

SCHOOL ADMINISTRATIVE UNIT #79

GBA

EQUAL OPPORTUNITY EMPLOYMENT

The District will recruit and consider candidates without regard to gender, sexual orientation, race, color, religion, nationality, ethnic origin, age or disability. When there are opportunities for promotions and qualifications are equal, consideration will be given first to employees.

The District will employ individuals who meet the physical and mental requirements, and who have the education, training, and experience established as necessary for the performance of the job without regard to sexual orientation, race, color, religion, nationality, ethnic origin, age or disability, except for reasons related to ability to perform the requirements of the job.

Inquiries, complaints and other communications relative to this policy and to the applicable laws and regulations concerned with non-discrimination shall be received by the Superintendent or his/her designee.

This policy of non-discrimination is applicable to all persons employed or served by the district. Any complaints or alleged infractions of the policy, law or applicable regulations will be processed through the grievance procedure. This policy implements PL 94-142, Section 504 of the Rehabilitation Act of 1973, title II of the American with Disabilities Act, Title VI or VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the laws of New Hampshire pertaining to non-discrimination.

Legal Reference:

RSA 354-A:7, Unlawful Discrimination Practices

Revised: November, 1999
Revised: July, 1998
Reviewed: January 26, 2004
Amended: October 12, 2010

SEXUAL HARASSMENT AND SEXUAL VIOLENCE

I. PURPOSE

The purpose of this policy is to maintain a learning environment that is free from sexual harassment and violence, or other improper or inappropriate behavior that may constitute harassment as defined below.

Any form of sexual harassment or violence is strictly prohibited.

It is a violation of this policy for any employee to harass another employee through conduct or communication of a sexual nature as defined by this policy. It is a violation of this policy for any student to be sexually violent toward another student.

The District will investigate all complaints, either formal or informal, verbal or written, of sexual harassment or sexual violence and to discipline any student or employee who sexually harasses or is sexually violent toward another person.

II. SEXUAL HARASSMENT/SEXUAL VIOLENCE DEFINED

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment

Sexual harassment may include but is not limited to:

1. Verbal harassment and/or abuse of a sexual nature;
2. Subtle pressure for sexual activity;
3. Inappropriate patting, pinching or other touching;
4. Intentional brushing against an employee's body;
5. Demanding sexual favors accompanied by implied or overt threats;
6. Demanding sexual favors accompanied by implied or overt promises of preferential treatment;
7. Any sexually motivated unwelcome touching; or
8. Sexual violence, which is a physical act of aggression that includes a sexual act or sexual purpose.

SEXUAL HARASSMENT AND SEXUAL VIOLENCE

III. REPORTING PROCEDURES

Any person who believes he or she has been the victim of sexual harassment or sexual violence should report the alleged act(s) immediately to his or her immediate supervisor. If the alleged perpetrator is the employee's immediate supervisor, the alleged victim may report the allegation to any other district employee. That employee shall then report the allegation immediately to an appropriate District official, as designated by this policy. The District encourages the reporting employee to use the report form available from the Principal or available from the Superintendent's office.

- A. The building Principal is the person responsible for receiving oral or written reports of sexual harassment or sexual violence at the building level. Upon receipt of a report, the Principal must notify the Superintendent immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Superintendent. If the report was given verbally, the Principal shall reduce it to written form within 24 hours and forward it to the Superintendent. Failure to forward any sexual harassment or sexual violence report or complaint as provided herein will result in disciplinary action. If the complaint involves the building Principal, the complaint shall be filed directly with the Superintendent.
- B. District-Wide. The Board hereby designates the Superintendent as the District Human Rights Officer to receive reports or complaints of sexual harassment and sexual violence from any individual, employee or victim of sexual harassment or sexual violence and also from the building Principals as outlined above. If the complaint involves the Superintendent, the complaint shall be filed directly with the School Board.
- C. Submission of a complaint or report of sexual harassment or sexual violence will not affect the individual's future employment, grades or work assignments.
- D. The use of formal reporting forms provided by the District is voluntary. The District will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School District's legal obligations and the necessity to investigate allegations of sexual harassment and sexual violence and take disciplinary action when the conduct has occurred.

IV. INVESTIGATION AND RECOMMENDATION

The Human Rights Officer, upon receipt of a report or complaint alleging sexual harassment or sexual violence shall immediately authorize an investigation. The investigation may be conducted by District officials or by a third party designated by the District. The investigating party shall provide a written report of the status of the investigation within 10 working days to the Superintendent. If the Superintendent is the subject of the complaint, the report shall be submitted to the Board.

