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Dennis-Yarmouth  
Regional School District  
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*Empowering Each Student  
to Achieve Excellence with Integrity  
in a Changing World*



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Employee Handbook 2023-2024

## MISSION STATEMENT AND STRATEGIC DIRECTION

The Dennis-Yarmouth Regional School District mission is *empowering each student to achieve excellence with integrity in a changing world*. Students need an education that prepares them to be adaptable to the evolving conditions of the 21<sup>st</sup> century. With the understanding that education should be future-focused, responsive to the needs of its clients, and directed through long-term planning, the Dennis-Yarmouth community recognized the need for the development of a strategic direction. The essence of the Strategic Direction is based on interpersonal relationships. As members of the D-Y community, we must respect students, our co-workers, and all other members of the District community; act as role models; act on ethical principles; and know, understand, consider, and accept the impact and consequences of personal actions and decisions upon self, others and property. This is the example we wish to set for our students and the strengths we want them to take with them after they leave our schools.

## **Dennis-Yarmouth Regional School Committee**

Jeni Landers, Chairperson	Jennifer Rose, Vice Chairperson
Marilyn Bemis, Secretary	Tomas Tolentino, Treasurer
Joe Glynn, Member	Phillip Morris, Member
Joseph Tierney, Member	Eileen Whalen, Recording Secretary

## **Office of the Superintendent of Schools**

**Dr. Marc J. Smith**

**508-398-7605**

### **Schools**

<b>Dennis-Yarmouth Regional High School</b>	508-398-7630	210 Station Avenue South Yarmouth
<b>Dennis-Yarmouth Middle School</b>	508-778-7979	286 Station Avenue South Yarmouth
<b>Dennis-Yarmouth Intermediate School</b>	508-398-7695	286 Station Avenue South Yarmouth
<b>Ezra H. Baker School</b>	508-398-7690	810 Route 28 West Dennis
<b>Marguerite E. Small Elementary School</b>	508-778-7975	440 Higgins Crowell Road West Yarmouth
<b>Station Avenue Elementary School</b>	508-760-5600	276 Station Avenue South Yarmouth

***NOTE:** The employee handbook has been written to provide information and guidance to all employees of the Dennis-Yarmouth Regional School District. The handbook does not represent an exhaustive list of all district policies, procedures, or practices. Additionally, this handbook is designed to supplement, but not to supersede any of the Dennis-Yarmouth Regional School Committee Policies, Collective Bargaining Agreements, Local, State, or Federal Law. Where there is a conflict, one of these other documents would prevail. It is the employee's responsibility to be aware that these laws exist along with the policies, guidelines, and procedures established in the collective bargaining agreement, school procedures, and other relevant sources such as the state athletic association.*

The Dennis-Yarmouth Regional School District is committed in spirit, as well as in action, to abide by all laws dealing with equal employment opportunity. It is our policy to guarantee equal employment

opportunities for all qualified persons without regard to their age, race, religious creed, color, national origin, ancestry, marital status, gender, gender identity or gender expression, genetic information, military status, sexual orientation, or disability, which can be reasonably accommodated, unless there exists a bona fide occupational qualification.

Dennis-Yarmouth Regional School District will act in good faith, to affirmatively recruit and consider for promotion individuals in protected categories. Age, race, religious creed, color, national origin, ancestry, marital status, gender, gender identity, gender expression, military status, sexual orientation, or disability are not factors in employment, promotion, transfer, compensation, lay-off, disciplining and termination, unless there exists a bona fide occupational qualification. For further information or to redress a grievance, contact the district's Civil Rights Compliance Officer, Maria Lopes by phone at 508-398-7625, or in writing at 296 Station Avenue, South Yarmouth, MA 02664.

## **District Staff Directory 2023-2024**

Superintendent	Dr. Marc J. Smith	508-398-7605
Assistant Superintendent for Student Services and Instruction	Maria Lopes	508-398-7610
Assistant Superintendent for Finance and Operations	David Flynn	508-398-7616
Assistant Director for Student Services	Kelly Mooney	508-398-7624
Assistant Director for Student Services	Brenda Burke	508-398-7624
Director of STEM Instruction	Elizabeth Pontius	508-398-7621
Director of Humanities & Arts Instruction	Sherry Santini	508-398-7620
Director of Food Services	Rooney Powers	508-398-7601
Director of Facilities	Steven Faucher	508-398-7670
Director of Technology	Ross Bryant	508-778-7580
Assistant Director of Digital Learning and Library Services	JoAnna Watson	508-778-7580
Director of Human Resources	Tom Campbell	508-398-7611
Employee Benefits Coordinator	Paula Kriser	508-398-7612
Payroll Coordinator	Patricia Walsh	508-398-7614
Assistant Treasurer	Jane Saucier	508-398-7617
District Nurse Leader	Kristin Dwyer, RN	508-398-7630

Title I Coordinator	Sherry Santini	508-778-7599
Induction Coordinator	Sherry Santini	508-398-7620
School Physician	Dr. Kenneth Colmer	508-394-2116

**District Liaisons:**

Mentor & Induction Coordinator	Sherry Santini
English Language Learners (ELL)	Meaghan McDonnell
Homeless Liaison	Maria Lopes
504 Coordinator	Maria Lopes
Harassment Officers	Maria Lopes & David Flynn
Compliance Officers	Maria Lopes & David Flynn

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# GENERAL POLICIES

## **Conduct - GBEB**

All staff members have a responsibility to familiarize themselves with and abide by the laws of the State as these affect their work, the policies of the School Committee, and the regulations designed to implement them.

In the area of personal conduct, the committee expects that teachers and others will conduct themselves in a manner that not only reflects credit to the school system but also sets forth a model worthy of emulation by students.

All staff members will be expected to carry out their assigned responsibilities with conscientious concern.

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

1. Faithfulness and promptness in attendance at work.
2. Support and implement School Committee Policy. Enforce school rules and regulations.
3. Diligence in submitting required reports promptly at the times specified.
4. Care and protection of school property.
5. An awareness and practice of the school system's legal responsibility for the safety and welfare of students.
6. Ensure that students are supervised at all times.
7. Appropriate attire is required at all times consistent with School Committee Policy.

Below is a non-exhaustive list of the types of conduct that are not permitted and that may lead to disciplinary action up to and including immediate discharge, and in some instances, possible legal recourse.

- Failure to maintain a satisfactory attendance record
- Unauthorized absence, tardiness, or leaving work without permission
- Exhibiting threatening behavior
- Use of threatening, sarcastic, abusive language or behavior
- Intimidating, coercing, or interfering with fellow employees or their work
- Insubordination or refusal to perform assigned duties
- Performing one's duties in a careless, incompetent, negligent, or unsatisfactory manner
- Any act of theft, pilferage, fraud, forgery, or other dishonesty
- Falsification of records including but not limited to time cards, insurance claims, applications, resumes, or student files
- Sleeping, fighting, or gambling on District property
- Use of tobacco products on District property

- Possession or use of alcoholic beverages or illegal drugs on District property or appearing for work under the influence of alcohol or drugs
- Release of confidential information about current or former students

Any employee who has a question about these issues, or the policies governing them, that cannot be answered by the employee's supervisor is encouraged to direct the questions to the Superintendent or his designee.

*Employees are to comply with School Committee policies, available on the School District's website, and MA General Laws. Violation of policies or laws may result in disciplinary action up to and including termination. For the full policy please read School Committee Policy GBEB.*

## **Staff Responsibilities**

All staff members have a responsibility to make themselves familiar with, and abide by, the laws of the state as these affect their work, the policies of the School Committee and the regulations designed to implement them.

All staff members will be expected to carry out their assigned responsibilities with conscientious concern. The first responsibility of the instructional staff is to enhance student achievement. Also essential to the success of ongoing school operations and the instructional program are the following specific responsibilities, which will be required of all personnel:

### **Reporting Illegal Acts and Disruptive Behavior:**

All employees of the school system are required to report any illegal act and/or disruptive behavior occurring on school property. The responsible administrator has the obligation to conduct an immediate investigation of the allegation and, upon verification of a criminal act and/or disruptive behavior, report in a manner consistent with procedures established by the Superintendent to the appropriate law enforcement authorities.

### **The Mandated Reporter Statute:**

Under Massachusetts General Laws Chapter 119, Section 51A, a mandated reporter who has reasonable cause to believe that a child under the age of eighteen years is suffering physical or emotional injury resulting from abuse, including sexual abuse, or from neglect, shall immediately report such condition to DCF (Department of Children and Families) Mandated reporters include public and private school teachers, educational administrators, guidance or adjustment counselors, psychologists, attendance officers, social workers, day care providers, health care professionals, court and public safety officials. In schools, mandated reporters may either report directly to DCF or they may notify the person in charge of the school (or that person's designee), in which case that individual is responsible for making the oral and written report to DCF. The mandated reporter must make the report orally to DCF immediately, and then make a written report to DCF within 48 hours.

### **Reporting Child Abuse/Child Protection:**

The policy of the Dennis-Yarmouth Regional School District is to provide a healthy and safe environment in which students can learn and participate in all programs offered. This protocol

for the Dennis-Yarmouth Regional School District Crisis Intervention Team supports the school policy. This protocol describes procedures for staff to follow when a child's safety or health is considered at risk. This protocol ensures that essential information, relating to the suspicion that abuse or neglect has occurred, is correctly documented and, if necessary, reported to the Department of Children and Families (DCF) as mandated by MGL C.119 S.51A.

