

Harwood Unified Union School District Policy

Policy C6-R

C6-R: NOTICE OF NON-DISCRIMINATION

Policy

The Harwood Unified Union School District will not unlawfully discriminate in its programs and activities against any person or group on any basis prohibited by federal or state law, and will provide equal access to the Boy Scouts and other designated youth groups.¹

The District shall make reasonable accommodations to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the District can demonstrate that the accommodation would impose an undue hardship on the operation of its program or activity.²

The superintendent or his or her designee shall prepare, and the board shall approve, guidance to applicants and employees regarding requests for reasonable accommodations, including provisions for undue hardship.³

Applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District are hereby notified that the District does not discriminate on the basis of race, color, religion, creed, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, disability, age, political affiliation⁴ or marital status in admission or access to, or treatment or employment in, its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.

A person has been designated by the District to coordinate the District's efforts to comply with the regulations implementing Title VI, Title IX, and Section 504 of the Rehabilitation Act of 1973, and other non-discrimination laws or regulations. The designated coordinator is identified in the procedure accompanying this policy along with information on how that person may be contacted.

¹ Federal regulations implementing Title VI (race, color, national origin), Title IX (sex), Section 504 (disability), the *Age Discrimination Act*, and the *Boy Scouts Act* contain requirements for recipients of federal funds to issue notices of non-discrimination. These regulations require that recipients notify students, parents and others that they do not discriminate on the basis of race, color, national origin, sex, disability and age, and, if applicable, that they provide equal access to the Boy Scouts of America and other designated youth groups.

² See 34 C.F.R. § 104.12(a).

³ See 34 C.F.R. § 104.12(b) &(c) for requirements related to reasonable accommodations and factors to be considered when determining when a requested accommodation would create an undue hardship. The inclusion of this provision in this model policy is based on a finding by the federal Office of Civil Rights that a Vermont school district's policy on non-discrimination was not in compliance with Section 504 of the Rehabilitation Act of 1973 because it did not include these provisions.

⁴ Discrimination against an employee on the basis of political affiliation is prohibited by the Vermont Municipal Labor Relations Act. 21 V.S.A. § 1726(a)(7).

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

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

Date Warned: 6/19/2017

Date Adopted:

Legal References(s):

9 V.S.A. §4502 (Public accommodations)

21 V.S.A. §§495 et seq. (Employment practices)

21 V.S.A. §1726 (Unfair labor practices)

20 U.S.C. §§1400 et seq. (IDEA)

20 U.S.C. §§1681 et seq. (Title IX, Education Amendments of 1972))

29 U.S.C. §206(d) (Equal Pay Act of 1963)

29 U.S.C. §§621 et seq. (Age Discrimination in Employment Act)

29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)

42 U.S.C. §§2000d et seq. (Title VI of the Civil Rights Act of 1964)

42 U.S.C. §§12101 et seq. (Americans with Disabilities Act of 1990)

Cross Reference: Personnel: Recruitment, Selection, Appointment and Criminal Records Checks (D1)

Harwood Unified Union School District Policy

Policy C8-L-HU

C8-L-HU: UNIFIED BOARD VOTING PATTERNS

Policy

In accordance with federal and state law, towns in the Harwood Unified Union School District shall be represented on the Harwood Unified Union School District as follows: Each municipality within the Unified District shall be guaranteed at least one resident representative. The number of representatives in excess of one derived from each municipality shall be determined on the basis of relative population within the Unified District. Votes shall be weighted as necessary to achieve more precise proportionality. The weighted vote reflects proportionality and is based on results of the 2010 census. Board composition and weighting will be recalculated promptly following the release of each decennial census. A quorum consists of a meeting of members holding 50.1 or more voting points.

Initial Number of School Board Members by Town:

Town	Board Members	Individual Vote Weight	Total Vote Weight
Duxbury	2	4.6	9.2
Fayston	2	4.6	9.2
Moretown	2	5.6	11.2
Waitsfield	2	6.4	12.8
Warren	2	5.8	11.6
Waterbury	4	11.5	46.0
Totals	14		100

Date Warned: 6/19/2017

Date Adopted:

Legal Reference(s): 16 V.S.A. 707(C)

Cross Reference: US District Court of the District of Vermont decision case *Peter M. Watts and Roselma Grout vs. Harwood Union School Board* docket #6653 dated 12/19/1973

Harwood Unified Union School District Policy

Policy D2-R

D2-R: PROFESSIONAL DEVELOPMENT

Policy

It is the policy of the Harwood Unified Union School District to support the important connection between educator professional development and improved student achievement and assure that professional and para-professional staff members acquire and maintain the knowledge and skills needed to contribute effectively to the achievement of the goals and strategies articulated by the District's action plan.

Principles to Guide Professional Development

Professional development programs sponsored by the District will be directly linked to student performance goals identified in the annual action plan. Additional professional development may be provided.

The superintendent will oversee a professional development system that is:

1. focused on improved student learning and achievement;
2. based on current, documented research findings;
3. rationally calculated to provide instructional continuity;
4. focused on content and curricular needs as well as teaching methodology; and
5. responsive to the needs of all who contribute to the education system.

Implementation

The superintendent or his or her designee will base annual and multi-year professional development programs on an analysis of student performance data, best-practices research, state and local standards compliance and the District's action plan priorities.

The superintendent will report at least annually to the school board on the District's professional development program, with an emphasis on its relationship to student achievement goals.