SEXUAL HARASSMENT AND SEXUAL VIOLENCE

In determining whether alleged conduct constitutes sexual harassment or sexual violence, the District should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes sexual harassment or sexual violence requires a determination based on all the facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator. Students who are interviewed may have a parent present during the interview.

In addition, the District may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment or sexual violence.

V. SCHOOL DISTRICT ACTION

- A. Upon receipt of a recommendation that the complaint is valid, the District will take such action as appropriate based on the results of the investigation.
- B. The complainant may appeal the investigations recommendations to the Superintendent (or if the Superintendent is under investigation, appeal is made to the Board.)
- C. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the School District. The report will document any disciplinary action taken as a result of the complaint.

VI. REPRISAL

The School District will discipline any individual who retaliates against any person who reports alleged sexual harassment or sexual violence or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment or sexual violence complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Commissioner of Education, initiating civil action or seeking redress under state criminal statutes and/or federal law.

SEXUAL HARASSMENT AND SEXUAL VIOLENCE

VIII. SEXUAL HARASSMENT OR SEXUAL VIOLENCE AS SEXUAL ABUSE

Under certain circumstances, sexual harassment or sexual violence may constitute sexual abuse under New Hampshire law. In such situation, the District shall comply with said law.

Nothing in this policy will prohibit the School District from taking immediate action to protect victims of alleged sexual abuse.

IX. DISCIPLINE

The School District will take such disciplinary action it deems necessary and appropriate, including warning, suspension or immediate discharge to end sexual harassment and sexual violence and prevent its recurrence.

X. BY-PASS OF POLICY

Any individual with a sexual harassment complaint may choose to bypass this Policy and accompanying regulation and proceed directly to: N.H. Commission on Human Rights, 2 Chenell Dr., Concord, N.H., phone 603-271-2767 or Office of Civil Rights, Health and Human Services, Region #1 Room 2403, JFK Federal Building, Government Center, Boston, Massachusetts 02203. 617-565-1340.

Legal References:

NH Code of Administrative Rules, Section Ed. 303.01(j), Substantive Duties of School Boards; Sexual Harassment Policy

NH Code of Administrative Rules, Section 306.04(a) (8), Student Harassment

*NH Code of Administrative Rules, Section 306.04(a) (9), Sexual Harassment
RSA 354-A:7, Unlawful Discriminatory Practices*

Revised: November, 1999 – July, 1998

Reviewed: January 26, 2004

Revised: October 8, 2008

SCHOOL ADMINISTRATIVE UNIT 79

GBBD

INTERNET COMMUNICATIONS

Internet communication shall be understood to encompass any form of communication, which occurs by use of the Internet, including but not limited to e-mail and “instant messaging” (IM).

INTERNET COMMUNICATION BETWEEN BOARD MEMBERS OR BETWEEN ADMINISTRATION AND BOARD MEMBERS

While Internet communication is useful for promptly conveying information and for coordinating administrative matters, Board members shall avoid any discussion of Board matters on-line and no Board decisions shall be made on-line.

INTERNET COMMUNICATION BETWEEN BOARD MEMBERS AND THE PUBLIC

The Board will not consider any Internet communication from the public to any single Board member or to any group of Board members to be official (written) communication with the Board. The Board will accept as official communication only communication which is written on paper and which hard copy is delivered (by any means, except electronically) to the Board or to the administration.

Any individual Board member receiving an Internet communication alone shall consider it to be informal (unwritten) communication like any other informal communication received in speaking to constituents in person or over the telephone. That individual Board member may respond to or dispose of the Internet communication in any way he/she deems fit.

Any Internet communication received by more than one Board member shall be transmitted by all the recipients of the communication (or by the Board chair only if he/she is also a recipient) to the Superintendent, whose responsibility it then becomes to respond to the communication appropriately. This response shall be as timely as possible and it should advise the sender of the above policy.

1st Reading: January 12, 2004

2nd Reading: January 26, 2004

Adopted: January 26, 2004

BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

Background Investigation

The Superintendent, or his/her designee, shall conduct a thorough investigation into the past employment history, and other applicable background, of any person considered for employment with the District. This investigation shall be completed prior to making an offer of employment.

