to facilitate the staff's work. The Corporation's computer network and Internet system do not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose.

The Board regulates the use of Corporation Technology Resources and Information Resources by principles consistent with applicable local, State, and Federal laws, and the Corporation's educational mission. This policy, its related administrative guidelines and any applicable employment contracts and collective bargaining agreements govern the staffs' use of the Corporation's Technology Resources and Information Resources and staff's personal communication devices when they are connected to the Corporation's computer network, Internet connection and/or online educational services/apps, or when used while the staff member is on Corporation-owned property or at a Corporation-sponsored activity (see Policy 7530.02).

Users are prohibited from engaging in actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks,

invasion of privacy, injurious comment, and the like) when using Corporation Technology Resources and Information Resources. Because its Technology Resources are not unlimited, the Board also has instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using Corporation Technology Resources and Information Resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the Corporation's computer network and/or Internet connection).

Staff members are expected to utilize Corporation Technology Resources and Information Resources to promote educational excellence in our schools by providing students with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet and online educational services will be guided by Board Policy 2520 – Selection of Instructional Materials and Equipment.

The Internet is a global information and communication network that provides students and staff with access to up-to-date, highly relevant information that will enhance their learning and the education process. Further, Corporation Technology Resources provide students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges and responsibilities.

The Corporation may not be able to limit access technologically through its Technology Resources to only those services and resources that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past, when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources which may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Corporation has implemented technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or Superintendent, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using Corporation Technology Resources if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be subject to disciplinary action, up to and including termination.

The Superintendent or Coordinator of Instructional Technology may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material, if access to such sites has been blocked inappropriately by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures.

Staff members will participate in professional development programs in accordance with the provisions of law and this policy. Training shall include:

- A. the safety and security of students while using e-mail, chat rooms, social media, and other forms of direct electronic communications;
- B. the inherent danger of students disclosing personally identifiable information online;
- C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying and other unlawful or inappropriate activities by students online; and
- D. unauthorized disclosure, use, and dissemination of personally identifiable information regarding minors.

Furthermore, staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security and specified above, and staff members will monitor students' online activities while at school.

The disclosure of personally identifiable information about students online is prohibited.

Building principals are responsible for providing training so that users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the Corporation Technology Resources. All users of Corporation Technology Resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

Staff members are responsible for good behavior on Corporation Technology and Information Resources, i.e., behavior comparable to that expected when they are in classrooms, in school hallways, on other school premises and at school-sponsored events. Communications on Education Technology are often public in nature. The Board does not approve any use of its Technology Resources and Information Resources that is not authorized by or conducted strictly in compliance with this policy.

General school rules for behavior and communication apply.

Users who disregard this policy may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of Technology Resources not authorized by this Board Policy.

The Board designates the Superintendent and/or designee as the administrators responsible for initiating, implementing, and enforcing this policy as it applies to staff members' use of Corporation Technology and Information Resources and Information Resources.

### **Social Media Use**

An employee's personal or private use of social media may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments related to matters of private concern that could compromise the Corporation's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property including from the employee's private computer. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

In addition, Federal and State confidentiality laws forbid schools and their employees from using or disclosing student education records without parent consent (see Board Policy **8330**). Education records include a wide variety of information, and posting personally identifiable information about students is not permitted. Staff members who violate State and Federal confidentiality laws or privacy laws related to the disclosure of confidential student or employee information may be disciplined.

Nothing in this policy is intended to interfere with any school employee's rights under applicable law with respect to union organizing or collective bargaining.

Each employee will sign a Technology Responsible Use form. A copy of the form is located in the Appendix.

### **Use of Tobacco**

Smoking and all other uses of tobacco are not permitted in any school corporation-owned buildings, grounds, or vehicles. All employees have a responsibility to help monitor the "no tobacco" policy and to maintain a healthy and safe environment. Employees who observe someone using tobacco on school property should politely request that the individual properly dispose of the tobacco product.