**Corporal Punishment:**

State Law (M.G.L. 71 sec. 37g) provides that the power of the School Committee or of any teacher or other employee or agent of the Committee to maintain discipline on school property shall not include the right to inflict physical punishment upon any student.

**Social Networking Website Policy - IJNDD**

The Superintendent and the school Principals will annually remind staff members and orient new staff members concerning the importance of maintaining proper decorum in the on-line, digital world, as well as in person. Employees must conduct themselves in ways that do not distract from or disrupt the educational process or otherwise detract from their positions as educators and role models in the community. The orientation and reminders will emphasize improper fraternization and/or contact with students using electronic media including, but not limited to, social networking sites, cell phones, texting or telephones.

When inappropriate contact/fraternization with students is suspected, the school Principal will investigate the matter. After investigating the matter, the school Principal will promptly bring the issue to the attention of the staff member and, depending on the nature of the offense, may consider disciplinary action against the staff member, consistent with the parties' collective bargaining agreement and Chapter [71](#) up to and including dismissal.

**Online Fundraising and Solicitations - Crowdfunding - GBEBD**

School District employees shall comply with all of the following provisions relating to online solicitations and the use of Crowdfunding services for school-related purposes as well as all applicable laws, regulations and district policies. No online fundraising may occur except as provided below.

The Superintendent shall have final authority to approve any online fundraising activities by school district employees and shall determine and communicate to Principals the circumstances under which online fundraising proposals shall require Superintendent or School Committee approval in accordance with law and school district policy ([KCD](#)). The Principal of each school shall approve all online fundraising activities within their buildings prior to any employee posting any such fundraising solicitation.

Any solicitation shall be for educational purposes only (field trips, supplies, supplemental materials, books, etc.). The solicitation of personal items (coats, nutritional snacks, etc.) shall only be to benefit students directly. To the extent an employee solicits any technology or software; the employee shall secure the prior written approval of the Director of Technology or designee prior to any such solicitation. Any employee seeking to display or post a photograph of a student in conjunction with a fundraising solicitation must first secure the written consent of the student's parent or guardian.

Employees shall not use a Crowdfunding source, or set up their appeal in such a way, that they are asking for donations directly from people over whom the employee making the request has authority, or with whom the public employee is having official dealings (such as parents of students in a teacher's classroom - the solicitation can say "Classroom X needs tissues and crayons," but it shouldn't be directed to parents who have shared email addresses with the teacher for purposes of communicating about their student).

Employees using Crowdfunding services shall periodically disclose in writing to the Superintendent the names of all individuals whom the employee has directly solicited in any manner including but not limited to oral, written, or electronic solicitation. The Superintendent shall maintain these disclosures as public records available for public review.

Employees may only use Crowdfunding services that send the items or proceeds solicited by the employee directly to the employee's school or to the school district. Employees must verify under the Crowdfunding service's terms and conditions that they meet all requirements for such solicitation. Items or proceeds directly sent to employees are considered gifts to the employee and may result in violation of state ethics laws.

If an employee's proposal is approved by the Crowdfunding service, the employee agrees to use the donated materials solely as stated in the employee's proposal.

If a solicitation is not fully funded within the time period required by the Crowdfunding service, or the solicitation cannot be concluded for any reason, every attempt will be made to return donations to the donors. Donations unable to be returned shall only be used as account credits for future solicitations.

Unless otherwise approved by the Superintendent in writing, all goods and/or proceeds solicited and received through any online solicitation shall become the property of the School Committee, and not of the individual employee who solicited the item(s) or funds. The employee is prohibited from taking any such item(s) or funds to another school or location, without the Superintendent's written approval.

## **Use of Cell Phone and Portable Communication Devices JICJ**

The School Committee recognizes that today's society is different from previous generations. Cell phones and portable communication devices (PCDs) play an important part in employee and student safety and communications. Cell phones and PCDs are defined as current and emerging technologies that are wireless units that send and/or receive electronic communications in an analog or digital data transmission. The possession or use of cell phones and PCDs are prescribed for employees and students as follows:

1. Employees of the Dennis-Yarmouth Regional School District are granted permission to possess and use cell phones and PCDs in the official job capacity consistent with their job descriptions.
2. Employees who possess and use cell phones and PCDs in their official job functions will be provided a cell phone or PCD owned by the Dennis-Yarmouth Regional School

District. The use of these units is for school business only. Any personal calls may be charged against the employee if the call causes a financial charge to the district.

3. Designated employees who are issued school-owned cell phones and other communication devices should keep their phones and PCDs on and charged during the workday and while conducting school business/events.
4. Employees who own a personal cell phone and/or PCD must ensure that the device does not ring or interrupt the academic classroom environment or the job performance of the employee. Employees must take proactive steps to ensure that the cell phones do not ring during their instructional or business hours.
5. The School Committee may review employee phone call records and charges for any school owned cell phone or PCD at any time.

### **Anti-Fraternization Policy: Staff - GBEBB**

DYRSD expects all staff members, including teachers, coaches, counselors, administrators, board members, support staff and others, to maintain the highest professional, moral and ethical standards in their conduct with students. A staff member must be aware that students of all ages and intellect are susceptible to influence by both staff and fellow peers. While this influence most often yields positive educational results, it can also be used in a manner that is entirely inappropriate. Accordingly, staff must be cognizant of their appropriate roles and professional duties in the development of students. Similarly, staff must be cognizant of the imbalance of power that exists in relationships between staff and students, which can live on long after the student has graduated from the District. This imbalance of power places students in a vulnerable position that must be recognized and respected by staff. It is the responsibility of staff not to take advantage of or otherwise exploit this imbalance of power to further any non-educational, personal, or inappropriate objective. Accordingly, staff is prohibited from engaging in any romantic, sexual, or physical relationship with students.

#### **Condition of Employment:**

The staff of the District must understand that this Anti-fraternization Policy is a condition of employment. As a condition of employment, the District reserves the right to at any time, without advance notice to staff, to access, investigate and/or review the appropriateness of any activity or relationship between staff and students in order to protect the health, welfare and safety of the District, its staff, and students. Failure to adhere to the requirements of this policy may result in severe consequences, up to and including termination.

#### **Reporting Obligation:**

All staff that reasonably suspect an inappropriate relationship exists between a staff member and student are required to immediately notify, orally or in writing, the school building principal or designee. Nothing in this paragraph is intended to relieve mandated reporters of their obligations under state and local statutes.

Submission of a good faith report of a suspected violation of this policy or compliance with an investigation will not adversely affect the reporting individual's employment. Submission of a purposely inaccurate report may result in disciplinary action.

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**Obligation of Health and Welfare for Students:**

Staff shall maintain appropriate and professional conduct in all settings in the presence of students which is conducive to an effective educational environment. Staff members shall maintain a reasonable standard of care for the supervision, control, and protection of students and shall report any violation of this policy including via social media to the school building principal, superintendent, or designee.

Employees must understand that even an appearance of inappropriate relationships will adversely impact their effectiveness in the school environment. Therefore, employees must be diligent in maintaining the highest ethical standards when interacting with youth both inside and outside the school environment.

For the full policy please read School Committee Policy GBEBB.

**Bullying Prevention & Intervention - JICFB** 

DYRSD is committed to providing a safe, positive, and productive educational environment where students can achieve the highest academic standards. It is committed to maintaining a school environment where all students regardless of legal status are free from bullying and cyberbullying.

Acts of bullying and cyberbullying are prohibited on school grounds, at a school sponsored event or related activity whether on or off school property, at a school bus stop or other vehicle owned, leased, or used by DYRSD, or through technology owned, leased, or used by DYRSD. At any location, activity, or function that is not school related, or through the use of technology if the acts create a hostile environment at school for the target, infringes on their rights at school, and/or materially and substantially disrupts the education process or orderly operation of a school.

Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who witnesses or has reliable information about bullying shall be prohibited.

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**Reporting Bullying and Cyberbullying:**

Any member of DYRSD staff shall immediately report any instance of bullying or retaliations s/he witnesses or becomes aware of bullying or retaliations to the school principal or designee. The requirement to report as provided does not limit the authority of a staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

At any point after receipt of a report of bullying or retaliation, or during or after an investigation, if the school Principal or designee has a reasonable basis to believe criminal charges may be pursued against the aggressor, the school principal or designee will notify the local law enforcement agency. In addition, if an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled, the

principal or designee will notify local law enforcement if he/she believes that criminal charges may be pursued.

**Definitions:**

*Aggressor* is a student or member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying or retaliation.

*Bullying*, as defined in M.G.L. c. 71, §370, is the repeated use by one or more students and/or members of a school staff of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

1. Causes physical or emotional harm to the victim or damages the target's property;
2. Places the target in reasonable fear of harm or damage to his property;
3. Creates a hostile environment at school for the target;
4. Infringes on the rights of the target at school; or
5. Materially and substantially disrupts the education process or orderly operation of a school.

Bullying includes cyberbullying. It may include conduct such as physical intimidation or assault, including: intimidating an individual into taking an action against his/her will, oral or written threats, teasing, putdowns, name calling, stalking, threatening looks, gestures, or actions, cruel rumors, false accusations, and social isolation.

*Cyberbullying*, as defined in M.G.L. c. 71, §370, is bullying through the use of technology or any electronic communication which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio electromagnetic, photo electronic, or photo optical system; including, but not limited to, electronic mail, internet communications, instant messages, or facsimile communications.

