

What Every Employee Should Know



Staff Training 2011

WELCOME

- Each slide contains necessary information required by statute for public school employees.
- These slides reinforce the personal and professional responsibilities we all have in order to provide a nurturing environment for our students to learn.
- This training will help assure that all employees are provided reasonable knowledge and adequate notice of acceptable and unacceptable behaviors.
- This training will provide all employees with up to date information regarding some district policies.



BSD POLICIES

Each BSD employee should review the 3.00 and 4.00 sections of the Buhl School District Policy Manual. The policy manual can be found in each school building. The following is a list of specific policies that are addressed in this training:

CERTIFIED EMPLOYEES:

- 7.21: Child Abuse Reports
- 3.15.1: FMLA
- 3.15-.17: Leave
- 3.02: Discrimination
- 3.03: Sexual Harassment
- 3.23: Code of Ethics
- 8.21: Social Networking
- 7.03: Bullying

CLASSIFIED EMPLOYEES:

- 7.21: Child Abuse Reports
- 4.14.09: FMLA
- 4.03: Discrimination
- 4.05: Sexual Harassment
- 4.02: The at-will employee
- 4.12: Grievance Procedure
- 4.14-14.08: Leave
- 8.21: Social Networking
- 7.03: Bullying



Dear Employee:

As employees with educational institutions, our job is to prepare students to live, learn, and work as productive citizens in the 21st Century.

As the providers of education to our diverse students, we have a responsibility to model and uphold the highest levels of professionalism. The hallways of our schools are places of learning for students and workplaces for staff. Institutions that fail to ensure that the teaching, learning, and working environment of employees and students is free of employee misconduct risk not only unlawful practices, but a betrayal of trust.

Our goal is to keep both students and employees safe and avoid behaviors that put them at risk. School districts must educate their patrons and employees need to understand their responsibilities while interfacing with both students and staff. This training is an essential resource for understanding our obligations. It provides an overview of what is expected, thus ensuring an environment where all students can learn, thrive, and prosper.

The OUTSTANDING EMPLOYEE



In addition to having the knowledge, skills, and abilities to be successful in the workplace, an **OUTSTANDING** employee:

- has a clear understanding of their **role** within the organization,
- embraces the **policies, culture, and values** of the institution,
- demonstrates a **commitment** in addressing unique needs of students and employees, and
- possesses **personal characteristics** that earn respect as a professional.



CODE OF ETHICS

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship, and safeguarding the freedom to learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles.

Principles:

- Abides by all federal, state and local laws and statutes
- Maintains a professional relationship with all students
- Refrains from the abuse of alcohol and drugs
- Exemplifies honesty and integrity
- While entrusted with public funds and property, honors that trust with

a high level of honesty, accuracy and responsibility

- Maintains integrity with students, colleagues, parents, patrons or business personnel when accepting gifts, gratuities, favors, and additional compensation
- Complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records
- Fulfills all terms and obligations detailed in their contract
- Reports breaches of the Code of Ethics
- Ensures just and equitable treatment for all members of the profession

Please read the entire Code of Ethics, Policy

The AT-WILL EMPLOYEE

Classified employees are considered **at-will employees** with no property rights in their employment. Non-certificated personnel are not entitled to any expectations of future employment with the district.

At the time of initial employment, and annually thereafter, all non-certificated employees will receive a letter of appointment. The letter of appointment does not alter the employee's at-will employment status. The letter of appointment is intended to set forth relevant information, including, but not limited to, the non-certificated employee's work schedule, rate of pay, and other benefits; notify the non-certificated employee of the district's requirement that he/she comply with district policy; and notify the employee that the employment is at-will.



FERPA

Family Educational Rights & Privacy Act

The purpose of FERPA is:

- to assure parents of access to their student's educational records
- to allow for a procedure to request an amendment to educational records
- to protect individuals' rights to privacy by limiting the transferability of their records without their consent

Educational records include, but are not limited to:

- Family Information
- Personal Information
- Grades and Test Scores
- Disciplinary Records
- Medical Records
- Documentation of Schools Attended
- Videotape Recordings of Individuals or Groups of Students



FERPA CONTINUED

DIRECTORY INFORMATION: Information that is generally not considered to be harmful or an invasion of privacy if disclosed to the public.

Directory information includes:

- Student's name
- Address
- Telephone listing
- E-mail address
- Photo
- Date and place of birth
- Dates of attendance
- Grade level
- Participation in officially recognized sports or activities
- Weight and height of members of athletic team
- Honors and awards received
- Most recent educational institute attended

OPT OUT: If a parent has decided to sign an opt-out form, NONE of the student's information can be disclosed to the public.