### **USE OF TOBACCO BY SUPPORT STAFF (Board Policy 4215)**

The Board recognizes that the use of tobacco presents a health hazard that can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including a cigar, cigarette, pipe, snuff, or any other matter or substance that contains tobacco, as well as electronic, "vapor," or other substitute forms of cigarettes.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board cannot, even by indirection, condone the use of tobacco, the Board prohibits the use of tobacco by support staff members at all times within any facility owned or leased or contracted for by the Board.

The Board also prohibits the use of tobacco anywhere on the campus of any facility owned or leased or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts and all open areas and will remain in effect at all times. Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, special purpose buses, vans, trucks, and cars.

The Superintendent and/or building principals shall ask an individual who is smoking in violation of this policy to refrain from smoking and cause to be removed from Corporation property an individual who is smoking in violation of this policy and fails to refrain from smoking after being asked to refrain from smoking.

### **Use of Equipment and Vehicles**

When using School Town of Highland equipment, vehicles, and other property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. In addition, all employees must have in their possession a currently valid drivers' license when operating any School Town vehicle. Employees are expected to use school corporation property and vehicles for authorized, official business purposes only.

Employees should notify their direct supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of potential problems could prevent deterioration

of equipment and possible injury to employees or others. The direct supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

Unauthorized, non-employees are not to be in district vehicles at any time, either as passengers or drivers. Employees are not to drive or be passengers in district vehicles during their non-working hours.

The improper, careless, destructive, negligent, or unsafe use of School Town equipment or vehicles, as well traffic or parking violations, can result in disciplinary action, up to and including termination of employment.

### **Emergency Delay/Closing**

At times, emergencies such as severe weather, temporary flooding, or power failures can disrupt School Town operations. In extreme cases, such circumstances may require the delay/closing of a facility. In the event that such an emergency occurs during nonworking hours, the delay/closing information will be posted on the district's Twitter account, the district's webpage and sent via the district's text/email notification system.

During the school year when inclement weather or an emergency causes closing, all instructional and supervisory aides, building secretaries, cafeteria workers, and transportation personnel will be notified if and when they are to report to work. Twelve (12) month employees should arrive to their workplaces as soon as safely possible.

When the start of a work day is delayed due to an emergency or inclement weather, employees are to report to their workplaces at their regular starting times (or as soon as it is safe to do so). Employees who arrive to their job assignments after their regular starting time may either be docked pay for the time tardy, make up the tardy time within the pay period in which the delay occurred, or make up the tardy time within the pay period immediately following the delay and be paid for such make-up time.

### **Emergency Call Outs**

If maintenance and/or custodians are called to work for emergency reasons, they will be paid a minimum of 3 hours.

### **Visitors in the Workplace**

To provide for the safety and security of employees and the facilities of the School Town of Highland, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

All visitors entering any School Town facility should report immediately to the reception/main office area. Authorized visitors will receive directions and/or be escorted to their destinations. Employees are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on School Town premises, employees should immediately notify their supervisor or the building principal and direct the individual to the reception/main office area.

### **Life-Threatening Illness**

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The School Town of

Highland supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, the School Town will make reasonable accommodations in accordance with all legal requirements to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

Medical information on individual employees is treated confidentially. The School Town will take reasonable precautions to protect such information from inappropriate disclosure. All employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

Employees with questions or concerns about life-threatening illnesses are encouraged to contact the Superintendent's office.

## **CONDUCT**

### **Employee Conduct and Work Rules**

To assure orderly operations and to provide the best possible work environment, the School Town of Highland expects employees to maintain standards of conduct that will protect the interests and safety of both employees and the School Town.

It is not possible to list all the types of behavior that are considered unacceptable in the workplace. The following are non-inclusive examples of violations of rules and policies of conduct that may result in disciplinary action, up to and including immediate termination of employment:

- Breach of confidentiality or inappropriate disclosure of confidential information or records.
- Theft or inappropriate removal, use, damage, or possession of equipment, vehicles, computer programs, or property of the School Town or another employee or individual, including the improper transfer of materials, plans, products, designs, ideas, data, etc.
- Working under the influence of alcohol or illegal substances or the deliberate abuse of prescription drugs.
- Possession, distribution, sale, transfer, or use of alcohol or illegal substances on School Town property, while on duty, or while operating school corporation-owned vehicles or equipment.
- Disorderly conduct, fighting, gambling, horseplay, attempting bodily injury, or threatening violence on School Town property.
- Actions that endanger the health and welfare of a student or an employee.
- Unprofessional, unethical, or improper interaction with students.
- Insubordination or refusal to follow directions from one's supervisor.
- Threatening, bullying, or intimidating a student or employee, including the use of abusive language or malicious or offensive statements.