Cyberbullying shall also include:

1. The creations of a web page or blog in which the creator assumes the identity of another person;
2. The knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in definition of bullying; and
3. The distribution of electronic means of a communication to more than one person or the posting of material on an electronic medium that may be

accessed by one or more persons, if the distribution or posting creates any of the conditions defined in the definition of bullying.

*Hostile Environment*, as defined in M.G.L. c. 71, §370, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive so as to alter the conditions of the student's' education.

*Retaliation* is any form of intimidation, reprisal, or harassment directed against a person who reports bullying, who provides information during an investigation of bullying, or who witnesses or has reliable information about bullying.

*School Staff* includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

*Target* is a student against whom bullying, cyberbullying, or retaliation has been perpetrated.

Employees are to comply with School Committee policies, available on the School District's website, and MA General Laws. Violation of policies or laws may result in disciplinary action up to and including termination. For the full policy please read School Committee Policy JOCFB and JICFBA.

## **Physical Restraint of Students - JKAA**

Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the school district. Further, students of the district are protected by law from the unreasonable use of physical restraint. Such restraint shall be used only in emergency situations as a last resort and with extreme caution after other lawful and less intrusive alternatives have failed or been deemed inappropriate.

When an emergency situation arises, and physical restraint is the only option deemed appropriate to prevent a student from injuring himself or herself, another student or school community member, a teacher or employee or agent of the school district may use such reasonable force needed to protect students, other persons or themselves from assault or imminent, serious, physical harm.

The definitions of forms of restraint shall be as defined in 603 CMR 46.02.

The use of mechanical restraint, medical restraint, and seclusion is prohibited.

Physical restraint, including prone restraint where permitted under 603 CMR 46.03, shall be considered an emergency procedure of last resort and shall be prohibited except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to themselves and/or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions are deemed inappropriate.

Physical restraint is prohibited as a means of punishment, or as a response to destruction of property, disruption of school order, a student's refusal to comply with a school rule or staff

directive, or verbal threats that do not constitute a threat of imminent, serious physical harm to the student or others.

Physical restraint is prohibited when it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting;

### **Ethics and Conflict of Interest - GBEA**

All employees of the School Committee are municipal employees whose conduct is regulated by MGL c268A, the Massachusetts Conflict of Interest Statute as well as following the policy of the Dennis-Yarmouth Regional School Committee.

The School Committee expects members of its professional staff to be familiar with the code of ethics that applies to their profession and to adhere to it in their relationships with students, parents, coworkers, and officials of the school system.

No employee of the Committee will engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system. Nor will any staff member engage in any type of private business during school time or on school property.

Employees will not engage in work of any type where information concerning customer, client, or employer originates from any information available to them through school sources.

Moreover, as there should be no conflict of interest in the supervision and evaluation of employees, at no time may any administrator responsible for the supervision and/or evaluation of an employee be directly related to him/her.

Every 2 years, all current employees, including School Committee members, must complete the State Ethics Commission's online training. New employees must complete this training within 30 days of beginning employment and every 2 years thereafter. Upon completing the program, employees should print out the completion certificate and keep a copy for themselves. Employees will be required to provide a copy of the completion certificate to the municipal or district Clerk through the Superintendent's office.

### **Employment and Assignment of Relatives:**

In order to avoid the appearance of any possible conflict, it is the policy of the School Committee that when an immediate family member, as defined in the Conflict of Interest statute, of a School Committee member or district administrator is to be hired into or promoted within the School District, the Superintendent shall file public notice with the School Committee at least two weeks prior to executing the hiring in accordance with the law.

### **Tutoring:**

The conflict of interest law places some restrictions on teachers tutoring students in their own districts, but does not forbid it. The following are the types of situations that may violate the law, as explained further below:

- A teacher recommends that one of her own students receive private tutoring, and then is paid to do the tutoring.

- A teacher privately tutors her current students.
- A teacher conducts a private tutoring business after hours in his public school classroom.
- A teacher is paid by her own district in a second job to provide tutoring.
- A teacher is paid to provide services that the district has found to be necessary for a child, for instance under an IEP.
- A teacher tells one of his students that he is available for private instruction over the summer.

**Providing Tutoring You Recommended:** A teacher cannot recommend that one of his or her own students get tutoring, and then be paid to tutor that same student in a second job. This would be a conflict of interest, because the teacher has a financial interest in providing those services. This restriction is imposed by § 6 (charter school teachers), and § 19 (school district teachers).

**Privately Tutoring Current Students:** A teacher may not tutor students who are currently in her class. Even if the teacher does not recommend that her current student receive private tutoring, the teacher should not tutor her current students as this raises issues under § 23(b)(3), the appearance of a conflict section, § 23(b)(2), the use of position section, and § 19, the financial interest section.

**Using School Resources for Private Tutoring:** A teacher cannot use his position to get unwarranted privileges for himself or to give them to anyone else. This restriction is imposed by § 23(b)(2). For example, a teacher cannot use school resources such as classrooms or materials in connection with a private tutoring business. A public school employee cannot use a school or district website to advertise private tutoring services. A school cannot send home brochures for a particular tutoring service with the children. The only exception to this is that a district may, if it chooses, create a policy permitting the use of its resources in specified circumstances by anyone (teachers or non-teachers) who meets its objective and reasonable criteria. For example, a district could create a policy under which it will list on its website any provider of private tutoring services that meets stated criteria. Any such listing, however, should include a disclaimer that the district is not endorsing any private tutoring service

**Tutoring Paid for by the District:** Apart from their primary employment (which is viewed as a contract for conflict of interest purposes), teachers and other public employees are not allowed to have a financial interest in a contract with an agency at their same level of government, unless an exemption applies. This means that a teacher cannot have a second paid position with her school district or her charter school unless there is an applicable exemption, because the second paid position is a financial interest in a municipal or state contract. This restriction is imposed by § 7 (charter school teachers) and § 20 (school district teachers). These sections make it impossible for full-time teachers to tutor in their own district if the district is going to pay for the tutoring (as may be the case, for example, with SES services). A district that wishes to be able to pay its teachers directly to perform tutoring must include a provision in the teachers' collective bargaining agreement providing a set amount of extra pay for tutoring by teachers that will be included in the teachers' regular paychecks. This solves the problem because then teachers only have a financial interest in one contract (that is, their primary employment, which is governed by

the collective bargaining agreement). This part of the law applies less restrictively to some part-time employees.

**Tutoring Required by District:** Teachers and other public employees may not be paid by or act for others in matters that are of direct and substantial interest to their public employers. Where a district has determined that a particular child needs tutoring, that is a matter of direct and substantial interest to the district. Consequently, a teacher who works for the district cannot be paid privately to provide that tutoring. For example, if tutoring is required as part of an IEP, a teacher in the district may not accept payment from the student's family to provide that tutoring. The teacher is likewise prohibited from communicating with his own school or district on behalf of a private tutoring program. This restriction is imposed by §§ 4 and 17. These provisions apply less restrictively to some part-time employees. A district paying its own teachers directly to provide tutoring pursuant to a collective bargaining agreement by including tutoring-related compensation in their regular paychecks does not create a problem under this section, because the employees are not being paid by someone other than their employer.

**Approaching Students or Parents for Work:** Teachers and other public employees may not initiate private business relationships with persons under their authority pursuant to § 23(b)(2). This means that a teacher may not approach a student, or the student's parents, seeking private tutoring work. A teacher may provide tutoring when the relationship is initiated by the parents or a student, but, if the student is, or in the future may be, under the teacher's authority, the teacher will need to do a written disclosure. The form to be used for this disclosure is form 8, which is available at: <http://www.mass.gov/ethics/disclosure-forms/municipal-employee-disclosure-forms/>

**School District Policies Prohibiting Private Tutoring:** A school district may adopt policies that are more restrictive than the conflict of interest law. For example, a school district may choose to adopt a policy prohibiting teachers from privately tutoring any students in the same school in which they teach or in the same school district in which they work. In that situation, the tutoring would be prohibited, even if it doing so would otherwise be permissible under the conflict of interest law.

In sum, a teacher who is approached by parents of a student in his district but who is not one of his own students, and is asked to tutor their child, for payment by the parents, and using no public resources in connection with that tutoring, may do so. Teachers, however, should avoid tutoring in any of the situations described above that would raise issues under the conflict of interest law or district policy.

**Maintaining of Confidential Information:**

It is hereby the policy of the School Committee that no employee of the district will compromise confidential information. The policy affects all employees of the district who come in contact with confidential information, regardless of whether they have or have not the status of confidential employees.

**Former Employees & Restrictions on Future Employment:**

MGL c268A, Sections 5 (state employees), 12 (county employees) and 18 (municipal employees) place restrictions on public employees after they leave public service. In addition, these sections of the conflict of interest law place restrictions on the business partners of current and former public employees.

**The Forever Ban** - Sections 5(a), 12(a) and 18(a) prohibit a former public employee from ever receiving compensation from, or acting as agent or attorney for, anyone other than the state/county/municipality, in connection with any particular matter in which the state/county/municipality is a party or has a direct and substantial interest and in which the employee at any time previously participated as a public employee.

If a state/county/municipal employee at any time participated in a particular matter as a public employee, he may never receive compensation from a private employer or act as its agent in connection with the same matter after he leave his public position.

Under these sections, two basic questions must be asked by a former public employee concerning contemplated private work: (1) what did the employee participate in as a public employee? and (2) is the proposed private work in connection with any particular matter in which the employee participated in his public position?