The Superintendent shall develop a background investigation protocol for use in completing a background investigation and shall keep a written record of all background investigations, which have been done.

As part of the application process, each applicant for a position shall be asked whether he/she has ever been convicted of any crime, and whether there are any criminal charges pending against him/her at the time of application. The falsification or omission of any information on a job application or in a job interview, including, but not limited to, information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or immediate discharge from employment.

Criminal Records Check

Each person considered for employment by the Board whose duties require regular contact with pupils must submit to a State and FBI Criminal Records Check.

Persons regularly in contact with students means a person or persons who, in the performance of his/her duties, (1) comes in direct contact with pupils on a daily basis for any period of time, (2) meets regularly, e.g., once or twice a week, with students, including, but not limited to, an art, music, or physical education teacher, (3) a substitute teacher who comes in direct contact with pupils on a limited basis, or (4) any other persons whom the Superintendent believes, by virtue of their duties and contact with students, should appropriately undergo a Criminal Records Check.

The Superintendent is responsible to establish all necessary internal procedures relative to the initiation and completion of the State and FBI Criminal Records Check.

Volunteers

Volunteers may be subject to a background investigation/criminal records check, as designated in Policy IJOC, Paragraph B.

Any person for whom the Board requires a Criminal Records Checks shall pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for the Criminal Records Checks, unless otherwise determined by the Board.

BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

Conditional Employment

Persons who have been selected for employment may be hired on a conditional basis, pending a successful completion of the State and FBI Criminal Records Check.

No selected applicant for employment shall be extended a conditional offer of employment until the Superintendent, or his/her designee, has initiated the formal State and FBI Criminal Records Check process and has completed a background investigation.

Any person who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her contract and continuation of employment is entirely conditioned upon the completion of a Criminal Records Check which is satisfactory to the District.

All persons employed under a conditional offer of employment may be covered under the District's health insurance program, at the sole discretion of the Board, and in accordance with Board policies and/or collective bargaining agreements, if applicable. However, any such coverage will immediately cease and will not be subject to extension under COBRA, if the Board does not tender the person a final offer of employment by reason of application of this Policy.

Final Offer of Employment

A person who has been extended a conditional offer of employment may be extended a final offer of employment upon the completion of a Criminal Records Check, which is satisfactory to the Board.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has been convicted of the following offenses, as referenced in RSA 189:13-a, V.: "Any person who has been convicted of any violation or attempted violation of RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2;639:3; 645:1 I(b), II or III; 645:2; 649-A:3; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, or charter school. By decision of the appropriate governing body, a school administrative unit, school district, or charter school may deny a selected applicant a final offer of employment if such person has been convicted of any felony in addition to those listed above. The governing body may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired."

BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

The Superintendent, or designee, will transmit this policy to the State Police, who will then screen the criminal records check for any selected applicant for employment, or designated volunteer, and will notify the District whether the record of said selected applicant or volunteer contains any felony convictions.

When the District receives a notification of a felony conviction from the State Police on a particular person which the District finds unsatisfactory, the Superintendent shall dismiss said person within twenty-four hours (24) of the receipt of such report, excluding Saturdays, Sundays, or legally recognized holidays.

Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct, which he/she determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case-by-case basis.

Additional Criminal Records Checks

The Board may require a Criminal Records Check of any employee at any time.

Legal References:

RSA 189:13-a, School Employee and Volunteer Background Investigations.

Appendix GBCD-R: Technical Advisory, School Employee Background Investigation, Including A Criminal History Records Check, N.H. Department of Education, November 27, 2000.

1st Reading: January 26, 2004
2nd Reading: February 9, 2004
Adopted: February 9, 2004
Revised: October 8, 2008
Revised: November 9, 2009

BOARD-EMPLOYEE COMMUNICATIONS

The Board desires to maintain open channels of communication between itself and the staff. The basic line of communication will, however, be through the Superintendent of Schools.

Staff Communications to the Board

All communications or reports to the Board or any Board committee from the principal, supervisors, teachers or staff members shall be submitted through the Superintendent.

Board Communications to Staff

All official communications, policies and directives of staff interest and concern will be communicated to staff members through the Superintendent, and the Superintendent will employ all such media as are appropriate to keep staff fully informed of the Board's problems, concerns and actions.