Date Warned: 6/19/2017

Date Adopted:

Legal Reference(s): 1 V.S.A. §§ 310 et seq. (Open Meeting Law)
16 V.S.A. § 165 (a)(4) (Public School Quality Standards)
16 V.S.A. §§1981 et seq. (Labor relations - professional staff)
21 V.S.A. §§ 1721 et seq. (Labor relations)
16 V.S.A. §261a(5) (Duties of supervisory union boards)
Vermont State Board of Education Rules §§2120.4, 2120.5

Cross Reference: Board Member Education (B1)
Board Goal-Setting and Self-Evaluation (B2)
Educator Supervision & Evaluation (D4)
Fiscal Management and General Financial Accountability (E1)
Local Action Plan (G8)

Harwood Unified Union School District Policy

Policy D6-R¹

D6-R: SUBSTITUTE TEACHERS

Policy

It is the policy of the Harwood Unified Union School District to employ substitute educators who will meet the minimum qualifications outlined by Vermont Standards Board for Professional Educators (VSBPE) Rule, as well as the additional requirements established by this policy.

Qualifications

No person will be placed on the qualified substitute list unless that person has graduated from high school², has been background checked with fingerprint verification, has offered at least three favorable references as to personal and employment character; and has been satisfactorily interviewed.

Unlicensed Persons

Consistent with Rule 5382 of the VSBPE Rules Governing the Licensing of Educators and the Preparation of Educational Professionals, an unlicensed person employed as a substitute may substitute for up to thirty (30) consecutive student days in the same assignment. In order to continue to employ an unlicensed person in this assignment beyond thirty (30) consecutive student days, the superintendent shall apply for an Emergency or Provisional License for the person pursuant to Sections 5350 and 5360 of the Rules.

Licensed Educators

Consistent with Rule 5382 of the VSBPE Rules Governing the Licensing of Educators and the Preparation of Educational Professionals, licensed educators may substitute in a field outside of their endorsement field for thirty student days in the same assignment. Upon application by the superintendent, the Standards Board or its designee may grant one extension for an additional thirty (30) days. In order to continue to employ a licensed educator beyond sixty (60) days outside of his/her endorsement field, the superintendent shall apply for a Provisional License for the person pursuant to Section 5350 of the Rules.

Administrative Responsibilities⁴

A list of qualified substitute teachers, organized by grade level and subject, will be maintained by the superintendent or his or her designee for all schools in the District.

The superintendent or his or her designee will conduct an orientation session for substitute teachers each year, including information on the prevention, identification, and reporting of child sexual abuse, as required by 16 V.S.A. 563(a).

¹ See Rule 5381 of the Vermont Standards Board for Professional Educators (VSBPE): *Each local school board shall adopt a policy establishing employment qualifications for persons who substitute for educators in their absence. Each policy shall require at minimum that the substitute has graduated from high school.*

Substitute teachers will be paid per-diem wages as determined by the superintendent from year to year. Distinctions in pay are permissible based on the rigor of the substitute assignment, including the need to prepare lessons and assess and record student progress; length of service; or objective credentials of the substitute teacher.

Date Warned: 6/19/2017

Date Adopted:

Legal Reference(s):

Vt. Standards Board for Professional Educators Rules §§5381 et seq.
16 V.S.A. §558 (Employment of school board members)
16 V.S.A. §251 et seq. (Access to Criminal Records)

Cross Reference:

Personnel: Recruitment, Selection, Appointment and Criminal Records Checks (D1)

Harwood Unified Union School District Policy

Policy D7-R

D7-R: VOLUNTEERS AND WORK STUDY STUDENTS

Definitions

For purposes of this policy and administrative rules and procedures developed pursuant to this policy:

1. **Volunteer** means an individual not employed by the district who works on an occasional or regular basis in the school setting to assist the staff. A volunteer works without compensation or economic benefits.
2. **Work Study Student** means a post-secondary student who receives compensation for work performed at a school operated by the district as part of a work experience program sponsored or provided by the college or university at which he or she is enrolled. A student working toward a teaching credential who is placed as a student teacher at a district school is not a work study student.

Policy

The Harwood Unified Union School District Board recognizes the valuable contributions made to the schools by volunteers and work study students. The Board further recognizes that appropriate supervision of volunteers and work study students will enhance their contributions as well as fulfill the District's responsibility for the education and safety of its students.

The superintendent shall develop rules and procedures to ensure that work-study students are appropriately screened prior to entering into service in the school districts. Procedures shall require that the superintendent check the names and birth dates of any work study students with the Vermont Internet Sex Offender Registry prior to allowing work study students unsupervised contact with schoolchildren. A person who is on the Registry shall not be eligible to be a work study student or volunteer.

All volunteer activities considered to be part of the regular school programs shall be administered by the same basic standards, policies, and procedures as all school activities staffed by paid school personnel, with the principals and the Board having the same level of responsibility for and authority over volunteer activities as they have respectively in regard to other school activities. In addition, the administration shall develop and implement as appropriate, policies and procedures specifically pertinent to volunteer activities.

Date Warned: 6/19/2017
Date Adopted:
Legal Reference(s): 16 V.S.A. § 260
Cross Reference:

Harwood Unified Union School District Policy

Policy D8-R¹

D8-R: ALCOHOL AND DRUG-FREE WORKPLACE²

Definitions

Drug means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by state or federal statute or regulation.⁵

Workplace means the site for the performance of work for the district, including any school building or any school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. It also includes off school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event, where students are under the jurisdiction of the district.⁶

Employee means all persons directly or indirectly compensated by the district for providing services to the district and all employees of independent contractors who provide services to the district.⁷

Volunteer means an individual not employed by the district who works on an occasional or regular basis in a school setting to assist the staff. A volunteer works without compensation or economic benefits provided by the district.

Work Study Student means a student who receives compensation for work performed at a district school as part of a college work experience program. For purposes of this policy, an intern, working without pay, will be considered as a work study student. A student working toward a teaching credential who may be placed at a member district school as a student teacher is not a work study student.