**The One-Year Ban** - Sections 5(b), 12(b) and 18(b) prohibit a former public employee from within one year after leaving public service, acting as an agent or attorney for anyone other than his public employer, before any state/county/municipal agency or state/county/municipal court in connection with any particular matter in which the state/county/municipality is a party or has a direct and substantial interest, for which the public employee had official responsibility within the two years before he left state/county/municipal government

**Confidential Information & Former Public Employees** - Section 23(c) prohibits a current or former public employee from accepting other employment or engaging in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority and from improperly disclosing such confidential materials or using such information to further his private interests. See EC-COI-83-154; 84-9.

### **Gifts To and Solicitations by Staff - GBEB**

The acceptance of gifts worth \$50 or more by school personnel in a calendar year when the gift is given because of the position they hold, or because of some action the recipient could take or has taken in his or her public role, violates the conflict of interest law. Acceptance of gifts worth less than \$50, while not prohibited by the conflict of interest law, may require a written public disclosure to be made.

In keeping with this policy, no employee of the school district will accept a gift worth \$50 or more that is given because of the employee's public position, or anything that the employee could do or has done in his or her public position. Gifts worth less than \$50 may be accepted, but a written disclosure to the employee's appointing authority must be made if the gift and the circumstances in which it was given could cause a reasonable person to think that the employee

could be improperly influenced. The value of personal gifts accepted is aggregated over a calendar year (4 gifts of \$20 value is the same as 1 gift of \$80 if given in the same calendar year).

In general, homemade gifts without retail value are permissible because a reasonable person would not expect an employee would unduly show favor to the giver, so no disclosure is required. Such gifts could include homemade food items (cookies, candy, etc), handpicked flowers, and handmade gifts worth less than \$10 (ten) dollars.

### **Class Gifts**

There is a specific exception to the prohibition against accepting gifts worth \$50 or more, when the teacher knows only that the gift is from the class, not from specific donors. A single class gift per calendar year valued up to \$150 or several class gifts in a single year with a total value up to \$150 from parents and students in a class may be accepted provided the gift is identified only as being from the class and the names of the givers and the amounts given are not identified to the recipient. The recipient may not accept an individual gift from someone who contributed to the class gift. It is the responsibility of the employee to confirm that the individual offering such a gift did not contribute to the class gift.

### **Gifts for School Use**

Gifts given to a teacher solely for classroom use or to purchase classroom supplies are not considered gifts to an individual employee and are not subject to the \$50 limit. However, an employee who accepts such gifts must keep receipts documenting that money or gift cards were used for classroom supplies.

### **Solicitations**

In spirit, the School Committee supports the many worthwhile charitable drives that take place in the community and is gratified when school employees give them their support. However, the solicitation of funds from staff members through the use of school personnel and school time is prohibited by the conflict of interest law. Therefore, no solicitations of funds for charitable purposes should be made among staff members. Staff members of course remain free to support charitable causes of their own selection.

### **Empowered Digital Use - IJNDB**

The Dennis-Yarmouth Regional School District provides access to computers, including electronic mail and the Internet. All staff members have an assigned e-mail account and may use the District created email account. Having an account is a privilege, in exchange for which the following must be agreed to by the account holder and is considered network etiquette. The account holder must agree with the elements of network etiquette listed below:

- Be conservative in use of all network resources
- Be courteous and considerate of the rights of others
- Do not reveal personal addresses or phone numbers of students or staff without permission; remember that electronic mail is not guaranteed to be private

- Maintain password security and do not provide it to anyone else
- The internet use is for academic purposes such as class assignments, teaching, research, communication, and administration

Actions that are considered unacceptable and are prohibited are listed in the full policy. The actions listed in the policy may result in disciplinary action and the loss of internet accounts and privileges.

Logging on to the network constitutes agreement to comply with all District guidelines. Anyone with an employee or classroom DYRSD account is responsible for actions taken when accessing network services. DYRSD reserves the right to access, review, and disclose any material on the District servers and/or computers for any purpose.

Employees are to comply with School Committee policies, available on the School District's website, Freedom of Information Act and Public Record Laws. Violation of policies or laws may result in disciplinary action up to and including termination. For the full policy please read School Committee Policy IJNDB and IJND.

### **Public Records & No Expectation of Privacy**

Dennis-Yarmouth Regional School District information technology resources, including Internet access and email, are the property of the school district. As such, the school district retains the right to inspect any user's computer and the files contained therein. The firewall between the Internet and the network automatically checks all data moving between the network and the Internet, identifying the sending and receiving destinations.

The Public Records Law broadly defines "public records" to include "all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any Massachusetts governmental entity. The statutory definition of "public records" contains exemptions providing the basis for withholding records completely or in part. The exemptions are strictly and narrowly construed. Where exempt information is intertwined with nonexempt information, the nonexempt portions are subject to disclosure once the exempt portions are deleted. For more information on what falls under an exemption please read the Federal Freedom of Information Act and the Massachusetts Public Records Law.

Individual computer and workstation activity is logged and monitored, and any files created or received by users, any messages sent or received by users, and any Internet websites accessed by users are subject to monitoring at all times. In addition, any and all use of the school district's information technology resources is subject to monitoring by Dennis-Yarmouth Regional School District at any time without notice and notwithstanding any password(s).

Therefore, users should have no expectation of privacy in any access or use of the school district's information technology resources, including, but not limited to, data, incoming and outgoing emails and attachments, Internet websites accessed or viewed, and files downloaded. In fact, the mere deletion of emails, data, or files may not eliminate them from the system.

## **Alcohol-Free Workplace**

In addition to comply with the Drug-Free Workplace Act of 1988 and its implementing regulations. Employees of Dennis-Yarmouth Regional School District will not bring in, promote, gift, display, or use alcohol regardless of the purpose during work hours, school sponsored events, or school activities. Employees will refrain from using alcohol containers for transportation purposes or enhancing the quality of nonalcoholic products.

DYRSD recognizes that the use of alcohol and the problems associated with it are becoming increasingly commonplace in our society and among youth. DYRSD also recognizes that the use of alcohol may also lead to problems in daily living. When staff members are identified as using any of these substances, prompt and appropriate intervention steps will be taken to assist these individuals to address the issues of alcohol and drug use.

DYRSD also recognizes that a person's use of alcohol can lead to the illness of chemical dependency. Recovery is possible if such dependency is identified early and treated appropriately. DYRSD regards alcoholism and dependency as it does any other chronic illness.

Our primary purpose is to eradicate any moral judgment or blame that would only continue to stigmatize those with such problems and make their recovery difficult or impossible. For these reasons, the unlawful manufacture, distribution, dispensation, possession or use of alcohol in the workplace, on school premises or as part of any school-sponsored activities is strictly prohibited.

## **Drug-Free Workplace - GBEC**

The school district is a drug-free workplace in accordance with the Drug-Free Workplace Act of 1988 and its implementing regulations.

DYRSD will notify all employees in writing that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, is prohibited in DYRSD. DYRSD will establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace.

Employees understand that as a condition of employment under the Drug-Free Workplace Act and recipient of Federal Grants, employees will abide by the terms of the GBEC policy and will notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

In the event an employee is convicted of any criminal drug statute, DYRSD will notify the federal agency within ten days after receiving notice of the conviction, and within 30 days take appropriate personnel action against such an employee, up to and including termination or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program as approved by federal, state, or local health law enforcement.

## **Tobacco Free Schools - GBED**

The use of tobacco and tobacco products is prohibited in all school buildings, on school grounds, and at all off-campus school-sponsored events. This policy applies to staff, students, and guests

of the school department. The no-smoking policy is applicable on all days of the week, twenty-four hours per day. This policy includes vaping and electronic cigarettes.

The use of school buildings and grounds by non-school groups will be permitted to the extent that such individuals or organizations are willing to respect this no-smoking policy.

For further information regarding the hazards of smoking or for information on no-cost and low-cost smoking cessation programs, contact Human Resources, Dennis-Yarmouth Regional School District, 296 Station Avenue, South Yarmouth, MA 02664 at 508-398-7611, or by fax at 508-398-7622.

### **Participation in Political Activities - GBI**

The School Committee recognizes that employees of the school system have the same fundamental civic responsibilities and privileges as other citizens. Among these include campaigning for an elective public office and holding an elective or appointive office.

In connection with campaigning, an employee will not: use school system facilities, equipment or supplies; discuss his/her campaign with school personnel or students during the working day; use any time during the working day for campaigning purposes. Under no circumstances, will students be pressured into campaigning for any staff member.

### **Personnel Records and Files - GBJ**

Information about staff members is required for the daily administration of the school system, for implementing salary and other personnel policies, for budget and financial planning, for responding to appropriate inquiries about employees, and for meeting the School Committee's education reporting requirements. To meet these needs, the Superintendent will implement a comprehensive and efficient system of personnel records maintenance and control under the following guidelines:

1. A personnel folder for each present and former employee will be accurately maintained in the central administrative office. In addition to the application for employment and references, the folders will contain records and information relative to compensation, payroll deductions, evaluations, and any other pertinent information.
2. The Superintendent will be the official custodian for personnel files and will have overall responsibility for maintaining and preserving the confidentiality of the files within the provisions of the law.
3. Personnel records are considered confidential under the law and will not be open to public inspection. Access to personnel files will be limited to persons authorized by the Superintendent to use the files for the reasons cited above.