Visits to School

Individual Board members interested in visiting the school or classroom will inform the Superintendent of such visits and make arrangements for visitations through the principal of the school. Such visits shall be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official visits by Board members will be carried on only under Board authorization and with the full knowledge of the Superintendent and the principal. Notwithstanding, School Board members may, from time to time, enter school properties on personal business or to attend official functions. Such visits shall not be subject to the notice requirements set forth herein.

Social Interaction

Staff and Board members share a keen interest in the school and in education generally, and it is to be expected that, when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues and innovations and general district problems. However, individual Board members have no special authority excepting when they are convened at a legal meeting of the Board or vested with special authority by Board action. Therefore, members of staff who approach or otherwise seek out individual Board members to discuss personal grievances, Collective Bargaining issues, or other miscellaneous complaints, without routing such inquiries through the proper chain of command, may be subject to disciplinary action.

1st Reading: January 12, 2004
2nd Reading: January 26, 2004
Adopted: January 26, 2004

SCHOOL ADMINISTRATIVE UNIT #79

GBE

EMPLOYEE RIGHTS AND RESPONSIBILITIES

Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities, which shall be required of all personnel:

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of policies of the Board and regulations of the School administration in regard to students.
3. Diligence in submitting required reports promptly at the times specified.
4. Care and protection of school property.
5. Concern and attention toward their own and the Board's legal responsibility for the safety and welfare of students, including the need to ensure that students are under supervision at all times.

All School employees shall set examples that are an important part of the educational process. Their manner, dress, courtesy and attitudes establish models that affect the development of young people. The Board expects its staff members to set exemplary standards as well as provide exemplary instruction.

1st Reading: September 8, 2010
2nd Reading: October 12, 2010
Adopted: October 12, 2010

SCHOOL ADMINISTRATIVE UNIT 79

GBEA

STAFF ETHICS

An employee speaking or writing as a citizen should be free from institutional censorship or discipline, but his/her special position in the community carries special obligations. The employee must remember that the public may judge the profession and institution by his/her utterances. Hence the employee should, at all times, be accurate, exercise appropriate restraint, show respect for the opinion of others and make every effort to indicate that he/she is not a school spokesperson.

EMPLOYEE CONFLICT OF INTEREST

Employees will not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as employees. This includes, but is not limited to:

1. Employees will not participate for financial remuneration in outside activities wherein their position on the staff is used to sell goods or services pupils or their parents.
2. Employees who have patented or copyrighted any device, publication or other item will not receive royalties for use of such item in the District.
3. Employees will not engage in any type of work where the source of information concerning customer, client or employer originates from information obtained through the District.
4. School employees will not solicit or sell for personal gain any educational materials or equipment in the attendance areas served by the school to which they are assigned. Nor will any employees make available lists of names of students or parents to anyone for sales purposes.

To avoid nepotism in the supervision of personnel, the Board directs that no employee be assigned to any position where the employee would be supervised by an immediate family member.

1st Reading: January 12, 2004
2nd Reading: January 26, 2004
Adopted: January 26, 2004
Reviewed: October 12, 2010

SCHOOL ADMINISTRATIVE UNIT 79

GBEB

STAFF CONDUCT

All employees have the responsibility to make themselves familiar with, and abide by, the laws of the State of New Hampshire as they affect their work, the policies and decisions of the Board and the administrative regulations designed to implement them.

All employees shall be expected to carry out their assigned duties, support and enforce Board policies and administrative regulations, submit required reports, protect District property, oversight of students and contribute to the education and development of the District's students.

All employees shall obey the rules and decisions of their supervisors.

1st Reading: September 8, 2010

2nd Reading: October 12, 2010

Adopted: October 12, 2010

SCHOOL ADMINISTRATIVE UNIT 79

GBEBD

EMPLOYEE USE OF SOCIAL NETWORKING WEBSITES

The School Board strongly discourages school district staff from socializing with students outside of school on social networking websites, including but not limited to MySpace and Facebook.

All school district employees, faculty and staff who participate in social networking websites, shall not post any school district data, documents, photographs or other district owned or created information on any website. Further, the posting of any private or confidential school district material on such websites is strictly prohibited.

School district employees are prohibited from engaging in any conduct on social networking websites that violates the law, school board policies or other standards of conduct. Employees who violate this policy may face discipline and/or termination, in line with other school board policies and/or collective bargaining agreements, if applicable.

Nothing in this policy prohibits employees, faculty, staff or students from the use of educational websites if such sites are used solely for educational purposes.

Access of social networking websites for individual use during school hours is prohibited.