Policy³

It is the policy of the Harwood Unified Union School District to maintain a workplace free of alcohol and drugs. No employee, volunteer, or work study student⁴ will unlawfully manufacture, distribute, dispense, possess, or use alcohol or any drug on or in the workplace. Nor shall any employee, volunteer or work study student be in the workplace while under the influence of illegal drugs or alcohol. If there are reasonable grounds to believe that an employee, volunteer, or work study student is under the influence of illegal drugs or alcohol while on or in the workplace, the person will be immediately removed from the performance of his or her duties.

Employee Responsibilities

As a condition of employment, each employee will notify the superintendent in writing of his or her conviction of any criminal drug statute for a violation occurring on or in the workplace as defined above. The employee must notify the Superintendent no later than five days after such conviction. Entry of a nolo contendere plea shall constitute a conviction for purposes of this policy, as will any judicial finding of guilt or imposition of sentence. Within 10 days of notification from an employee, or receipt of actual notice of an alcohol or drug conviction, the Superintendent will notify any federal or state officers or agencies legally entitled to such notification.⁸

An employee, volunteer or work study student who violates the terms of this policy may be asked to satisfactorily complete an alcohol or drug abuse assistance or rehabilitation program approved by the Superintendent. In addition, an employee who violates the terms of this policy will be subject to disciplinary action, including but not limited to non-renewal, suspension, or termination at the discretion of the superintendent or, if required, the Board.⁹

D8 Alcohol and Drug Free Workplace Notes and References

¹The Drug Free Workplace Act of 1988 applies to all individuals or organizations that receive federal grants and any individuals or organizations that are federal contractors whose contracts exceed \$100,000. The Act does not explicitly require a Drug Free Workplace policy, but it does require covered entities to "...establish a drug-free awareness program to inform employees about...the grantee's policy of maintaining a drug free workplace...". 41 U.S.C. §702(1)(b)(ii).

²Alcohol is not considered a "controlled substance" under federal law. The Drug Free Workplace Act therefore does not require that alcohol be included in an employer's prohibition of drugs in the workplace. Vermont law does authorize employers to prohibit alcohol possession and/or use of alcohol in the workplace. The Vermont drug testing law defines "drug" broadly, and includes alcohol as a "drug." 21 V.S.A. §511(3).

³The Drug Free Workplace Act requires specific actions on the part of employers including publication of a statement notifying employees of the prohibition against illegal drugs in the workplace, the establishment of a drug-free awareness program with specific elements, the notification to employees that compliance with the prohibition against drugs is a requirement for employment and imposing specific sanctions on any employee who is convicted of violations occurring in the workplace. See 41 U.S.C. §701.

⁴The inclusion of volunteers and work study students as "employees" for purposes of this policy is optional. See endnote 7 below.

⁵The Drug Free Workplace Act uses the term "controlled substance" as synonymous with the term "drug." Controlled substances are listed in the federal law at 21 U.S.C. 812.

⁶Definition derived from 41 U.S.C. §706(1).

⁷41 U.S.C. §706(2). See also U.S. Department of Labor Drug –Free Workplace Advisor, <http://www.dol.gov/elaws/asp/drugfree/policy.htm>. Note that the federal law defines "employee" as one "...directly engaged in the performance of work pursuant to a federal grant or contract, whether or not the employee is paid through grant or contract funds. An employer may expand the coverage of this policy to include all employees, whether or not they are engaged in work pursuant to federal grants.

⁸See 41 U.S.C. §702(a)(1)(D).

⁹School boards are required to act on the dismissal of any school employee after receiving a recommendation from the superintendent. 16 V.S.A. §563(12).

Date Warned: 6/19/2017
Date Adopted:
Legal Reference(s):
Cross Reference:

Policy D11-R

D11-R: DRUG & ALCOHOL TESTING - TRANSPORTATION EMPLOYEES¹

Policy

The District will comply with the Omnibus Transportation Employee Testing Act of 1991 and the provisions of Subchapter 11 of Title 21 of the Vermont Statutes Annotated.

Administrative Responsibilities

The superintendent or his or her designee will implement procedures to conduct alcohol and drug tests for all safety sensitive transportation employees as required by the Testing Act. The superintendent or his or her designee may contract with a qualified service agent to provide testing services, clear and consistent communication with the district Medical Review Officer (MRO), methodology and procedures for conducting random tests for controlled substances and alcohol and preparation and submission of all required reports to the federal or state governments.

Specific Categories of Employees Subject to Testing

This policy applies to safety sensitive employees. Safety sensitive employees are those who hold commercial drivers' licenses or who operate vehicles which may only be operated by holders of commercial drivers' licenses, or those who perform safety sensitive functions as defined in federal regulations.²

Why an Employee will be Tested

Employees will be tested for: marijuana, cocaine, opiates, amphetamines, and phencyclidine.³ Tests will also be conducted for specific prohibited alcohol related conduct while performing in safety sensitive functions as required by federal regulations. Federal regulations presently prohibit the performance of safety sensitive functions while having an alcohol concentration of 0.04%, or grams of alcohol per 100 ml of blood, or greater as indicated by an alcohol test, while using alcohol, or within four hours after using alcohol. The performance of driving functions is prohibited within 24 hours of a test showing alcohol concentrations between 0.02 grams % and 0.04 grams %.⁴

When an Employee will be Tested⁵

Employees will be tested as follows:

- A. Pre-employment tests will be conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. Employees will also be tested when transferring from a non-safety sensitive position to a safety-sensitive position.
- B. Post-accident tests will be conducted after accidents (as defined by federal regulation) on employees whose performance could have contributed to the accident.
- C. Reasonable suspicion tests will be conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or prohibited drug use.
- D. Random tests will be conducted on an unannounced basis just before, during or just after performance of safety sensitive functions.