4. Each employee will have the right, upon written request, to review the contents of his own personnel file.
5. Employees may make written objections to any information contained in the file. Any written objection must be signed by the staff member and will become part of the employee's personnel file. Further, no negative comment will be placed in a staff member's file unless it is signed by the person making the comment and the staff member is informed of the comment and afforded the opportunity to include his/her written response in the file.
6. Lists of school system employees' names and home addresses will be released only to governmental agencies as required for official reports or by the laws.

## **School Committee**

### **Line & Staff Relations - CCB:**

The School Committee expects the Superintendent to establish clear understandings on the part of all personnel of the working relationships in the school system.

Personnel will be expected to refer matters requiring administrative action to the administrator to whom they are responsible. The administrator will refer such matters to the next higher administrative authority when necessary.

It is expected that the established lines of authority will serve most purposes. But all personnel will have the right to appeal any decision made by an administrative officer through established grievance procedures.

### **Public Complaints Against School Personnel - KEB:**

Complaints about school personnel will be investigated fully and fairly. However, before any such complaint is investigated, the complainant must submit his complaint in writing. Anonymous complaints will be disregarded.

Whenever a complaint is made directly to the School Committee as a whole or to a Committee member as an individual, it will be referred to the Superintendent for study and possible solution.

## **Background Checks - ADDA**

It shall be the policy of the school district that, as required by law, a state and national fingerprint criminal background check will be conducted to determine the suitability of full or part time current and prospective school employees, who may have direct and unmonitored contact with children. School employees shall include, but not be limited to any apprentice, intern, or student teacher or individuals in similar positions, who may have direct and unmonitored contact with children. The School Committee shall only obtain a fingerprint background check for current and prospective employees for whom the School Committee has direct hiring authority. In the case of an individual directly hired by a school committee, the chair of the School Committee shall review the results of the national criminal history check. The Superintendent shall also

obtain a state and national fingerprint background check for any individual who regularly provides school related transportation to children. The School Committee, Superintendent or Principal, as appropriate, may obtain a state and national fingerprint criminal background check for any volunteer, subcontractor or laborer commissioned by the School Committee, school or employed by the city or town to perform work on school grounds, who may have direct and unmonitored contact with children. School volunteers and subcontractors/laborers who may have direct and unmonitored contact with children must continue to submit state CORI checks.

The employer shall continue to obtain periodically, but not less than every 3 years, from the department of criminal justice information services all available Criminal Offender Record Information (CORI) for any current and prospective employee or volunteer within the school district who may have direct and unmonitored contact with children.

Direct and unmonitored contact with children is defined in DESE regulations as contact with a student when no other employee who has received a suitability determination by the school or district is present. "Contact" refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication.

### **Reporting to the Department of Elementary & Secondary Education (DESE) Commissioner**

Pursuant to state law and regulation, if the district discovers information from a state or national criminal record check about a licensed educator or an applicant for a Massachusetts educator license that implicates grounds for license action pursuant to regulations, the Superintendent shall report to the Commissioner in writing within 30 days of the discovery, regardless of whether the district retains or hires the educator as an employee. The report must include a copy of the criminal record check results. The school employer shall notify the employee or applicant that it has made a report pursuant to regulations to the Commissioner and shall also send a copy of the criminal record check results to the employee or applicant.

### **McKinney-Vento Homeless Education Assistance Act – Excerpt**

The goal of the McKinney-Vento Homeless Education Assistance Act is to ensure that each homeless child or youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.

School districts must immediately enroll homeless students in school, even if they do not have the documents usually required for enrollment – such as school records, medical records or proof of residency.

A complete copy of this Act is available on the DESE website

### **Field Trips and Field Studies – IJOA & JJH**

Field trips can bring the school and the community closer together, which can result in real life experiences that enrich the curriculum for students and also bring about better public relations. The School Committee will also encourage field trips as an integral part of the instructional programs in the schools.

The Superintendent will establish regulations to assure that:

1. All students have parental permission for trips.
2. All trips are properly supervised.
3. All safety precautions are observed.
4. All trips contribute substantially to the educational program.

All out-of-state or extended (overnight) trips and excursions, except those required for student participation in tournament competition or contests, must have advance approval of the School Committee. Fundraising activities for such trips will be subject to approval by the appropriate Administrator.

All student trips which include late night or overnight travel must have prior approval of the School Committee. Initial approval by the School Committee is required before engaging students in fundraising activities. The School Committee will also consider the educational value of the trip in relation to the cost prior to granting initial approval. Overnight trips should offer significant educational benefits to students that clearly justify the time and expense of the trip. Such trips should be appropriate for the grade level.

Final approval will not be granted until all preparations for the trip have been completed including, but not limited to, all logistical details involving transportation, accommodation arrangements and fundraising efforts. The School Committee requires that final approval be sought no less than 30 days prior to the scheduled trip dates.

Teachers and other school staff are prohibited from soliciting for privately run trips through the school system and in the schools. The School Committee will only review for approval of school-sanctioned trips. The School Committee will not review or approve trips that are privately organized and run without school sanctioning.

# **EMPLOYMENT RIGHTS**

## **Nondiscrimination - AC**

The Dennis-Yarmouth Regional School Committee and Dennis-Yarmouth Regional School District are committed to maintaining an education and work environment for all school community members that is free from all forms of discrimination, including harassment and retaliation. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Dennis-Yarmouth Regional School District.

The Dennis-Yarmouth Regional School District does not exclude from participation, deny the benefits of the Dennis-Yarmouth Regional School District from or otherwise discriminate against, individuals on the basis of race\*, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law in the administration of its educational and employment policies, or in its programs and activities.

This commitment to the community is affirmed by the following statements. The School Committee commits to:

1. Promoting the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encouraging positive experiences in human values for children, youth and adults, all of whom have differing personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.
3. Working toward a more integrated society and enlisting the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Using all appropriate communication and action techniques to air and address the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school district, the potential benefits or adverse consequences that those decisions might have on the human relations.
6. Initiating a process of reviewing policies and practices of the school district in order to achieve to the greatest extent possible the objectives of this statement.

The Dennis-Yarmouth Regional School District requires all members of the school community to conduct themselves in accordance with this policy.

It shall be a violation of this policy for any member of the school community to engage in any form of discrimination, including harassment and retaliation, or to violate any other civil right of any member of the school community. We recognize that discrimination can take a range of forms and can be targeted or unintentional; however, discrimination in any form, including harassment and retaliation, will not be tolerated.

It shall also be a violation of this policy for any school community member to subject any other member of the school community to any form of retaliation, including, but not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment, for reporting or

filing a complaint of discrimination, cooperating in an investigation, aiding or encouraging another member of the school community to report such conduct or file a complaint, or opposing any act or practice reasonably believed to be prohibited by this policy.

### **Non-Discrimination on the Basis of Sex – ACA**

The Dennis-Yarmouth School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school system does not and will not discriminate on the basis of sex in the educational pro-grams and activities of the public schools. This policy will ex-tend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities.

The School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, to all of its students and employees.

The Committee will designate an individual to act as the school system’s Title IX compliance officer. All students and employees will be notified of the name and office address and telephone number of the compliance officer.

### **Cultural Diversity Statement – AC-1**

The Dennis-Yarmouth Regional School District supports both the spirit and the letter of all state and federal laws regarding discrimination.

The Dennis-Yarmouth Regional School District is fundamentally committed to an environment in which persons of every race, ethnicity, gender, religion, sexual orientation, age, gender identity, disability, and socio-economic status are equally valued and affirmed.

### **Non-Discrimination Policy Including Harassment and Retaliation – AC-R**

Dennis-Yarmouth Regional School District will respond promptly to any reports or complaints of discrimination, including harassment and retaliation, or other violations of civil rights, pursuant to our detailed response protocol. Where it is determined that discrimination or harassment has occurred, Dennis-Yarmouth Regional School District will act promptly to eliminate the conduct and will impose developmentally- appropriate disciplinary, restorative, and/or corrective action.

Any member of the school community who is found, after investigation, to have engaged in any form of discrimination, including harassment or retaliation, against another member of the school community, will be subject to consequences determined appropriate by the administration. Such consequences may include restorative measures and corrective action, and/or student discipline or staff disciplinary action, up to and including termination of employment.

#### Definitions

"Discrimination" and "Harassment" are defined as unwelcome conduct, whether verbal or physical, that is based on any individual’s actual or perceived race\*, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law. Discrimination and/or harassment includes, but is not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group described above.
- Verbal abuse or insults about, directed at, or made in the presence of, an individual or group described above.
- Any action or speech that contributes to, promotes or results in a hostile or discriminatory environment to an individual or group described above
- Any action or speech that is sufficiently severe, pervasive or persistent that it either (i) interferes with or limits the ability of an individual or group described above to participate in or benefit from employment or a program or activity of Dennis-Yarmouth Regional School District; or (ii) creates an intimidating, threatening or abusive educational or working environment.

Harassment may include, but is not limited to, any unwelcome, inappropriate, or illegal physical, written, verbal, graphic, or electronic conduct, and that has the intent or effect of creating a hostile education or work environment by limiting the ability of an individual to participate in or benefit from the district's programs and activities or by unreasonably interfering with that individual's education or work environment or, if the conduct were to persist, would likely create a hostile educational or work environment.

"Title IX Sexual Harassment" (effective August 14, 2020) means verbal, physical or other conduct that targets a person based on their sex, and that satisfies one or more of the following:

- A school employee conditioning educational benefits or services on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's educational program or activity;
- Any instance of "sexual assault", "dating violence", "domestic violence", or "stalking", as those terms are defined by the Clery Act (20 U.S.C. 1092(f)(6)(A)(v)) and the Violence Against Women Act (34 U.S.C. 12291(a)(8), (10) & (30)).