1st Reading: November 8, 2011
2nd Reading: December 13, 2011
Adopted: December 13, 2011

SCHOOL ADMINISTRATIVE UNIT 79

GBEC

DRUG-FREE WORKPLACE

The Gilmanton School District has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees as mandated by P.L. 101-226. In compliance with statutory requirements, the Gilmanton School District will:

1. Notify all employees, in writing, that the unlawful manufacture, distribution, dispensation, possession or use of illicit drugs and alcohol is prohibited in the district's workplace and that any violation is subject to disciplinary action. Notification will be accomplished by distribution of this policy to all employees. The employee will have no expectations to the right of privacy in the workplace.
2. Provide a drug-free awareness program to inform employees about:
 - a. The dangers of illicit drugs in the workplace;
 - b. The district's policy of maintaining a drug-free workplace;
 - c. Available drug and alcohol counseling, rehabilitation and employee assistance and/or re-entry programs; and
 - d. The penalty/penalties that may be imposed on employees for drug and alcohol violations occurring in the workplace.
3. Notify employees that, as a condition of employment in the district, they will agree to and abide by the terms of the policy and will notify the district of any drug statute conviction resulting from workplace conduct within five days of the conviction.
4. Establish the following as grounds for potential disciplinary action:
 - a. Working under the influence of alcohol or illegal drugs, no matter where consumed.
 - b. Having an unsealed container of alcohol or consuming alcohol on school property. (Any employee who finds any type of container of alcohol on school property should report it to the administration as soon as possible.)
 - c. Possessing or distributing controlled substances on school property.
 - d. Consuming, possessing or distributing alcohol or illegal drugs at *official school functions not on school property.
*An official school function is defined as one which is authorized and conducted by the school with officials present, in charge, and on duty, such, but not limited to:

DRUG-FREE WORKPLACE

- a. Interscholastic athletic contests.
 - b. Field trips.
 - c. School dances.
5. Alert the local law enforcement agency of suspected violations of the policy.
 6. Take any of the following disciplinary actions (either alone or in combination) regarding an employee who is in violation of the policy:
 - a. Suspension with pay pending a hearing before the school board.
 - b. Termination of employment (board action necessary).
 7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of this policy. In so doing, the district will conduct a biennial review of its programs to determine their effectiveness and to ensure that the disciplinary sanctions are consistently enforced and changes are implemented, if needed.

ALCOHOLIC BEVERAGES AND/OR ILLEGAL DRUGS:

The unlawful manufacture, distribution dispensing, possession or use of a controlled substance and/or alcoholic beverages by school district employees while on duty is prohibited.

Violation of this policy shall result in referral to the Superintendent of Schools and/or the School Board for disciplinary action.

Adopted: February 11, 1991
Revised: November 8, 1993
Revised: February 9, 2004
Reviewed: October 12, 2010

SCHOOL ADMINISTRATIVE UNIT 79

GBED

TOBACCO PRODUCTS BAN

USE AND POSSESSION IN AND ON SCHOOL FACILITIES AND GROUNDS

USE OF TOBACCO PRODUCTS STRICTLY PROHIBITED IN/ON ALL SCHOOL FACILITIES AND/OR GROUNDS

No person shall use any tobacco product in any facility maintained by the school district, nor or any of the grounds of the district.

“Tobacco products” means cigarettes, cigars, snuff, smokeless tobacco, smokeless cigarettes, products containing tobacco and tobacco in any form.

“Facility” is any place which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in all grades maintained by the district. This definition shall include all administrative buildings, educational administration, including but not limited to, lounge areas, passageways, maintenance rooms and storage areas.

Signs shall be placed by the District in all buildings, facilities and school vehicles stating that the use of tobacco products is prohibited.

It is the responsibility for the building principal, or designee, to initially enforce this policy by requesting that any person who is violating this policy to immediately cease the use of tobacco products. After this request is made, if any person refuses to refrain from using tobacco products in violation of this policy, the principal or designee may call the local police who shall then be responsible for all enforcement proceedings and applicable fines and penalties.

Students

No student shall purchase, attempt to purchase, possess or use any tobacco product in any facility, in any school vehicle or anywhere on school grounds maintained by the district.

Enforcement of this prohibition shall initially rest with the building principal or his/her designee who may report any violation to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

The principal will develop regulations, which cover disciplinary action to be taken for violations of this policy. These regulations will be communicated to students by means deemed appropriate by the principal. In addition to disciplinary actions taken by the school, criminal penalties for fines may result from violations of this policy.