- E. Return to duty and follow-up tests will be conducted when an individual who has violated prohibited alcohol or drug conduct standards returns to performing safety sensitive duties. Follow-up tests will be unannounced and at least 6 tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

Over-the-counter medications

Over-the-counter medications and other substances may result in a positive test result. A positive test result will subject an employee to the Consequences of Drug Use as provided in section below of this policy.⁶

Refusal to Take Tests

Refusal to submit to testing as required by this policy will constitute a verified drug or alcohol test result. An employee who refuses a required test will be subject to the same sanctions as an employee who tests positively for drug or alcohol misuse.

Removal from Safety Sensitive Functions Prior to Test Administration or Return of Test Results

Employees will be immediately removed from safety sensitive functions when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or prohibited drug use, or after the occurrence of an accident that requires a post-accident test⁷.

Consequences of Alcohol Misuse

Employees who engage in prohibited alcohol conduct will, at a minimum, be immediately removed from safety sensitive functions. Employees who have engaged in alcohol misuse will not be returned to safety sensitive duties until they have been evaluated by a substance abuse professional designated by the District and have complied with any treatment recommendations to assist them with an alcohol problem. In addition, employees who engage in prohibited alcohol conduct may be subject to further disciplinary action, up to and including dismissal.

Consequences of Drug Use

Employees who test positively for drug use will, at a minimum, be immediately removed from safety sensitive duty when a physician designated as the District's MRO has interviewed the employee and determined that the positive drug test resulted from the unauthorized use of a controlled substance. If the positive test result is determined by the MRO to be caused by the authorized use of a controlled substance or over the counter medication, the employee will not be removed from the safety sensitive position unless the MRO determines that the substance impairs the employee's ability to safely carry out the safety sensitive function. An employee will not be returned to safety sensitive duties until he/she has been evaluated by a substance abuse professional designated by the District or the MRO, has complied with rehabilitation recommendations, and has a negative result on a return to duty test. Follow-up testing will be conducted to monitor the returned employee's continued abstinence from drug use. In addition, employees who engage in the unauthorized use of controlled substances may be subject to disciplinary action up to and including dismissal.

Employee Education Programs

The superintendent or his or her designee will provide information and educational materials to safety sensitive employees and supervisors of safety sensitive employees on the consequences of drug and alcohol abuse and treatment resources in accord with the requirements of the Testing Act. At a minimum, supervisors of safety sensitive employees will annually be required to attend at least one hour of training on the signs and symptoms of drug use and an additional hour on the signs and symptoms of alcohol abuse.

Rehabilitation and Treatment Programs

The District will not pay for the rehabilitation and treatment of any employee who has tested positive for drug or alcohol use, whether or not such rehabilitation and treatment is made a precondition of that employee's continued employment or return to a safety sensitive position.

Cost of Testing

The District will pay for tests required by the Testing Act or this policy.

Dissemination of Policy Procedures

Each employee covered by this policy, and a representative of a recognized local employee organization designated by an employee, will be provided with written notice of the District's anti-drug and anti-alcohol policies and procedures.

D11 Transportation Employee Drug Testing References and Notes

U.S. DOT web link to employee testing regulations and guidance:
http://www.dot.gov/ost/dapc/NEW_DOCS/part40.html

For¹ 21 V.S.A. 514(2) requires employers who intend to require drug tests of employees to "...provide all persons tested with a written policy that identifies the circumstances under which persons may be required to submit to drug tests, the particular test procedures, the drugs that will be screened, a statement that over-the-counter medications and other substances may result in a positive test and the consequences of a positive test result. The employer's policy shall incorporate all provisions of this section." The federal requirement for a policy is not as clear. 49 C.F.R. 382.601 is titled "(E)mployer obligation to promulgate a policy on the misuse of alcohol and use of controlled substances..." The text of the regulation, however, refers only to "informational materials." It appears that the predominate belief is that the federal regulations do require an employer "policy," and models are included in many model policy manuals.

² See 49 C.F.R. 382.107 for definition of safety sensitive functions.

³ These are the drugs listed in the federal "Procedures for Transportation Workplace Drug and Alcohol Programs. 49 C.F.R. Part 40.3. Note that Vermont law allows testing for drugs listed in 21 V.S.A. 511(3).

⁴ 49 C.F.R. 40.23(c).

⁵ 49 U.S.C. 31306(b).

⁶ 21 V.S.A. 514(2). Federal Motor Carrier Safety Administration Procedures for Transportation Workplace Drug and Alcohol Testing Programs, <http://www.fmcsa.dot.gov/rules-regulations/adminstration/fmcsr/40.htm>.

Date Warned: 6/19/2017
Date Adopted:
Legal Reference(s): 49 U.S.C. §§ 5331, 31306 (Omnibus Transportation Employee Testing Act of 1991)
49 C.F.R. Parts 40, 382, 391, 392, 395 and 653
21 V.S.A. 511 et seq.
Cross Reference:

Harwood Unified Union School District Policy

Policy D12-R

D12-R: HARASSMENT OF EMPLOYEES

Policy

Harassment is a form of unlawful discrimination, as well as disrespectful behavior, which will not be tolerated. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting harassment as defined and otherwise prohibited by state and federal law, violate this policy. Further, it shall be a violation of this policy to retaliate against any complainant raising good faith allegations of unlawful harassment or cooperating as a witness in an investigation of unlawful harassment.