- Violation of safety, health, or emergency rules or failure to report a dangerous situation.
- Not reporting personal injuries.
- Use of profanity or any other form of inappropriate language on School Town property.
- Physical, sexual, or other unlawful harassment or assault.
- Misrepresentation, withholding, or falsification of records, claims, employment information, time cards, etc., or concealing defective work.
- Failure to report a suspended or revoked drivers' license prior to operating School Town vehicles.
- Use or possession of dangerous, illegal, or unauthorized materials, such as explosives, weapons, or firearms, on School Town property.
- Excessive tardiness, absenteeism, or any absence without notice, including leaving premises during scheduled work time without permission of the immediate supervisor.
- Unauthorized or inappropriate use of e-mail, the internet, telephone, fax machine, video equipment, or any other form of school corporation-owned technology, communication device, or equipment.
- Disrespectful conduct toward other employees, supervisors, students, or patrons.
- Violation of state or federal law or School Board policy.
- Negligence or unsatisfactory performance or conduct.
- On or off-duty conduct that reflects adversely on the School Town of Highland, its employees, and/or the general public.

Employment with the School Town of Highland is the mutual consent of the School Town and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

### **Drug and Alcohol Use**

It is the School Town of Highland's desire to provide a drug free, healthy, and safe learning and work environment that enables employees and students to perform at their most productive levels. To promote this goal, employees are required to report to work in an appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

While on School Town premises, while operating School Town equipment or vehicles, or while conducting business-related activities off School Town property, no employee may use, possess, distribute, sell, or be under the influence of alcohol or engage in the unlawful manufacture, distribution, possession, or use of an illegal or controlled substance. Violations of this policy may lead to immediate termination of employment, as well as legal consequences.

The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of his/her job in an effective and safe manner that does not endanger other individuals in the workplace.

All transportation drivers will participate in a baseline and random alcohol and drug testing program as required by law. In addition, any employee who exhibits reasonable suspicion through their actions, words, or behavior that he/she is under the influence of alcohol or a controlled substance will be subject to a drug and/or alcohol test. Such testing will be paid for by the school corporation.

## **ANTI-HARASSMENT (Board Policy 4362)**

### **General Policy Statement**

It is the policy of the Board of School Trustees to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment, occurring in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment (hereinafter referred to collectively as "unlawful harassment"). This commitment applies to all Corporation operations, employment opportunities, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment occurring in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct affects the corporation environment.

The Board will vigorously enforce its prohibition against unlawful harassment (see definition above), which is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), religion, disability, military status, ancestry, or genetic information that are classes protected by Federal and/or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the Corporation community as well as third parties who feel aggrieved to seek assistance to rectify such problems occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment.

All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition above) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment that the employee observes or which is reported to the employee.

The Board will investigate all allegations of unlawful harassment (see definition on page 1) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment and, in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment (see definition on page 1) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment will be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school.

Furthermore, Corporation employees who fail to report any incident of alleged unlawful harassment (see definition on page 1) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment that the employee observes

or which is reported to the employee also are subject to appropriate disciplinary action, up to and including termination of employment.

For purposes of this policy, "Corporation community" means students, administrators, teachers, and staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on Corporation property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the Corporation community at school-related events/activities (whether on or off Corporation property).

### **Other Violations of the Anti-Harassment Policy**

The Corporation also will take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment (see definition on page 1), or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment (see definition on page 1).
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment (see definition on page 1), when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

### **Definitions**

#### **Bullying**

Bullying rises to the level of unlawful harassment (see definition on page 1) when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students with the intent to harass, ridicule, humiliate, intimidate or harm that/those student(s), and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. Intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. sexual violence;
- I. theft;
- J. sexual, religious, or racial harassment;

- K. public humiliation; or
- L. destruction of property.