FERPA CONTINUED


An **Opt-Out Form** is a request from a parent or student, if over 18, to exclude the release of directory information. This means exclusion from the following:

- Yearbooks
- Alumni directories
- Graduation Programs
- Honor Roll and other recognition lists
- Sport Activity Programs
- Theatrical Programs
- Directories
- Media
- Anything that is typically made public

Note: When discussing students in emails it is good practice to use initials.

NEVER use the student's name in the title of the email.

EMPLOYEE RESPONSIBILITIES:

1. Before including any pictures, names or other student directory information on a website or any other means by which it is made public, ensure that each student **does not** have an opt-out form on file.
2. Your school secretary has access to the names of students who have opt-outs on file. Please check all names.
3. Direct FERPA questions to Beth Pendergrass, Community Relations Specialist. 

CHILD ABUSE REPORTING

Any school district employee or volunteer having reason to believe that any child under the age of eighteen (18) has been abused, abandoned, or neglected, or who observed the child being subjected to conditions or circumstances which had recently resulted in abuse, abandonment, or neglect, will report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency or the Department of Health and Welfare. Failure to report abuse, abandonment, or neglect will be a misdemeanor.

PROCEDURE:

- When in doubt, report
- Report within 24 hours
- Complete written statement that includes:
 - Time
 - Date
 - Reasons for the belief
 - Agencies contacted
 - Names of individuals at the agency you spoke with
 - Prior suspicions
- Give report to Building Administrator
- Principal will deliver copy to Superintendent

Be sure to notify the building administrator as soon as possible. Employees may ask building administrator to call agency on their behalf.

BULLYING



Bullying is the threat or act of physical, verbal or emotional abuse so severe, persistent or pervasive that it interferes with a student's education, creates an intimidating or threatening environment or materially disrupts the orderly operation of the school.

Bullying is a growing phenomena that is destructive to students and the learning environment.

All school district employees are required to intervene orally or with reasonable physical force if they see bullying.

Know the district policy.(7.03)



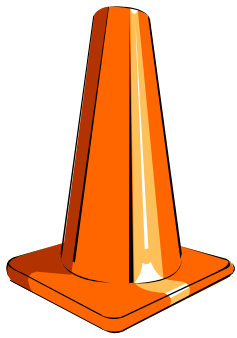
SEXUAL MISCONDUCT

by school employees

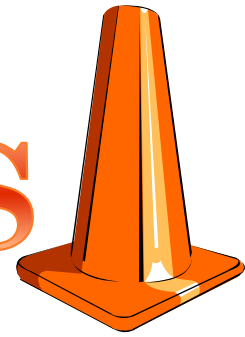
GROOMING BEHAVIORS:

- Granting special privileges
- Meeting privately in unsupervised or off-campus settings
- Providing rides home
- Offering additional, unneeded assistance
- Making personal, flattering comments
- Writing letters, emails
- Giving gifts
- Moving closer and closer physically (i.e. sitting next to student, touching student, putting hand on shoulder, putting affectionate arm around the back)

PAY ATTENTION to these “**red flags.**” Recognize that perception of others is crucial. If you notice these grooming behaviors in others, do something about it and inform your supervisor or building administrator.



BOUNDARIES



School employees are expected and required to maintain proper boundaries between themselves and students. Employees who interact with students outside of the school district place themselves in an extremely vulnerable position regarding complaints of inappropriate behavior. Outside of school contact is outside your scope of duty.

- Don't put yourself at risk...even with parent permission.
- Don't transport students unless it's in the job description.
- Don't invite students to your home or give them personal gifts.
- Don't take students on private excursions as rewards
- Don't use cell phones and personal communication devices to create an inappropriate relationship that could be viewed as grooming and boundary violations.





BOUNDARIES & COACHING

Coaches are placed in situations that place them at greater risk of committing an act of misconduct with a student or creating the perception and allegation of an act of misconduct. Reasons include both “settings” and “interactions.”

SETTINGS include trips, off-hours, one-on-one coaching, athletic medicine, locker rooms, camaraderie activities, closed rooms and closed facilities.

INTERACTIONS include buddies, hero worship, engagement in personal life, more casual conversation, power position, sense of special relationship.