Definitions

1. **Employee:** For purposes of this policy, employee means any person who may be permitted, required or directed by the District, in consideration of direct or indirect gain or profit, to perform services.²

Unlawful Harassment: Unlawful harassment is a form of discrimination. It is verbal or physical conduct based on an employee's race, religion, creed, color, national origin, marital status, sex, sexual orientation, gender identity, age,³ political affiliation,⁴ ancestry, place of birth,⁵ or disability,⁶ which has the purpose or effect of substantially interfering with an employee's work or creating an intimidating, hostile, or offensive environment.

2. **Sexual Harassment:** Is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- b) Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting such individual; or
- c) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

¹ 21 V.S.A. §495h(b)(1) requires a sexual harassment policy with specific components of all employers. This model policy applies to harassment on the basis of other protected classes as well. See also 29 C.F.R. § 1604.11(f). "An effective preventative program should include an explicit policy against sexual harassment that is clearly and regularly communicated to employees and effectively implemented." See also Questions and Answers for Small Employers on Employer Liability for Harassment by Supervisors, U.S. Equal Employment Opportunity Commission at www.eeoc.gov/policy/docs/harassment-facts.html.

² See 21 V.S.A. §495d(2). This is the definition of employee used in the Vermont Fair Employment Practices Act. A definition including volunteers, student teachers and others not compensated by the school district could, at the option of the board, be used to expand the protections provided by this policy.

³ 21 V.S.A. §1726(a)(7) makes it an unfair labor practice for a municipal employer to discriminate on the basis of age over 40. School districts are considered municipal employers for purposes of the unfair labor practices provisions of the Municipal Labor Relations Act. See 21 V.S.A. §1722(13); 1735.

⁴ 21 V.S.A. §1726(a)(7).

⁵ 21 V.S.A. §495(a)(1). The Vermont Fair Employment Practices Act makes it unlawful for an employer to discriminate on the basis of ancestry or place of birth. Harassment is generally considered one form of discrimination.

⁶ See 9 V.S.A. §4502. Public Accommodations Act.

3. Retaliation. Retaliation is adverse action taken against a person for making a complaint of unlawful harassment or for participating in or cooperating with an investigation.

A. Examples

Unlawful harassment can include any unwelcome verbal, written, or physical conduct which offends, denigrates, or belittles an employee because of the employee's race, religion, creed, color, national origin, marital status, sex, sexual orientation, gender identity age, ancestry, place of birth or disability. Such conduct includes, but is not limited to, unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display or circulation of written materials or pictures.

1. Sexual Harassment

Sexual harassment may include unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities.

2. Racial and Color Harassment

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

3. Creed and Religion Harassment

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

4. National Origin Harassment

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

5. Marital Status Harassment

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

6. Sexual Orientation Harassment

Harassment on the basis of sexual orientation includes unwelcome verbal, written, or physical conduct directed at the characteristics of a person's sexual orientation.

7. Gender Identity Harassment

Harassment on the basis of gender identity includes unwelcome verbal, written, or physical conduct directed at an individual's actual or perceived gender identity, or gender-related characteristics intrinsically related to an individual's gender or gender identity, regardless of the individual's assigned sex at birth.

8. Disability Harassment

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

B. Procedure

1. Duty to Investigate. In the event the District receives a complaint of unlawful harassment of an employee, or otherwise has reason to believe that unlawful harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The District is committed to take action if it learns of potential unlawful harassment, even if the aggrieved employee does not wish to file a formal complaint.

2. Designated Persons. Every employee is encouraged to report any complaint of or suspected acts of unlawful harassment. Unlawful harassment should be reported to the Non-Discrimination Coordinator or to the principal.

3. Investigation. Allegations of unlawful harassment will be promptly investigated by a Non-Discrimination Coordinator or his/her designee. At the outset of the investigation, the complainant shall be provided with a copy of this policy. If the allegations are found to have been substantiated by the investigator, the District will take appropriate disciplinary and/or corrective action. The Non-Discrimination Coordinator or his/her designee will inform the complainant(s) and the accused(s) whether the allegations were substantiated. The accused(s) and the complainant(s) shall be warned against any retaliation. If, after investigation, the allegation is found not to have been substantiated, the complainant(s) shall be informed of the right to contact any of the state or federal agencies identified in this policy.

4. Filing a Complaint. Employees are encouraged to report the alleged unlawful harassment as soon as possible to the Non-Discrimination Coordinator or the principal. The complainant will be asked to provide copies of any relevant documents or notes of events and the names of people who witnessed or were told of the unlawful harassment and will be asked to provide a written description of the unlawful harassment.

5. Alternative Complaint Processes. Employees may file complaints with both the District and with state and federal agencies. If employees are dissatisfied with the results of an investigation, they may file a complaint with state and federal agencies. The agencies are:

a. Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, tel: (802) 828-3171. Complaints should be filed within 300 days of any unlawful harassment.

b. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, tel: (617)565-3200 (voice), (617)565-3204 (TDD). Complaints should be filed within 300 days of any unlawful harassment.

Date Warned: 6/19/2017

Date Adopted:

Legal Reference(s): 9 V.S.A. §§4502 et seq. (Public accommodations)

16 V.S.A. 11(a)(26) (Definitions)

21 V.S.A. §§495 et seq. (Unlawful employment practice, sexual harassment) 42 U.S.C. §§2000e et seq. (Title VII of the Civil Rights Act of 1964)

29 C.F.R. 1604.11 (Equal Opportunity Employment Commission)

Cross Reference: Harassment of Students (F20)

Board Commitment to Non-Discrimination (C6)

Harwood Unified Union School District Policy

Policy D13-R

D13-R: HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT COMPLIANCE

The Harwood Unified Union School District shall comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) with regard to any employee benefit or group health plan provided by the District that is subject to the requirements of the Act. The superintendent or his or her designee shall develop and implement procedures necessary to ensure continuing compliance with the requirements of HIPAA.