TOBACCO PRODUCTS BAN

Employees

No employees shall use any tobacco product in any facility in any school vehicle or anywhere on school grounds maintained by the district.

Initial responsibility for enforcement of this prohibition shall rest with the building principal or his/her designee. The principal may report violations to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

The principal will develop and implement the appropriate means of notifying employees of the possible disciplinary consequences of violating this policy. Any employee(s) who violate this policy are subject to disciplinary action, which may include warning, suspension or dismissal. In addition, fines or other penalties may result from enforcement of these prohibitions by other law enforcement officials.

All Other Persons

No visitor shall at any time use tobacco products in any facility, in any school vehicle, or anywhere on school grounds maintained by the district.

Responsibility for enforcement of this prohibition shall rest with all school district employees who may report violations to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

1st Reading: January 12, 2004

2nd Reading: January 26, 2004

Adopted: January 26, 2004

SCHOOL ADMINISTRATIVE UNIT 79

GBEF

SCHOOL DISTRICT INTERNET ACCESS FOR STAFF

The School Board recognizes that technological resources can enhance teacher performance by offering effective tools to assist in providing a quality instructional program, facilitating communications with parents/guardians, teachers, and the community, supporting District and school operations, and improving access to and exchange of information. The Board expects all staff to learn to use the available technological resources that will assist them in the performance of their education. As needed, staff shall receive training, lessons and instruction in the appropriate use of these resources.

Staff shall be responsible for the appropriate use of technology and shall use the District's technological resources primarily for purposes related to their education. Staff are hereby notified that there is no expectation of privacy on district computers, computer files, email, internet usage logs, and other electronic data.

The Superintendent or designee shall ensure that all District computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or pornographic and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research, educational or other lawful purpose.

The Superintendent shall establish administrative regulations and an Acceptable Use Agreement that outlines staff obligations and responsibilities related to the use of District technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use may result in a cancellation of the staff member's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulations.

The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all staff. Staff shall be required to acknowledge in writing that they have read and understood the District's Acceptable Use Agreement.

Legal References:

RSA 194:3-d, School District Computer Networks

47 U.S.C. §254, Requirements For Certain Schools – Internet Safety

20 U.S.C. §6777, Enhancing Education Through Technology – Internet Safety

1st Reading: October 8, 2013

2nd Reading: November 12, 2013

Adopted: November 12, 2013

SCHOOL ADMINISTRATIVE UNIT 79

GBG

EMPLOYEE PROTECTION

The school board will indemnify and hold harmless district employees against claims that may be entered against them as a result of carrying out their assigned responsibilities, as provided under RSA 31:105 and 31: 106. To protect the district's financial resources, as well, the board will provide for liability coverage for all personnel through policies structured to maintain the statutory immunities as provided in RSA 31:507:B; professional liability insurance as needed, workers' compensation and unemployment compensation coverage.

Workers' Compensation

All employees of the board are covered by workers' compensation insurance paid for and provided by the board. This insurance coverage is provided for employees in accordance with the provisions of the insurance carrier.

Unemployment Compensation

All eligible employees of the board are covered by unemployment compensation, insurance paid for and provided by the board. This insurance coverage is provided for all employees regardless of assignment, length of assignment, and/or hours worked per day. Benefits afforded are for wage loss due to temporary unemployment through no fault of the individual, for those who meet eligibility requirements as provided for in state law. District employees with reasonable assurance of employment after a regularly scheduled vacation break are ineligible for benefits during such breaks.

1st Reading: January 26, 2004
2nd Reading: February 9, 2004
Adopted: February 9, 2004
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SCHOOL ADMINISTRATIVE UNIT 79

GBGA

STAFF HEALTH

The Superintendent may request a medical examination for any employee if at any time he/she has reason to believe that the employee's physical or mental health may be inimical to the welfare of pupils or other employees. This test may include drug testing. The cost of such examination will be borne by the District.

Legal Reference:

RSA 200:36, Medical Examination of School Personnel

RSA 200:37, Medical Examination of School Bus Operators

1st Reading: December 14, 2010

2nd Reading: January 11, 2011

Adopted: January 11, 2011

HIV/AIDS POLICY

Preamble

Acquired Immunodeficiency Syndrome (AIDS) is a disease in which the body's immune system is impaired by the Human Immunodeficiency Virus (HIV). The virus leaves its victim unable to fight off infections. As a result, persons with AIDS are susceptible to serious secondary infections, such as pneumonia and certain malignancies. Some, but not all, persons infected with HIV develop AIDS. To assist the district and infected persons, the district has developed the following policy.