Be vigilant of such situations and exercise great care not to behave in a manner that leads to misconduct or the perception of misconduct. Avoid being alone with students; be especially guarded in physical contact; and keep professional boundaries in conversations and relationships. **Be the coach, not the buddy!**



BOUNDARIES & SOCIAL MEDIA

1. Keep all conversations with students **school-related and generic**.
2. Even when communication is related to school-related matters, employees should **avoid excessive messaging**- particularly when messaging is to a single student.
3. If the student makes an inappropriate comment report it to the principal immediately and remove it from your page.
4. Understand that not only the student but community members see what you post. Keep it clean and appropriate. You represent the Buhl School District. **Unprofessional postings or “digital dirt” can negatively affect employees currently or as future applicants.**
5. Do not discuss students on any social networking site or include pictures of student on your personal sites.
6. Employees are strongly encouraged to not communicate with students, or parents regarding a student, from a personal e-mail account or from responding to any student who has communicated to the employee’s personal email account.
7. **Know the district policy (8.21).**



Discrimination

OVERVIEW

- No person is to be discriminated against based on race, color, age, religion, national origin, sex, military status, sexual orientation or presence of any disability.
- Rising incidents in racial harassment
- Rising incidents in sexual orientation harassment
- To ignore is to endorse the behavior
- Discrimination, prohibited by the Civil Rights Act and Idaho Commission on Human Rights, is contrary to everything that public education stands for. It is not acceptable in overt forms (e.g., denying jobs to employees or denying opportunities to students) or more discrete forms. For example, it is discriminatory to provide less assistance or more discipline to students based on race or national origin. It is discriminatory to set standards that have a disparate impact on one sex or one race, and the goal cannot be achieved by any lesser means.



Sexual Harassment

What is Sexual Harassment?

- A form of sex discrimination
- Consists of unwanted sexual overtures so severe or pervasive they disrupt the learning or work environment.
- Two types
 - **Quid pro quo** - submission to harassment is a basis for employment or educational decisions
 - **Hostile environment** - the harassment creates an offensive work or learning environment
- Student are protected by Title IX of the Education Amendments of 1972
- Staff is protected by Title VII of the Civil Rights Act of 1964

Examples of Sexual Harassment

- Unwanted sexual or romantic letters, notes, phone calls, requests for dates
- Unwanted kissing, sexual touching, leers, or gestures
- Comments about own or others' sexual activity
- Sexual jokes, posters, cartoons, nude photos, graffiti
- Name calling, "gay bashing"
- Sex based "motivational" goading/teasing
- Skits, assemblies of a sexual nature, dress-up days involving cross-dressing
- Sexual bullying, rape, sexual assault
- "Complimenting" on sexual development
- Rumors of a sexual nature.



Sexual Harassment

Different Laws & District Policy

- Protect students from sexual harassment
- Protect you as an employee from sexual harassment
- Require you to re-examine your own actions toward others
- Provide a complaint process for prompt and thorough investigation

Sexual harassment is prohibited by federal and state law, and district policy.

REMEMBER!

NO ONE HAS TO PUT UP WITH IT!

Sexual harassment is one of the most common forms of misconduct and discipline experienced in school districts. It can be minor, insidious, and pervasive or it can be more severe and more shocking.

It can be by employee to student, student to student, male to female, female to male, male to male, and female to female.

It's wrong. It interferes with learning and is illegal. School districts have a significant moral, functional, and legal responsibility to maintain an environment free of sexual harassment. Employees have a responsibility to model appropriate behavior in their interactions with students and staff.





Sexual Harassment



Key Concept: UNWELCOME

- “Unwelcomeness” is in the perception of the harassed.
- Intent does not matter.
- If conduct is welcome at first, then later becomes unwelcome, the change must be communicated.
- Complainant has no duty to tell harasser before filing a complaint except as above.
- Reasonable person standard: Would a person of the same sex in the same position consider the respondent’s actions constitute sexual harassment?

The most common response when accused of unacceptable behavior is “I didn’t mean it in any offensive way.” Employees must understand that such a response is not a defense and will not preclude disciplinary action. **It is the perception of the recipient that is determinative.** This means that each employee has a responsibility to consider how their words and behavior will be perceived not just how they are intended.

A good question is to ask yourself, “Would I want my daughter or son to be on the receiving end of such behavior?”



Sexual Harassment

Non-excuses

- “Didn’t mean to offend”
- “Thought he/she liked it”
- “Just teasing”
- “I wasn’t talking to him/her”
- “Boys will be boys”
- “This too shall pass”
- “Everyone else does/says it”
- “Can’t he/she take a joke?”
- “I’ve always acted this way”
- “I didn’t want to interfere”

Times change, but not all people do. Many behaviors that were tolerated (perhaps never “OK”) in the past are not socially, legally or professionally acceptable today. It’s not about excuses, it’s about behavior appropriate for today – and appropriateness is determined by the perception of the recipient of the behavior, not just the intention of the perpetrator.