Date Warned: 6/19/2017
Date Adopted:
Legal References: 42 U.S.C. 1320d-2 and 1320d-4
45 C.F.R. Subpart C

Harwood Unified Union School District Policy

Policy E7-R

E7-R: SCHOOL CRISIS PREVENTION & RESPONSE

Policy

It is the policy of the Harwood Unified Union School District to maintain a safe, orderly, civil, and positive learning environment, and to be prepared, to the extent reasonably possible, to prevent and respond to unexpected crises quickly and appropriately. While the unexpected nature of a crisis may make preparation difficult, the Board believes that staff and students should be ready to respond quickly and appropriately to emergency situations.

Definition

Examples of crises include criminal acts, disease epidemic, physical injury or death, presence of intruders on school premises, hazardous materials spills, weather related emergencies, natural disasters, or bomb threats.

Administrative Responsibilities

To help prevent the occurrence of some individually caused crises, the superintendent shall research and share information about educational programs and practices designed to create and sustain a safe learning environment.

The superintendent shall maintain a school crisis prevention and response plan and administrative procedures that identify how students and staff should respond to emergency situations, and the role that local emergency service providers will play in crisis preparedness and crisis management. This will include appropriate and effective training; establishment of crisis response teams, both within each building and throughout the District; consultation and cooperation with community agencies, such as police, fire, emergency medical, youth and health authorities; and publication of emergency procedures for such situations as can be anticipated.

Generally, the principal or his/her designee will organize and oversee the planning and operation of the crisis response team and will serve as the incident response team leader, according to the crisis response procedures. The plan will be reviewed annually and routinely practiced during regular drills.

Following a major incident, the crisis response team shall debrief and review the effectiveness of the crisis response and present a report and any recommendations for the future to the superintendent.

Staff Responsibilities

The staff shall follow all guidelines outlined in the crisis response procedures and staff handbook when practicing routine drills and when responding to actual emergency situations.

Student Responsibilities

Students shall follow all guidelines outlined in the crisis response procedures and student handbook when practicing routine drills and when responding to actual emergency situations.

Students suspected of involvement in causing school crises will be held accountable and shall be dealt with in accordance with the school's discipline policy and state/federal law. An incident may also be referred to law enforcement for possible criminal charges or for the school to pursue civil litigation.

Learning time lost to a school crisis shall be made up as required by state law or regulation, or as directed by the Board.

Date Wamed:	6/19/2017
Date Adopted:	
Legal Reference(s):	16 V.S.A. §1161a(a)(4) (Discipline) 13 V.S.A. § 1604 (Possession of explosive devices) 13 V.S.A. §1612 (Placing a hoax device) 13 V.S.A. §1753 (False alarms and reports) School Crisis Response Procedures Guide
Cross Reference:	Risk Management (E4) Student Conduct and Discipline (F1) Search and Seizure (F3) Weapons (F21)

Harwood Unified Union School District Procedures

Procedure E7-R-P

E7-R-P: PROCEDURES FOR BOMB THREATS

Anticipating a Bomb Threat

1. **Line of authority.** The principals of each District school are designated as the individual(s) in charge of administering this policy. A principal may designate a named administrator to serve in his/her stead or absence. Wherever "principal" appears in this policy, it refers either to the principal or his or her designee.
2. **Coordination of school and public safety agencies.** The principal shall establish and maintain ongoing communication and coordination among school staff and public safety authorities for purposes of planning for, training for, and responding to any bomb threat. For this purpose, the principal shall establish a bomb threat response team to consist of the principal, the Superintendent, and persons representing teachers, custodians, office staff, transportation providers, and parents. The principal shall request participation on this team by persons representing local law enforcement and fire/rescue agencies. The principal shall convene this group to:
 - review this policy and any associated protocols prior to the first student attendance day each school year;
 - coordinate and oversee response efforts whenever a bomb threat has been made;
 - review implementation of this policy after any bomb threat is resolved.
3. **Training**
 - Telephone answerers. The principal shall see that all staff whose regular duties include answering incoming telephone calls are trained in the protocol to be used when confronted by a telephone bomb threat.
 - All staff. The principal shall see that all staff are trained regarding their duties in the event of a bomb threat, including proper evacuation procedures, assuring the safety of students and staff, noting the absence of any students, conducting quick but complete visual scans of their workplace, and attendant reporting responsibilities.
 - Any staff participating in a search. The principal shall see that any staff volunteering to participate in a search for explosive devices are first trained by appropriate public safety personnel regarding the voluntary nature of their participation, the potential danger, and the proper sequence and technique involved.
 - Students. The principal shall see that all students are instructed about proper conduct during a bomb threat, the potential criminal and civil penalties as well as school discipline associated with making a bomb threat, and the disruption and costs to the educational process stemming from a bomb threat. The principal shall have sole discretion to determine the age-appropriateness of the instruction.

4. **Drills.** The principal shall conduct no fewer than 2 bomb threat drills (included in the 11 total emergency drill annual plan) for the bomb threat response team and staff during the course of the school year, to consist of a review of the procedures to be followed in the event of a bomb threat.
5. **Pre-arranged signal.** The principal shall establish a signal for announcing a bomb threat and inform staff what it is.
6. **Precautions:**
 - Telephone service options. The principal shall see that at least main office telephone service includes caller ID or other call-tracing capacity and that each phone station is supplied with a Crisis Response Guide.
 - Locked areas. School personnel with access to lockable work spaces shall lock them when not in use.
 - Trash. The principal shall direct school personnel not to permit the accumulation of trash, boxes, and other articles inside or next to the school building.
 - Parking. The principal shall, to the extent possible, ensure that parking spaces are not located close to the school building. There shall be stringent enforcement of parking restrictions relative to fire lanes, loading docks and handicapped parking spaces.
 - Labeling building areas. The principal shall ensure that different areas of the building are assigned specific labels, to be posted in plain sight and to be communicated to school and public safety authorities.
 - Evacuation gathering places. The principal shall designate specific locations to which all students and staff shall go away from heavily traveled roadways if an evacuation of the school is ordered.
7. **Substitutes.** The principal shall see that substitute personnel are aware of this policy and the obligations of staff during a bomb threat.