Allegations of Title IX Sexual Harassment shall be reported and investigated pursuant to the Dennis-Yarmouth Regional School District Protocol for Investigating Sexual Harassment and Retaliation Pursuant to Title IX.

### Resources

The following individual is designated as the District ADA, Title VI, Title IX, and Sexual Harassment Coordinator, and Grievance Officer for the School Committee, administration, faculty, staff, volunteers in the schools, and for parties who are contracted to perform work for the Dennis-Yarmouth Regional School District, and can be reached at:

Assistant Superintendent for Instruction and Student Services  
 Dennis-Yarmouth Regional School District  
 296 Station Avenue  
 South Yarmouth, Massachusetts 02664  
 508-398-7600

The following individual is designated as the District ADA, Title VI, Title IX, and Sexual Harassment and Civil Rights Coordinator for students in the Dennis-Yarmouth Regional School District. In addition, the following individual is the District 504 Coordinator, and can be reached at:

Assistant Superintendent for Instruction and Student Services  
Dennis-Yarmouth Regional School District  
296 Station Avenue  
South Yarmouth, Massachusetts 02664  
508-398-7600

Inquiries concerning the Dennis-Yarmouth Regional School District policies and protocols, compliance with applicable laws, statutes, and regulations, and complaints may also be directed to the Director of Human Resources. Inquiries about laws, statutes, regulations and compliance may also be directed to the Massachusetts Department of Elementary and Secondary Education or the Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Suite 900, Boston, MA 02109; (617) 289-0111; Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov); Website: [www.ed.gov/ocr](http://www.ed.gov/ocr)

### **Title VI, Title IX, and the Civil Rights Act of 1964**

Dennis-Yarmouth Regional School District complies with Title IX and Title VI of the Civil Rights Act of 1964, as amended, and all requirements imposed by or pursuant to the regulations of the Massachusetts Department of Education. Dennis-Yarmouth Regional School District further agrees to the regulation that no person in the United States on the grounds of race, color, religion, creed, sex, age, marital status, national origin, mental or physical disability, political belief or affiliation, veteran status, sexual orientation, gender identity and expression, genetic information and any other class of individuals protected from discrimination under state or federal law in any aspect of the access to, admission, or treatment of students in its programs and activities, or in employment and application for employment, denied the benefit of, or otherwise subjected to discrimination under any program, activity, or employment with the district.

### **Nondiscrimination on the Basis of Ethnicity and Race**

Racial or ethnic bias is a violation of law, when it infringes on the basic rights of any person. The School Committee is aware that racism and ethnocultural discrimination are societal problems. However, it realizes that it has a key role in achieving the objective of racial equity within its jurisdiction and in contributing to positive relationships among people of different backgrounds in the wider society.

### **Harassment**

"Discrimination" includes conduct that excludes a person from participation in, denies an individual the benefits of, or otherwise subjects an individual to different treatment on the basis of race, color, sex, religion, national origin, sexual orientation, gender identity, age, or disability. Harassing conduct involving these bases can be a form of discrimination.

"Harassment" is defined as unwelcome conduct, whether verbal or physical, that is based on: race, color, national origin, sex, sexual orientation, gender identity, religion, disability, or age.

Harassment is prohibited by the Dennis-Yarmouth Regional School District, and violates the law.

Examples of harassment include:

- Display or circulation of written materials or pictures that are degrading to a person or group based upon the criteria listed above.
- Verbal abuse or insults about, directed at, or made in the presence of an individual or group described above because of one of the criteria listed above.
- Any action or speech that contributes to, promotes, or results in a hostile or discriminatory environment to an individual or group described above.
- Any action or speech that is sufficiently severe, pervasive or persistent that it either (i) interferes with or limits the ability of an individual or group (as described above) to participate in or benefit from a school program or activity of the Dennis-Yarmouth Regional School District; or (ii) creates an intimidating, threatening or abusive educational environment.

Many forms of harassment have been recognized as violations of the civil rights laws (including Section 504 of the Rehabilitation Act of 1973, the ADA, Title VI, Title DC and state statutes like M.G.L. 151C) by federal courts, state courts, the U.S. Department of Education, Office for Civil Rights, and the Massachusetts Commission Against Discrimination.

"Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

Submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly as a term or condition of employment, academic standing, school-related opportunities, or as a basis for employment decisions.

Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance by creating an intimidating, hostile, humiliating, or sexually offensive work or educational environment.

While it is not possible to list all circumstances that may be considered sexual harassment, the following are examples of conduct that violate the law and policy and which, if severe and pervasive, constitute sexual harassment. In each case, such a determination will depend upon the totality of the circumstances, including the severity of the conduct and its pervasiveness. Sexual harassment includes, but is not limited to:

- Unwelcome sexual advances, whether they involve physical touching or not.
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.

- Sexual epithets, jokes, written or verbal references to sexual conduct, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess.
- Discussions of one's own sexual activities or inquiries into others' sexual experiences.
- Displaying sexually suggestive objects, pictures, and cartoons.

The definitions of discrimination, harassment and sexual harassment are broad. In addition to the above examples, other unwelcome conduct, whether intended or not, that has the effect of creating a school environment that is hostile, offensive, intimidating, or humiliating may constitute discrimination, harassment and/or sexual harassment.

## **Sexual Harassment - ACAB**

The Dennis-Yarmouth Regional School Committee and Dennis-Yarmouth Regional School District are committed to maintaining an education and work environment for all school community members that is free from all forms of harassment, including sexual harassment. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Dennis-Yarmouth Regional School District.

Sexual harassment is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity it also, includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct, often called quid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights (OCR) uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools report cases of suspected child abuse, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals these offenses and any other serious matters shall be referred to local law enforcement. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted above. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment, depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances-whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, to male, female, or gender non-conforming students or employees may also constitute sexual harassment.

Because the District takes allegations of harassment, including sexual harassment, seriously, we will respond promptly to complaints of harassment including sexual harassment, and following an investigation where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting an environment that is free of harassment including sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment or sexual harassment.

Retaliation against a complainant, because they have filed a harassment or sexual harassment complaint or assisted or participated in a harassment or sexual harassment investigation or proceeding, is also prohibited. A student or employee who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

#### NOTICE OF SEXUAL HARASSMENT

The regulations require a school district to respond when the district has actual notice of sexual harassment. School districts have actual notice when an allegation is made known to any school employee. Schools must treat seriously all reports of sexual harassment that meet the definition of harassment and the conditions of actual notice and jurisdiction as noted whether or not the complainant files a formal complaint. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstances). Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.

The regulation highlights the importance of supportive measures designed to preserve or restore access to the school's education program or activity, with or without a formal complaint. Where there has been a finding of responsibility, the regulation would require remedies designed to restore or preserve access to the school's education program or activity.

### DUE PROCESS PROTECTIONS

Due process protections include the following:

- 1) A presumption of innocence throughout the grievance process, with the burden of proof on the school;
- 2) A prohibition of the single investigator model, instead requiring a decision-maker separate from the Title IX Coordinator or investigator;
- 3) The clear and convincing evidence or preponderance of the evidence, subject to limitations;
- 4) The opportunity to test the credibility of parties and witnesses through cross examination, subject to "rape shield" protections;
- 5) Written notice of allegations and an equal opportunity to review the evidence;
- 6) Title IX Coordinators, investigators, and decision-makers must be free from bias or conflict of interest;
- 7) Equal opportunity for parties to appeal, where schools offer appeals;
- 8) Upon filing a formal complaint the school must give written notice to the parties containing sufficient details to permit a party to prepare for any initial interview and proceed with a factual investigation. For K-12 schools a hearing is optional but the parties must be allowed to submit written questions to challenge each other's credibility before the decision-maker makes a determination. After the investigation, a written determination must be sent to both parties explaining each allegation, whether the respondent is responsible or not responsible, including the facts and evidence on which the conclusion was based by applying either the preponderance of the evidence or the clear and convincing standard; however, a school can use the lower preponderance standards only if it uses that standard for conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanction. As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate informal resolution of a sexual complaint.

A district may establish an informal investigation process that may, upon the request of the complainant, be followed by a formal process.

The Superintendent in consultation with the Title IX Coordinator shall designate the principal of each school in the district, or their designee (or some other appropriate employee(s)) as the initial entity to receive the sexual harassment complaint. Also, in a matter of sexual harassment, the district shall require that the Title IX Coordinator be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients. The investigating officer may receive the complaint orally or in writing, and the investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and

will include, at least, a private interview with the person filing the complaint and with witnesses. Also, the alleged harasser will be interviewed. When the investigation is completed, the complaint recipient will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

### RECORD KEEPING REQUIREMENTS

Schools must create and maintain records documenting every Title IX sexual harassment complaint. This could include mediation, restorative justice, or other models of alternative dispute resolution. Schools must keep records regarding the school's response to every report of sexual harassment of which it becomes aware even if no formal complaint was filed, including documentation of supportive matters offered and implemented for the complainant.