I. General Principles:

- A. HIV is not spread by casual, everyday contact. Therefore, absent a serious secondary infection that may be transmitted to others or a significant health problem that restricts the infected person's ability to attend school, a student who is infected with HIV or AIDS shall attend the school and classroom to which he or she would be assigned and shall receive the rights, privileges and services to which he or she would be entitled if not infected. Decisions about any changes in the educational program of a student who is infected with HIV or AIDS shall be made on a case-by-case basis.
- B. There shall be no discrimination in employment against a person infected with HIV or AIDS based solely upon said infection. No district employee shall be terminated, non-renewed, demoted, suspended, transferred or subjected to adverse action based solely upon his/her infection with HIV or AIDS, or the perception that he or she is so infected. However, the district may take whatever action is appropriate as to an employee who, despite reasonable accommodation, is unable to perform his/her duties due to an illness, including an illness related to HIV or AIDS.
- C. The school district shall provide a sanitary environment and shall establish procedures for handling bodily fluids, pursuant to Section V.
- D. The district shall administer a program of education about HIV or AIDS for students, and school district employees to ensure that they are informed about the following:
 - 1. The nature of HIV, including how HIV is transmitted, according to current scientific evidence.

HIV/AIDS POLICY (Continued)

2. District policies and procedures relating to employees and students with diseases such as HIV or AIDS;
3. Resources within the school district and elsewhere for obtaining additional information or assistance; and
4. Procedures to prevent the spread of communicable diseases at school.

II. Evaluation of Infected Students and Staff

- A. HIV is not transmitted casually. Accordingly, infection with HIV or AIDS is not, by itself, sufficient reason to remove a student or staff member from the school. If the Superintendent has been notified that a student or staff member is infected with HIV or AIDS, the Superintendent shall act appropriately to ensure the safety of persons in the school setting and to plan to support the infected person.
- B. If the district learns that a student is infected with HIV or AIDS, the appropriate procedures under state and federal law with regard to evaluation and educational programming shall be followed if the student is or may be educationally handicapped.
- C.
 1. If notified that an employee is infected with HIV or AIDS, the Superintendent shall determine whether the infected person has a significant health problem that will restrict his/her ability to work. The superintendent shall offer assistance to the infected person so the employee may make decisions related to safety of co-workers and students risks.
 2. The Superintendent also may consult with public health officials and other persons, subject to the confidentiality provisions in this policy. This will require signed release of information forms from the employee. The Superintendent shall consider methods in which the school district may anticipate and meet the needs of persons infected with HIV or AIDS.
 3. Absent a secondary infection, which creates a medically recognized risk of transmission of disease or a significant health problem, which restricts the infected person's ability to work, the Superintendent shall not alter the job assignment of the infected person.

HIV/AIDS POLICY (Continued)

HIV/AIDS POLICY

However, the Superintendent shall periodically review the case with the persons described in Section II (C) (1).

4. If the Superintendent determines that a secondary infection poses a medically recognized risk of transmission of disease in the school setting or that a significant health problem restricts the infected person's ability to work, the Superintendent shall consult with the persons described in Section II (C) (1). After said consultation, the Superintendent shall, if necessary, develop an individually tailored plan to accommodate the staff member if reasonably possible. Additional persons may be consulted if necessary for gaining additional information, but the infected person must approve of the notification of any additional persons who are informed of the infected person's identify. The Superintendent may consult with legal counsel to ensure that any official action is consistent with state and federal law. If an individually tailored plan is necessary, said plan shall be medically, legally, educationally and ethically sound.

- D. Infected students who are aggrieved by the education plan determinations may appeal said determinations pursuant to state and federal special education law if the infected student is eligible for or claims that he/she is eligible for special education or special education and related services. Infected persons who do not claim that they are eligible for special education or special education and related services, but who are aggrieved by the Superintendent's determinations, may appeal said determination to the Board.
- E. Confidentiality shall be observed throughout the foregoing process.