Reacting to a Bomb Threat

1. **Upon receiving threat.** All personnel who answer telephone calls from outside sources shall be provided a Crisis Response Guide, to be placed within easy reach of their telephone, on which is printed information to ask for and information to listen for in the event a caller makes a bomb threat. Whoever receives the call shall attempt to transfer it to the principal, or failing that, ask the caller as many of the questions on the Guide as he/she can, carefully noting all wording and other information.
2. **Notification**
 - To the principal. A person receiving a bomb threat by telephone or other means or who finds a suspicious device on school property shall inform the principal immediately.
 - By the principal. Upon learning of the bomb threat, the principal shall alert local public safety agencies, utility companies and the Superintendent.
3. **Assessment.** Upon learning of the bomb threat, the principal, in consultation with public safety officials and the Superintendent if time permits, shall:
 - Evaluate the credibility of the threat;
 - Decide whether to direct a search of the building; and
 - If so, decide whether the search should be conducted while the building is occupied or after it has been evacuated. In so doing, the principal shall resolve all doubts in favor of finding the threat credible, a search necessary, and prior evacuation necessary.

4. **Activating the team.** After deciding which course of action to follow, the principal shall activate the bomb threat response team.

5. **Evacuation**

- a. To what extent. The principal, in consultation with the bomb threat response team, shall decide on the extent to which the building will be evacuated. The decision shall be either:
 - To assemble all building occupants in one location, such as the gymnasium;
 - To evacuate just a portion of the building;
 - To evacuate the entire building to a particular site or sites no less than 300' from the building; or
 - To dismiss students and/or staff for the balance of the day.
- b. Signaling. If the principal decides the building should be evacuated, he/she shall inform the staff immediately.
 - Adjusting evacuation route. The principal shall direct personnel to adjust their usual evacuation route to avoid any suspected location of an explosive device.
 - Staff obligations. In the event of an evacuation, staff shall:
 1. Visually scan their workplace and any other common areas they have been assigned for anything or person out of the ordinary. If there is such an object, staff should not touch it but should report its presence to the principal.
 2. Make sure upon leaving that windows and doors are open.
 3. Make sure any students in their charge are guided to safety, making arrangements that students with disabilities are followed, and remain with students in their charge; and
 4. Take an attendance book with them, taking attendance once the evacuation is accomplished and noting the absence of any students normally in their charge and report their names to the principal.
- c. Student conduct. All students shall assist staff by obeying all directions and maintaining an orderly and quiet demeanor.
- d. Utilities
 - Fuel. The principal shall direct appropriate personnel to turn off gas and other fuel lines at intake.
 - Electricity. The principal shall decide whether electric power to the building should be turned off.
- e. Transportation and traffic. The principal shall make sure a safe and efficient traffic pattern is in place to enable students to depart without impeding access and parking for public safety vehicles.

6. **Search**

- a. The principal, in consultation with the bomb threat response team, shall decide on the extent to which the building will be searched. The decision shall be either:
 - Not to conduct a search;
 - To search specific portions of the building; or
 - To search the entire building and grounds.
- b. Nature of search. The principal, in consultation with the bomb threat response team, shall decide whether a search will be conducted overtly, covertly, or by means of a special team.
- c. Method. A search shall be conducted in accordance with techniques and training provided by public safety personnel. Toward that end, the principal shall arrange with public safety officials for the periodic training of search personnel.

- d. **Participants**
- e. **STAFF.** Each staff member shall, upon request, conduct a visual scan of his/her workplace, noting anything or person out of the ordinary, and shall report any findings to the principal.
- f. **STUDENTS.** Under no circumstances will a student be permitted to participate in a search.
- g. **VOLUNTEERS.** No school personnel may be required, beyond what is provided in this policy, to participate in a search for an explosive device. Any school personnel volunteering to participate in a search for an explosive device shall first be trained with respect to the dangers involved, precautions to observe, and the techniques to follow.
- h. **Object found.** If any suspicious object is actually discovered, no school personnel should touch it. Instead, the individual discovering the object should report it immediately to the principal, who shall immediately report it to the public safety official in charge.
- i. **Explosion.** If there is an explosion, the principal shall yield to the authority and protocols of public safety authorities.

After a Bomb Threat

1. **Investigation.** The principal, and all other school personnel, shall cooperate with law enforcement personnel involved in investigating a bomb threat. School personnel shall not conduct any investigation independently but rather in conjunction with law enforcement.
2. **Discipline.** Any student involved in the making of a bomb threat, in addition to any penalty imposed by law, shall be subject to disciplinary action by the school, up to and including expulsion subject to the school's student discipline policy.
3. **Civil liability.** A member School District reserves the right to bring suit against anyone responsible for a bomb threat and to seek restitution and other damages permitted by law.
4. **Lost time.** Any school time lost as a result of a bomb threat shall be made up as required by state law or regulation, or as determined by the Board.
5. **Counseling.** The principal, in consultation with appropriate guidance and other personnel, shall assess the effect of the bomb threat on students as a whole and on any individual students who come to his/her attention, to determine if and what type of counseling would be appropriate.
6. **Evaluation.** Within one week following the conclusion of the school's response to a bomb threat, the principal shall convene the bomb threat response team to evaluate how well the school responded, how consistent its response was with policy, how consistent its response was with its implementation procedures, and whether any changes to the provisions of this policy or implementation procedures are recommended as a result.