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the Dennis-Yarmouth Regional School District to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

The District's Title IX Coordinator is:

Assistant Superintendent for Student Services and Instruction  
Dennis-Yarmouth Regional School District  
296 Station Avenue  
South Yarmouth, MA 02664  
508-398-7624

Contact information for the Superintendent and the building Principals is:

Superintendent: 508-398-7604  
D-Y Regional High School Principal: 508-398-7630  
Nathaniel H. Wixon Middle School Principal: 508-398-7695  
Mattacheese Middle School Principal: 508-778-7979  
M. E. Small Elementary School Principal: 508-778-7975  
Station Avenue Elementary School Principal: 508-760-5600  
Ezra H. Baker Innovation School Principal: 508-398-7690

Please note that the following entities have specified time limits for filing a claim.

The Complainant may also file a complaint with:

- The Mass. Commission Against Discrimination, 1 Ashburton Place, Room 601  
Boston, MA 02108.  
Phone: 617-994-6000.
- Office for Civil Rights (U.S. Department of Education)  
5 Post Office Square, 8th Floor  
Boston, MA 02109.  
Phone: 617-289-0111.
- The United States Equal Employment Opportunity Commission,  
John F. Kennedy Bldg.

## **Nondiscrimination on the Basis of Handicap - ACE**

Title II of the Americans With Disabilities Act of 1992 requires that no qualified individual with a disability shall, because the District's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the District or be subject to discrimination. Nor shall the District exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.

A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the District.

The District shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the District can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

The District shall take the appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the District shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy benefits of, a service, program, or activity conducted by the District. In determining what type of auxiliary aid or service is necessary, the District shall give primary consideration to the requests of the individuals with disabilities.

## **Harassment Complaint Procedure**

Any member of the school community who believes that he/she has been subjected to sexual harassment will report the incident (s) to the grievance officer. All complaints shall be investigated promptly and resolved as soon as possible.

The grievance officer will attempt to resolve the problem in an informal manner after conferring with the charging party for purposes of clarity and interview witnesses involved. After collecting statements and any relative evidence, the grievance officer may attempt to resolve the matter informally through reconciliation and/or report the incident and transfer the record to the Superintendent. In the event the Superintendent is referred for the incident, parties shall be notified by certified mail.

The Grievance Officers: Maria Lopes, Director; Office of Pupil Services *and/or* Kenneth Jenks, Assistant Superintendent; DYRSD; 296 Station Avenue; So. Yarmouth, MA 02664; 508-398-7605.

The state agency responsible for enforcing the laws prohibiting harassment is the Massachusetts Commission Against Discrimination (“MCAD”). The MCAD is located at One Ashburton Place in Boston, Massachusetts. The agency responsible for enforcing federal laws prohibiting harassment is the Equal Employment Opportunity Commission. The EEOC is located at One Congress Street, Boston, Massachusetts.

### **Requirement to Report Educator Misconduct**

As a reminder, Massachusetts Superintendents are required to report to the Commissioner of Elementary and Secondary Education in writing whenever a licensed educator is dismissed, not renewed or resigns after committing misconduct that might warrant revocation or other limitation of the educator's license. The reporting requirement is designed to ensure that, as the licensing authority for Massachusetts educators, the Commissioner is made aware of misconduct that may call into question the "sound moral character" that state law requires of every licensed educator. The grounds that may trigger license action are set forth in the Educator Licensure Regulations at 603 CMR 7.14(8)(a)

The grounds include conviction of certain crimes, loss of another professional license, demonstrated unfitness, and gross misconduct or negligence in the conduct of the license holder's professional duties. Please note that the regulation does not require reporting of dismissals or non-renewals for reasons of poor job performance or other factors that do not implicate the grounds for license action in 603 CMR 7.14 (8)(a).

The state regulation, 603 CMR 7.14 (8)(h), reads as follows:

(h) Administrators' Obligation to Report. Any administrator who has dismissed, declined to renew the employment of, or obtained the resignation of any educator for any of the reasons cited in 603 CMR 7.14 (8) (a) shall report in writing such resignation or dismissal and the reason therefore to the Commissioner within 30 days. This obligation to report also applies when an administrator acquires relevant information after an educator's dismissal, resignation, or non-renewal. Failure to make such reports shall be grounds on which the Commissioner may revoke the administrator's license.

Please note that this reporting requirement is separate from the duty of a school administrator or other mandated reporter under the child abuse law, Mass. General Laws c. 119, § 51A, to report suspected child abuse or neglect immediately to the Department of Children and Families (formerly called the Department of Social Services), regardless of whether the suspected perpetrator is an educator.

### **Domestic Violence Leave Policy - GBGE**

It shall be the policy of the Dennis-Yarmouth Regional School District to permit an employee to take up to 15 days of domestic violence leave from work in any 12 month period. In order to be eligible for said leave:

- (i) the employee, or a family member of the employee must be a victim of abusive behavior;
- (ii) the employee must be using the leave from work to seek or obtain medical attention, counseling, victim services or legal assistance, secure housing, obtain a protective order from court, appear before a grand jury, meet with a district attorney or other law enforcement official, attend child custody proceedings, or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
- (iii) the employee must not be the perpetrator of the abusive behavior against such employee's family member.

An employee seeking such leave shall exhaust all annual or vacation leave, personal leave and sick leave available to the employee, prior to requesting or taking domestic violence leave. When all leaves are exhausted, an employee may take unpaid leave.

Except in cases of imminent danger to the health or safety of an employee, advanced notice of domestic violence leave shall be required. If such imminent danger exists, the employee shall notify the employer within 3 workdays that the leave was taken. The notification may be communicated to the employer by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior. If an unscheduled absence occurs, an employer shall not take any negative action against the employee if the employee, within 30 days from the unauthorized absence or within 30 days from the employee's last unauthorized absence in the instance of consecutive days of unauthorized absences, provides any of the documentation found in (1) to (7) below. Employees are required to provide documentation that the employee or employee's family member has been a victim of abusive behavior and that the leave is consistent with clauses (i) to (iii) as above referenced; provided, however, employees are not required to show evidence of an arrest, conviction or other law enforcement documentation for such abusive behavior. The documentation shall be provided to the employer within a reasonable period after the employer requests it.

An employee shall satisfy this documentation requirement by providing any one of the following documents to the employer:

- (1) a protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member;
- (2) a document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the employee or family member;
- (3) A police report or statement of a victim or witness provided to police documenting the abusive behavior;

(4) documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to support a finding of guilt; or has been convicted of, or has been adjudicated a juvenile delinquent by reason of any offense constituting abusive behavior;

(5) medical documentation of treatment as a result of the abusive behavior;

(6) a sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior;

(7) a sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been a victim of or is a family member of a victim of abusive behavior.

All information related to the employee's leave shall be kept confidential and shall not be disclosed, except to the extent that disclosure is:

- (i) requested or consented to, in writing, by the employee;
- (ii) ordered to be released by a court of competent jurisdiction;
- (iii) otherwise required by applicable federal or state law;
- (iv) required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the Attorney General; or (v) necessary to protect the safety of the employee or others employed at the workplace.

The Superintendent shall ensure that notice is provided to all employees in the next school year and beyond by appropriately amending the district's employee handbooks, by whatever title they may be known, or by direct notice about the Domestic Violence Law and securing the employee's signature acknowledging receipt of the handbook/notice. The Superintendent shall be responsible for notifying all current employees, unless they have been notified through the handbook, of this policy in a manner that he/she deems appropriate.

No employer shall coerce, interfere with, restrain or deny the exercise of, or any attempt to exercise, any rights provided herein or to make leave requested or taken contingent upon whether or not the victim maintains contact with the alleged abuser. No employer shall discharge or in any other manner discriminate against an employee for exercising the employee's rights under law. The taking of domestic violence leave shall not result in the loss of any employment benefit accrued prior to the date of such leave. Upon the employee's return from such leave, he/she shall be entitled to restoration to the employee's original job or to an equivalent position. Definitions of "abuse," "abusive behavior," "domestic violence," "employees" and "family members" may be found in the laws referenced below.



# **HEALTH AND SAFETY**

## **Staff Health**

Through its overall safety program and various policies pertaining to school personnel, the School Committee shall seek to insure the safety of employees during working hours and assist them in the maintenance of good health. It shall encourage all its employees to maintain good health and practice good health habits.

Under the following circumstances, the School Committee may require physical examinations of its employees.

### **New Hire Certificate of Health:**

As a condition of employment, all newly appointed employees of the DYRSD are required to submit a certificate of occupational fitness from their Primary Care Physician. This certificate certified by the employees Primary Care Physician verifies that the employee is of sufficiently sound health and physically able to perform the work.

### **Special Examinations:**

The School Committee recognizes that an individual's medical diagnosis is privileged information between the patient and medical professionals. However, whenever a staff member's medical condition is such that it interferes with her/his ability to perform her/his duties or there is a risk to the health and safety of others, the district has a responsibility to take necessary steps to evaluate the employee's condition and make appropriate employment decisions.

If the employee has a physical and/or mental health condition, disease or illness which may interfere with her/his ability to perform her/his duties or which may pose a significant risk to the health, safety or welfare of the employee or others, the School Committee may request physical examinations and/or mental health examinations of the employee. The school district shall select a mutually agreeable medical professional to conduct such examination and the School Committee shall pay for such examination.

### **Communicable Diseases:**

An employee with an acute, common communicable disease shall not report to work during the period of time in which s/he is contagious/infectious. The district reserves the right to require a physician's statement prior to the employee's return to work.

Any employee who becomes aware that s/he has a long-term, communicable disease, which, although life-threatening, poses little risk of transmission in a school setting, is encouraged to report to a designated school administrator that s/he is afflicted with the disease. In all instances, district personnel shall respect the individual's right to privacy and treat any medical diagnosis as confidential information. Special precautions should be taken to protect information regarding an employee's health condition in order to prevent instances of disclosure that may invade the personal privacy of the employee.