In the bullying context, "harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student that:

- A. places a student in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

### **Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. sexual violence, including physical assault.
- C. threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

- I. in the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other students and/or employees or otherwise creates a hostile work environment.
- J. inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life.
- K. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or creates a hostile or abusive employment or educational environment.

**NOTE:** Sexual conduct/relationships with students by a Corporation employee or any other adult member of the Corporation community is prohibited, and any teacher, administrator, coach or other school authority, or staff member who engages in certain sexual conduct with a student may be disciplined up to and including termination and also may be guilty of the criminal charge of "sexual battery" as set forth in I.C. 35-42-4-8. In the case of a child under fourteen (14) years of age, the person may also be guilty of "child molesting" under I.C. 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person may also be guilty of "sexual misconduct with a minor" under I.C. 35-42-4-9. The issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any employee accused of sexual relations with a student may be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student regardless of the age of the student will initiate the termination process for the employee.

### **Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

### **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

### **National Origin Harassment**

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

## **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment also may include but is not limited to conduct directed at or pertaining to a person's genetic information.

## **Reports and Complaints of Harassing Conduct**

Students, members of the Corporation community and third parties are encouraged to promptly report incidents of unlawful harassment (see definition on page 1) to an administrator, supervisor or other School Corporation official so that the Corporation may address the conduct before it becomes severe, pervasive, or persistent. All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee. Any administrator, supervisor, or other Corporation-level official who receives such a complaint shall file it with the Corporation's Anti-Harassment Compliance Officer at his/her first convenience. Corporation employees who fail to comply with the reporting responsibility shall be subject to discipline, up to and including termination. Members of the Corporation community or third parties who believe they have been subjected to unlawful harassment (see definition on page 1) by another member of the Corporation community or a third party are entitled to utilize the Board's complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false. Individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of a reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying, the principal or his/her designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful harassment (see definition on page 1) based on "Protected Classes" (see definition on page 1), the principal or his/her designee will report the act of bullying and/or harassment to one (1) of the Compliance Officers who shall investigate the allegation in accordance with this policy.

## **Anti-Harassment Compliance Officers**

The following individuals serve as "Anti-Harassment Compliance Officers" for the Corporation. They are hereinafter referred to as the "Compliance Officers".

Superintendent	Director, Curriculum & Student Services
9145 Kennedy Avenue	9145 Kennedy Avenue
Highland, IN 46322	Highland, IN 46322
219-924-7400	219-924-7400

The names, titles, and contact information for the Compliance Officers will be published annually in the student, parent, and staff handbooks and on the Corporation's web site.

A Compliance Officer will be available during regular school/work hours to discuss concerns related to "unlawful harassment" (see definition on page 1), to assist students, other members of the School

Corporation community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

Any Corporation employee who directly observes unlawful harassment (see definition on page 1) of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student if age eighteen (18) or older, or the student's parents if under the age of eighteen (18) within two (2) business days to advise him/her/them of the Corporation's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or his/her designee to conduct an investigation following all the procedures outlined in this policy for a formal complaint. Additionally, if the alleged harasser is a student, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days to advise him/her/them of the Corporation's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint. However, all complaints of harassment involving a Corporation employee or any other adult member of the Corporation community against a student will be formally investigated.

The Compliance Officers are assigned to accept complaints of unlawful harassment (see definition on page 1) directly from any member of the Corporation community or a visitor to the Corporation, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the Corporation community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. However, if the alleged harasser is the Superintendent, the recommendations shall be submitted to the Board President.

All Corporation employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

### **Investigation and Complaint Procedure**

Any employee or other member of the Corporation community or third party (e.g., visitor to the Corporation) who believes that s/he has been subjected to unlawful harassment (see definition on page 1) may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of unlawful harassment (see definition on page 1) and a process for rendering a decision regarding whether the claim of unlawful harassment (see definition on page 1) was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1), time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC) or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop inappropriate behavior and/or unlawful harassment (see definition on page 1) to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully harassed or retaliated against in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment. This informal procedure is not required as a precursor to the filing of a formal complaint and/or filing a concurrent criminal complaint, and will be utilized only where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

Employees, other members of the Corporation community, or third parties who believe that they have been subjected to unlawful harassment (see definition on page 1) or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint procedure.