Dismissing or passing off inappropriate behavior as “just teasing” or “boys will be boys” only fosters such behavior for the future. Ignoring the behavior will be constructed as condoning.

Be decisive, make it stop.





Sexual Harassment



Where is sexual harassment likely to occur?

For Students:

- Classrooms
- Hallways
- Buses
- Field trips
- Restrooms
- Locker Rooms
- Cafeteria
- Playground

For Staff:

- Faculty room
- Closed door meetings
- School social events
- Conferences and field trips

Sexual harassment can occur anywhere

at anytime. If it occurs at a school sponsored activity whether on school property or off, it is unacceptable and subject to discipline.

There are settings that may be more susceptible to acts of sexual harassment. In more relaxed settings or more one-on-one situations, there is an increased opportunity for inappropriate behavior. Employees must always be aware of the impact and appearance of their behavior, but should be especially so in such situations.

Similarly, school employees with supervision responsibilities for students should be especially attentive in such situations.





Sexual Harassment



Protecting Students Under Title IX

- Promote a respectful culture of safety and acceptance in your school.
- Don't harass; think professionalism.
- Be a role model in your interactions with students and staff members.
- Be proactive; don't wait for a complaint when you see harassment.
- Take every complaint seriously, don't have students settle it themselves.
- The principal must take action to make it stop once he or she has actual notice.

Preventing sexual harassment is fundamental to supervision.

Don't wait for a student to complain. They may, for many reasons, not do so. Act on what you observe and hear.

Never underestimate the complexity of sexual harassment. It is about power - not sex. The very nature of that power makes it difficult and sometimes impossible to be resolved without intervention.

Follow-up!!! Make sure it has stopped and remains stopped.





Sexual Harassment



Protecting Employees Under Title VII

- Promote an environment of respect and professionalism and if you are the victim or an observer, report.
- Retaliation for reporting or blaming the victim is prohibited
- Perpetrators and victims should never be told to settle it themselves
- You can't be told what discipline may or may not have been taken, but the district's duty is to **make it stop**.
- Document the complaint so that the district can act.

If you feel harassed, notify your supervisor (unless he/she is the offender) and file a written complaint. If you observe someone else being harassed, encourage them to do the same. While it is the victim who must file a written complaint, no employee should leave perceived sexual harassment un-addressed. If the victim won't act on his/her own, you should share your concern with a supervisor who must then act.

A district's purpose and objective is an environment free of sexual harassment. It's an organization-wide value and not restricted to just the individual.

At this point, check with your supervisor to review your district's policy and/or regulation regarding sexual harassment. Obtain a copy of your district's complaint form. If you have any questions, make sure to talk with your supervisor.





Sexual Harassment



Consequences

- For district, possible
 - └ Federal compliant
 - └ Lawsuit
 - └ Loss of federal funds
 - └ Loss of credibility with the community
- For employees, possible
 - └ District discipline
 - └ Report to Professional Standards Commission (teachers)
 - └ Criminal prosecution
 - ▣ Sued as individual
- For students, possible
 - └ Suspension
 - └ Expulsion
 - └ Report to police

Serious consequences exist when substantiated claims have been made. School districts practice progressive discipline ranging from (1) admonishment to (2) reprimand to (3) suspension without pay to (4) discharge. Progressive discipline, however, can be and is bypassed when the circumstances of a case warrant. Severe forms of sexual harassment will result in discharge for a first offense.

Repeating harassing behavior, after being disciplined and/or provided with training and guidance, will increase the likelihood of legal action which may be against the district if it has failed to act, as well as the individual committing the harassing behavior.



STUDENT SAFETY

Schools have a duty to protect students from dangers that are known or should have been known. Dangers come from

- Activity
- Environment
- Other Students
- Other Adults (Volunteers, contractors, chaperones, partnerships)

Even before education, a school's primary responsibility is the safety of students. Every school district employee is required to be vigilant of student safety and to take actions to safeguard the student and to report student safety concerns to appropriate supervisors and administrators

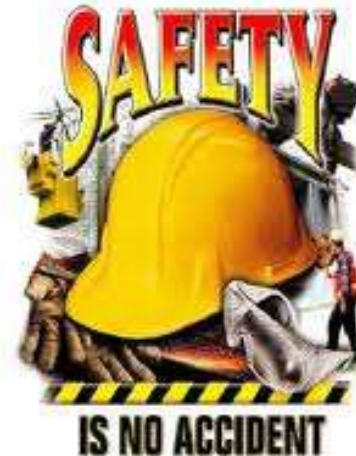
DO NOT allow students to leave school without parent permission.