III. Confidentiality

- A. The identity of a student or staff member who is infected with HIV or AIDS may not be disclosed to those persons unless the required release of information forms are signed by parents. If this form is provided the school may determine whether the infected person has a secondary infection that poses a medically recognized risk of transmission of disease in the school setting or whether a significant health problem will restrict the infected person's ability to work or attend class. These persons include:

HIV/AIDS POLICY (Continued)

1. The Superintendent or a person designated by the Superintendent to be responsible for the determination or, in the case of a student who is identified as educationally handicapped or who is claimed or believed to be educationally handicapped, the special services team.
 2. The physician of the infected person.
 3. Public health officials, to the extent that their knowledge of the infected person's identify is necessary and release consent is gained.
- B. The persons listed in Section III (A) (1) – (2) and the infected person (or his/her parents or guardians) shall determine whether additional persons need to know the identify of an infected person. The identify of an infected person shall not be disclosed to persons who are not listed in Section (A) without the consent of the infected person, or the infected person's parents or guardians. The persons to whom the infected person's identity may be disclosed with the aforementioned consent include the school nurse, the school principal or other persons necessary to protect the health of the infected person or to evaluate and monitor the case if deemed necessary by the consulting parent.

All staff members who know the identity of persons infected with HIV or AIDS shall treat said information as confidential. No information shall be divulged directly or indirectly to any individuals or groups. All medical information and written documentation of discussions, telephone conversations, proceedings, and meetings concerning the HIV or AIDS infection shall be maintained in a locked file. Access to said file shall be granted only to those persons who have the written consent of the infected person or his/her parents or guardians. The names of infected persons shall not be used in documents, except when essential. No document containing the name or other information which reveals the identity of an infected person may be shared with any person for any purposes without the consent of the infected person or the infected persons' parents or guardians. Any school staff member who violates the confidentiality provisions of Section III shall be subject to discipline. Test results and medical records shall be disclosed only with the consent of the infected person (or that person's parent if he/she is a minor), pursuant to a subpoena or order of a court or administrative agency or, otherwise, in accordance with law.

HIV/AIDS POLICY (Continued)

IV. Testing

Mandatory testing for communicable diseases that are not spread by casual, everyday contact (e.g., HIV or AIDS) shall not be a condition for school entry or attendance or for employment or continued employment.

V. Control of Infections

- A. HIV cannot penetrate unbroken skin, but there is evidence that HIV has been transmitted through contact with vomit, nasal discharge, saliva, urine or feces. Body fluids commonly transmit infections such as hepatitis, colds and flu. Accordingly, direct skin contact with body fluids should be avoided whenever possible.
- B. Staff members shall follow the UNIVERSAL PRECAUTIONS PROCEDURE in handling body fluids in the schools, during sports functions and on field trips.
- C. The District shall cooperate with local, state and federal health agencies in controlling infections.

Statutory References:

RSA 189:1-a
RSA 186-C:2,I
RSA 193:1
RSA 193:3

1st Reading: January 26, 2004
2nd Reading: February 9, 2004
Adopted: February 9, 2004
Amended: November 9, 2010

SCHOOL ADMINISTRATIVE UNIT 79

GBJ

PERSONNEL RECORDS

The Superintendent is authorized and directed to develop and implement a comprehensive, confidential and efficient system of personnel records.

Statutory Reference:

RSA 91:A

Revised: July, 1998

Reviewed:

Gilmanton School District Policy

SCHOOL ADMINISTRATIVE UNIT 79

GBK

STAFF CONCERNS, COMPLAINTS AND GRIEVANCES

In order to promote efficiency in the administration of schools and to avoid misunderstandings and misinterpretations, all personnel must observe a chain of command when bringing staff concerns or complaints to the administration's attention.

In order to promote such efficiency, the following guidelines should be followed:

1. All personnel employed by the Board shall be responsible to the Board through the Superintendent and no dispute or other personnel issue shall be brought to the Board without first having gone to the Superintendent for determination.
2. Likewise, no dispute or other personnel issue shall be brought to the Superintendent without first having been presented to the building Principal for determination.
3. Building personnel working under the immediate direction and/or supervision of someone other than the building Principal will inform their immediate superior of any dispute or personnel issue she/he intends to bring to the Principal.

It is the Board's policy not to involve itself in personnel complaints or dispute until the matter has properly followed these guidelines.

The machinery set up for the resolution of "grievances" in collective bargaining agreements between the Board and recognized employee organizations will apply only to grievances as defined in the particular agreement.

1st Reading: November 8, 2011
2nd Reading: December 13, 2011
Adopted: December 13, 2011