Communicating with the Public

1. About the policy.

All school handbooks, those for faculty, staff, parents and students, shall contain the following provision: The Harwood Unified Union School District has adopted a comprehensive policy on what to do in the event of a bomb threat. You may obtain a copy of the complete policy by requesting one from the principal's office.

While we intend to respect the legitimate privacy interests of all persons, it is lawful for school authorities within constitutional boundaries to conduct reasonable examination of personal property on school grounds, including but not limited to lockers, desks, backpacks, book bags, and automobiles. In the event of a bomb threat, we may have to search such items in order to assure the safety and protection of people and property.

We also want all members of the school community to know that any academic time lost as a result of a bomb threat will be rescheduled, either on a weekend, vacation day or following what would otherwise be the end of the school year.

In addition, under state law, the making of a bomb threat is a very serious criminal offense, punishable for even a first offense by as much as 2 years in prison and a \$5,000 fine. The making of such a threat may also lead to civil liability.

2. About a bomb threat.

- **Parents.** In the event of a bomb threat, the principal shall make sure that notice is provided to all parents of students as soon as is reasonably possible but no later than 24 hours. If school is dismissed as a result of a bomb threat, the principal shall implement general school procedures for notification of parents.
- **Media.** Any school personnel approached about a bomb threat by a representative of the media shall refer that representative to the Superintendent, principal or their designee. That official shall provide the representative with a formal statement regarding the status of the threat. If approached during the threat, the official shall ask the representative to wait for a time when circumstances legitimately permit the official to take a few moments to speak with him/her. Any statement given shall be calm and informative without divulging personally identifiable information about students and shall emphasize the efforts made or under way to protect the safety of students and staff.
- **Community generally.** Depending upon the circumstances the District may want to communicate with the general community either in writing or by convening a meeting.

Harwood Unified Union School District Policy

Policy E8-R¹

E8-R: TOBACCO PROHIBITION

Policy

It is the policy of the Harwood Unified Union School District to prohibit the use of tobacco on school grounds in accordance with state law. This ban extends to any student, employee, or visitor to the school, and applies at all times, whether or not school is in session. Students are, furthermore, prohibited from possessing tobacco products at all times while under the supervision of school staff or at school sponsored activities. The superintendent or his or her designee shall develop procedures, rules and regulations necessary to implement this policy, which shall, at a minimum, include provisions ensuring that tobacco products are confiscated when found in the possession of students and that referrals to law enforcement agencies are made when appropriate.

Definitions

For purposes of this policy and administrative rules and procedures developed pursuant to this policy:

1. **School grounds** means any property and facilities owned or leased by the District and used at any time for school related activities, including but not limited to school buildings, school buses, areas adjacent to school buildings, athletic fields, and parking lots.²
2. **School sponsored activity** means activities including but not limited to field trips, project graduation events, sporting events, work internships and dances.
3. **Tobacco product** has the same meaning as set forth in 7 V.S.A. § 1001(4), as amended from time to time.³

Date Warned: 6/19/2017

Date Adopted:

Legal Reference(s): 16 V.S.A. §140 (Tobacco on school grounds)
18 V.S.A. §§1422 et seq. (Smoking in the workplace)
13 V.S.A. §3705 (Unlawful Trespass)
20 U.S.C. §§6083 et seq. (Goals 2000 Educate America Act, Title X)
7 V.S.A. 1001 et seq.

Cross Reference: Student Conduct and Discipline (F1)
Bus Discipline (F2)

¹ 18 V.S.A. 1422 requires all employers to "establish....or negotiate...a written smoking policy. For purposes of determining smoking policy for schools with school boards, the employer shall be the school board." 16 V.S.A. 140 requires that school boards "...adopt policies prohibiting the possession and use of tobacco products by students at all times while under the supervision of school staff. These policies shall include confiscation and appropriate referrals to law enforcement authorities."

² The definitions of "school grounds" and "school sponsored activity" used in this policy are the same as those found in the Department of Education model policy on Possession and Use of Tobacco Products.

³ The term "tobacco product" is defined in 7 V.S.A. 1001(4) as "cigarettes, cigars, cheroots, stogies, periques, granulated, plug cut crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, Cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other forms of tobacco prepared in a manner suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking."

Harwood Unified Union School District Policy

Policy H1-L

H1-L: SCHOOL COMMUNITY RELATIONS

Policy:

The District shall encourage the involvement of the community in its schools, including through the creation of local councils.

The school system's community outreach program could:

1. create a planned, systematic, two-way communications process between the school district, the board and the school community;
2. encourage a better understanding of the objectives, accomplishments and needs of the school system within the community;
3. create opportunities for school involvement through volunteerism, business/organizational partnerships, sponsorships, internships and other joint projects;
4. use a variety of media including, but not limited to, meetings, letters and e-mail, circulars, web sites, seminars, publications, communications media, and personal contacts;
5. provide the channels necessary for resolving grievances and eliminating misunderstandings;
6. inform concerned persons as to their rights, privileges and responsibilities;
7. provide that, when circumstances warrant, the board will designate the superintendent or board chair to be the spokesperson for the board or district on a given topic or specific incident. When such a designation has been made, the designated individual shall respond on behalf of the district or board to all inquiries related to the topic or incident, and board members and staff members will refer all inquiries to the designated individual.

The board and superintendent will work collaboratively to develop a community relations program which conforms to the above principles.

Date Warned: 6/19/2017
Date Adopted:
Legal Reference(s):
Cross Reference(s):