Consider student safety when going off campus. Ask yourself, "What is the purpose and relationship to the curriculum? Is the activity covered by insurance? Is it board approved? Are their known dangers? Where is the nearest medical facility? Mode of transportation? Are there enough chaperones? Are chaperone expectations clear? Do any students need special accommodations?"

EMPLOYEE SAFETY

Employee Safety is IMPORTANT.

- Always be aware of your surroundings
- Please immediately report any hazard that is likely to cause injury.
- Be sure to use required safety devices and safeguards.
- Be aware of policies and procedures that are in place to protect the life, safety and health of employees.
- Immediately report any acts of violence or threats of acts of violence to your supervisor.
- If you have a safety concern please report it to your building supervisor.



Absences and Substitutes

- If you will be absent and/or need a substitute, contact your building secretary.
- You must also notify your supervisor of your absence.
- If you are a timecard employee, please make sure the absences on your timecard are entered correctly.





TAKING LEAVE



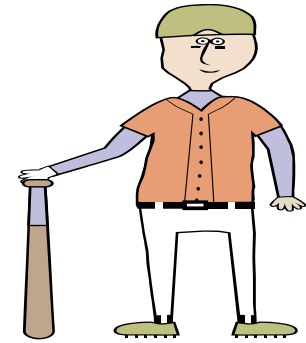
- You may use sick or Personal Leave throughout the year.
- Sick Leave can be used for personal illness, Dr. appointments, or taking care of an ill spouse, child or parent.
- If all personal and sick leave is exhausted you can apply for Leave Without Pay by submitting a letter to the superintendant explaining your need.
- Bereavement Leave
Teachers will use accumulated sick leave days for bereavement leave purposes. Limit: two days in-state; three days out-of-state. If more days are needed, request is subject to approval by the building principal

Be sure you know and understand the district policies regarding leave



ADMINISTRATIVE LEAVE

Leave for district-sponsored activities required/requested by Buhl School District administrators is classified as Administrative Leave and requires the approval of the building administrator.



SICK LEAVE BANK



The Sick Leave Bank is designed to help employees that encounter illness or accident and need days beyond their own accumulated days.

In order to be eligible for sick leave bank benefits the employee must:

- Enroll in the bank during open enrollment
- Be a contributor to the Bank
- Have been absent from work due to illness or accident
- Have used all available sick leave, personal leave, and vacation.
- Completed and returned an application for requested days to the Sick Leave Bank Committee.

The Sick Leave Bank Committee will grant or deny use of SLB benefits.

FMLA

Family & Medical Leave

Act:

- Protects the jobs of certain employees for up to 12 weeks (paid or unpaid) leave.
- Ensures continuation of health benefits during the 12 weeks.
- Ensures Job Restoration when the employee is able to return.

Be sure you know and understand the FMLA policy – See Lynn Bussman

The Employee must:

- Have worked at least 1250 hours in the 12 months immediately preceding the date leave is to be taken.
- Have a serious health condition
OR
- Be absent due to pregnancy or prenatal care.
OR
- Be caring for spouse, parent, or child with a serious health condition.



INJURY AT WORK



- Report accidents immediately to your supervisor. An Accident Report Form must be completed.
- If employee requires medical attention for work-related injury, they **must visit Occupational Health at St. Lukes.**
- The Physician Center can be used if Occupational Health is closed.
- Only use the Emergency Room if neither of the above are open.
- After the initial contact, employees may seek medical services using the provider of their choice with the approval from the Idaho Insurance Fund.
- Before returning to work, the HR department must be given a *return to work release* authorized by a physician.
- Employees not following the initial service procedures may be held responsible for initial visit fees.



GRIEVANCE PROCEDURE



The purpose is to secure equitable solutions to grievances of school personnel.

- **Grievance:** a claim alleging a violation, misinterpretation, or misapplication of any District rule, regulation, or policy.
- A grievance must be presented within thirty (30) business days as follows:
 1. An aggrieved employee shall first discuss the grievance with the building principal or his/her immediate supervisor with the objective of resolving the matter informally.
 2. If no decision has been agreed upon, the aggrieved may file the grievance in writing to the Superintendent of Schools. A meeting will be scheduled with each party being represented. After the meeting the Superintendent will provide a decision in writing.
 3. If the aggrieved is not satisfied with the written disposition they may appeal by submitting a written grievance to the School Board.
 4. **Be sure you know the district policy. (4.12)**



Certificate of Completion

For satisfactorily completing
What every Employee Should Know

Employee Name

In signing this certificate, I certify that I have completed the training and understand the information presented.

Employee Signature

Date

Supervisor Signature

Date

After completing both signatures, copy this certificate and retain one for your files.
Please return the signed copy to the Human Resources Department.