However, all complaints of unlawful harassment involving a Corporation employee, any adult member of the Corporation community, or a third party against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated. As an initial course of action, if an individual feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer(s) is/are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to one of the Compliance Officers; and/or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to one (1) of the Compliance Officers, who will either facilitate an informal resolution as described below on his/her own or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide employees, other members of the Corporation community or third parties who believe they are being subjected to unlawful harassment (see definition on page 1) with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, one of the Compliance Officers or a designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint, may file a complaint with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), and/or may file a concurrent criminal complaint with the law enforcement agency having jurisdiction. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

One of the Compliance Officers or a designee will retain all materials generated as part of the informal complaint process in accordance with the Board's records retention policy (see Policy **8310**, Policy 8320 and Policy **8330**).

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

The formal complaint process is not intended to interfere with the rights of an employee, other member of the Corporation community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), and/or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

An individual who believes s/he has been subjected to offensive conduct/unlawful harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing with a teacher, principal, the Compliance Officer, Superintendent, or other Corporation-level employee. Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1) and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, Superintendent, or other Corporation-level employee, either orally or in writing, about any complaint of harassment or retaliation, the employee to whom the complaint is reported must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints of unlawful harassment or retaliation must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation,

including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent and/or Board Attorney. Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/unlawful harassment/retaliation.

A principal will not conduct an investigation unless directed to do so by the Compliance Officer. Contemporaneously, one of the Compliance Officers or a designee will inform the individual alleged to have engaged in the unlawful harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of the Board's anti-harassment policy shall be provided to the Respondent. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, one of the Compliance Officers or a designee will attempt to complete an investigation into the allegations of harassment or retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and
- D. consideration of any documentation or other information, presented by the Complainant, Respondent, or any other witnesses that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment or retaliation. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used (i.e., it is more likely than not that unlawful discrimination retaliation occurred).

The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a written decision as described above.

A Complainant or respondent who is dissatisfied with the decision of the Superintendent may appeal through a signed written request to the Board of School Trustees within five (5) business days of his/her receipt of the Superintendent's final decision.

If the Superintendent is the Respondent, the appeal process will skip the review by the Superintendent and move directly to the Board. In such circumstances, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Board that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment (see definition on page 1) or retaliation.

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the Corporation community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant and the Respondent may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, Equal Employment Opportunity Commission, Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

### **Privacy/Confidentiality**

The Corporation will employ all reasonable efforts to protect the privacy of the Complainant, the Respondent(s) (that is the individual(s) against whom the complaint is filed), and the witnesses to the extent possible, consistent with the Corporation's legal obligations to investigate, to take appropriate action, and comply with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed.

All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School Corporation community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

In accordance with the Board's records retention policy and student records policy, the Compliance Officer will maintain all records created as a part of an investigation of a complaint of unlawful harassment/retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment. (See Policy **8310** - Public Records and/or Policy **8330** – Student Records)

### **Remedial Action, Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any.

All subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects. Prior sanctions imposed on the Respondent(s) for similar past conduct shall be considered in determining the appropriateness of the sanction(s) imposed for the present conduct.

The Board may appoint an individual, who may be an employee of the Corporation, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Corporation other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.

### **Retention of Public Records, Student Records, and Investigatory Records and Materials**

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy **8315**) created and received as part of an investigation, including but not limited to complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy **8315**) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy **8315**) created or received as part of an investigation shall be retained in accordance with Policy **8310**, Policy 8315, Policy **8320**, Policy 8330 and the Corporation's records retention schedule.

## **Remediation**

In cases where the complaint investigation results in a finding that the allegation of harassment is substantiated, action must be taken by the Compliance Officer to remedy the past effects of such harassment. This may include but is not limited to providing a contact person to monitor the harassed student, providing tutoring to the student, allowing the student to retake tests or assignments, and counseling. Counseling shall be offered to all students who have been subjected to harassment.

## **Retaliation**

Any act of retaliation against a person who has made a report, filed a complaint alleging unlawful harassment, or participated as a witness in a harassment investigation is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten, or interfere with any individual because the person opposed any act or practice of unlawful harassment (see definition on page 1), or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing pertaining to unlawful harassment, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Federal or State laws.

Individuals found to have engaged in retaliation shall be subject to disciplinary action, up to and including termination of employment or expulsion from school.

## **Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Child Services, Office of Child Protective Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant or the alleged victim, a report of such knowledge must be made in accordance with State law and Board Policy.

If the Compliance Officer or a designee has reason to believe that the Complainant has been the victim of criminal conduct as defined under State law, such knowledge should be reported to local law enforcement.

Any reports made to Child Protective Services or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies.

## **Education and Training**

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Compliance Officers will oversee training of Corporation employees and students so that they understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law. All training regarding the Board's policy and harassment in general will be age and content appropriate.

## **Notice**

Notice of the Board's policy on anti-harassment related to employment practices and the identity of the Compliance Officers will be posted throughout the Corporation, and published in any Corporation statement regarding the availability of employment, in any staff handbooks, and in general information publications of the Corporation as required by Federal and State law and this policy.

**Attendance and Punctuality**

To maintain a safe and productive work environment, the School Town of Highland expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the School Town. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the tardiness or absence.

Poor attendance and excessive tardiness are disruptive to the successful operation of the school corporation. Either may lead to disciplinary action, up to and including termination of employment. The School Town retains the right to require written verification of an absence from a healthcare provider.

**Personal Appearance**

Dress, grooming, and personal cleanliness standards contribute to the morale and performance of all employees and directly affect the professional image the School Town of Highland presents to staff members, students, parents, and visitors.

During working hours, employees are expected to dress according to the requirements of their positions, and dress in a manner which will not distract other employees or students.

Employees should consult with their immediate supervisor or the Superintendent if they have any questions as to what constitutes appropriate attire.

**Return of Property**

Employees are responsible for all property, materials, or written information that is issued to them or is in their possession or control. Employees must return all School Town of Highland property immediately upon request or termination of employment. Where permitted by applicable laws, the School Town may withhold from an employee's paycheck(s) the cost of any items that are not returned when requested. The School Town may also take all necessary action to recover or protect its property.

**Security Inspections**

The School Town of Highland wishes to maintain a work environment that is free of illegal drugs, alcohol, weapons, firearms, explosives, or other improper materials. To this end, the School Town prohibits the possession, transfer, sale, or use of such materials on its premises. The School Town requires the cooperation of all employees in administering this policy.

Desks, lockers, file cabinets, and other storage devices may be provided for the convenience of employees, but remain the sole property of the School Town. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the School Town at any time with or without prior notice.

**Solicitation**

In an effort to assure a productive and harmonious work environment, employees may not solicit or distribute literature in the workplace at any time for any purpose.

# CLASSIFIED EMPLOYEE HANDBOOK

## Acknowledgement Form

The Classified Employee Handbook (hereinafter called "Handbook") describes important information concerning employment with the School Town of Highland and I understand that I should consult my immediate supervisor or the Superintendent regarding any questions not answered in the Handbook.

I acknowledge that this Handbook is intended for informational purposes only and does not contain all of the information I may need to know during the course of my employment. I may receive additional information in the future both orally and through official notices. I also understand that the policies, procedures, expectations, and benefits outlined in this Handbook are necessarily subject to review and change by the Superintendent at any time, and that such revised information may supersede, modify, or eliminate existing policies or practices.

I have entered into my employment relationship with the School Town of Highland voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the School Town can terminate the employment relationship at will for any reason, with or without cause, at any time so long as there is no violation of applicable federal or state law.

Furthermore, I acknowledge that this Handbook is neither a contract of employment nor a legal document. It does not constitute any right to continued employment with the School Town of Highland, to any change in salary or position, or to any continuation of described benefits, programs, or procedures while an employee of the School Town of Highland or after the employment relationship has ended.

I certify that I have received the Classified Employee Handbook, and I understand that it is my responsibility to read, comprehend, and comply with all the policies and procedures contained in it and any revisions made to it.

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**Employee's Signature**

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**Date**

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**Employee's Name (Typed or Printed)**