The school district shall endeavor to treat these employees in a fair, non-discriminatory, and confidential manner consistent with the district's legal obligations. Federal and state law mandate, pursuant to provisions protecting handicapped individuals, which such employees shall not be discriminated against on the basis of their handicaps and that, if it becomes necessary, some reasonable accommodations be made to enable qualified individuals to continue work.

## **Personal Security and Safety**

Any assault on a staff member will be promptly reported to the immediate supervisor who will report to the Superintendent or her/his other designated representative. In the case of a student assaulting a teacher, the student will be suspended pending a parent, teacher, and principal conference. The district will render all reasonable assistance to the staff member in connection with handling the incident by law enforcement and judicial authorities.

## **Workers' Compensation**

The district will provide Workers' Compensation insurance for all employees. Employees who are injured at work and subsequently receive Workers' Compensation benefits may supplement the benefit pay with deductions from available sick or vacation leave until such leave is exhausted.

## **Safety and Security**

Accidents are undesirable, unplanned occurrences that can result in tragic consequences--bodily harm, loss of school time, property damage, legal action, and fatality. The School Committee will guard against such occurrences by taking every possible precaution to protect the safety of all students, employees, visitors and others present on school property or at school-sponsored events.

The Committee will comply with safety requirements established by governmental authorities and will insist that its staff adhere to recommended safety practices as these pertain, for example, to the school plant, special areas of instruction, student transportation, school sports and occupational safety.

The practice of safety will also be considered a facet of the instructional program of the schools. Instruction will include accident prevention as well as fire prevention; emergency procedures; traffic, bicycle, and pedestrian safety.

The Superintendent will have overall responsibility for the safety program of the school system. It will be the responsibility of the Superintendent to see that appropriate staff members are kept in-formed of current state and local requirements relating to fire prevention, civil defense, sanitation, public health, and occupational safety.

Efforts directed toward the prevention of accidents will succeed only to the degree that all staff members recognize that preventing accidents is a daily operational responsibility.

The school attempts to provide a safe environment. If an accident or sudden illness occurs, school personnel will administer first aid and, if warranted, call the school physician.

First aid is defined as the immediate and temporary care given in case of an accident or sudden illness, which enables the child to be taken safely home or to a physician. It does not include diagnosis or treatment. Any care beyond first aid will not be given.

At each school, procedures will be developed for the proper handling of an injury to, or sudden illness of, a child or staff member. These will be made known to the staff and will incorporate the following requirements:

1. The school nurse or another trained person will be responsible for administering first aid.
2. When the nature of an illness or an injury appears in any way serious, every effort will be made to contact the parent and/or family physician immediately.
3. No young child who is ill or injured will be sent home alone, nor will any older child unless the illness or injury is minor. A young child who is ill or injured will not be taken home unless it is known that someone is there to receive him or her.
4. In extreme emergencies, the school nurse, school physician or Principal may make arrangements for immediate hospitalization of injured or ill students, contacting parent or guardian in advance if at all possible.
5. The teacher or other staff member to whom a child is responsible at the time an accident occurs will make out a report on an official form providing details about the accident. This will be required for every accident for which first aid is given.
6. All accidents to students and staff members will be reported as soon as possible to the Superintendent and, if the Superintendent deems appropriate, to the School Committee.

### **Automated External Defibrillators (AED)**

Automated External Defibrillators are available in public areas of every school building and are accessible to the general public in the event of a cardiac emergency in the building when school is not in session. AED's are located in the Main Lobby of every school. The Dennis-Yarmouth Regional High School has five additional AED's located outside of the classroom 013, 106, 203, 406, and the Athletic Training Room.

### **Accident Reports**

Dennis-Yarmouth Regional School District requires that an accident report be filed for every accident that takes place on school property, or that involves a school vehicle, students or staff on school-sponsored trips, or staff members on authorized school business trips. Such accident reports are required whether or not there is physical injury or property damage.

All student accidents on the way to and from school and on school property will be reported to the Superintendent through the principal. Any on the job accidents involving employees will also be reported in a timely manner, **within 24 hours of the accident**.

For accidents involving students, the teacher responsible for the student when the accident occurred will file an accident report with the principal on the same day. School personnel will report other accidents occurring off school grounds at school-sponsored events or involving school transportation vehicles within 24 hours to the school nurse and principal.

Accident report forms provided to each school principal will be used to document information that (1) might be helpful in preventing similar accidents in the future; (2) is needed for filing insurance claims; (3) might be important in case of litigation.

## **Emergency Plans**

Advance planning for emergencies and disasters is essential to provide for the safety of students and staff; it also strengthens the morale of all concerned to know that plans exist and that students and staff have been trained in carrying out the plans.

The Superintendent will develop and maintain plans that meet the requirements of state law for preparedness in case of fire, civil emergencies, and natural disasters.

The Superintendent shall annually review the response sequence with local police and fire officials. Plans shall be submitted to local police and fire officials and the DESE at least every 3 years by September 1 or when changes occur. Plans must be updated in the case of new construction or other physical changes to the school campus.

Building Principals will meet all requirements for conducting fire drills and Emergency Response drills (at least once per year) to give students practice in moving with orderly dispatch to designated areas under emergency conditions, and the staff practice in carrying out their assigned responsibilities for building evacuation.

## **School Delays, Closings and Cancellations**

In the event of inclement weather or mechanical breakdown, school may be closed. The Blackboard Connect (Electronic Phone Tree) system will also be used to announce school closings.

"No School" or "Delayed Opening" announcements are made over the following radio stations beginning at 6:00 a.m.: WXTK 95.1 FM, WQRC 99.9 FM, and WCOD 106.1 FM and on the following TV stations: WRKO/WHDH (CH 7, CH 56), WCVB (CH5), WBZ (CH4) and Fox 25.

School closing and/or delayed opening announcements will be posted on the district website at <http://dy-regional.k12.ma.us>.

## **Security**

Public school buildings and grounds are one of the greatest investments of the town. It is deemed in the best interest of the school department and town to protect the investment adequately.

Security should mean not only maintenance of a secure (locked) building, but protection from fire hazards and faulty equipment, and safe practices in the use of electrical, plumbing, and heating equipment. The Committee expects close cooperation with fire and law enforcement departments and with insurance company inspectors.

Access to school buildings and grounds outside of regular school hours will be limited to personnel whose work requires it. An adequate key control system will be established, which will limit access to buildings to authorized personnel and will safeguard against the chance of entrance to buildings by unauthorized persons.

Funds and valuable records will be kept in a safe place and under lock and key.

Protective devices designed to be used as safeguards against illegal entry and vandalism will be installed when appropriate to the individual situation.

**School Access:**

Each school in the district has a security system installed. The Technology Department issues security cards with unique Personal Identification Numbers to each employee with an appointed position. The employee's card provides access for each building where the employee will work. Employees will be responsible for lost or stolen security cards.

Every employee shall return the employee's ID and security card to the principal of the employee's assigned building or the Personnel Department upon termination of employment.

**Staff I.D.'s:**

Each employee of the School District, including administrators, faculty, staff, coaches, and part-time employees, must wear the employee's school ID badge while on School District property. ID badges will be issued to all new employees through the individual schools or the Benefits Office. The ID must be visible at all times during school hours. The ID shall be displayed on the assigned lanyard hanging from the neck or clipped to clothing so that it is easily visible.

In the event that an official ID badge is unavailable for any employee, the front office of each school shall issue a temporary identification badge. The temporary ID shall be returned to the front office each time the employee exits the school.

**Personal Identification and Right to Eject:**

School personnel may require identification of any person on school property. Also, the principal or her/his designee may refuse to allow persons with no legitimate business to enter school grounds and/or may eject any person from school grounds if that person refuses to leave peacefully upon request.

**Violations of State or Local Law:**

Persons who violate state or local laws including but not limited to trespassing on school grounds, smoking on school grounds, damage to school property, or loitering, will be reported to school authorities as well as the local Police Department.

**Vandalism**

The School Committee recognizes that acts of vandalism committed against public and private property are costly and require positive action through educational programs. Consequently, the Committee will support various programs aimed at reducing the amount of vandalism.

Every citizen of the town, staff members, students, and members of the police department are urged by the School Committee to cooperate in reporting any incidents of vandalism to property under control of the school department, and the name(s) of the person or persons believed to be responsible. Each employee will report to the Principal of the school every incident of vandalism known to him/her and, if known, the names of those responsible.

The Superintendent is authorized to sign a criminal complaint and to press the charges against perpetrators of vandalism against school property, and is further authorized to delegate, as he/she sees fit, authority to sign such complaints and to press charges.

Parents and students will be made aware of the legal implications involved. Reimbursement will be sought for all or part of any damages.

## **Food Services**

The Food Services Program will not be open to the general public. School employees and authorized visitors may participate in the Food Services Program at adult prices of \$4.00 (tax included)

### **Rules and Regulations:**

All rules and regulations and policies of the district will be complied with by all groups or persons granted permission for use of Food Services facilities.

### **Storage of Food:**

Food and/or ingredients intended for personal use by employees will not be stored or processed in Food Services facilities. Food Services facilities are not available for personal use by employees. If outside groups need to use the facilities, pre-approved arrangements must be made in advance.

## **Telephone Service**

Under no circumstances may long distance calls or toll calls of a personal nature be made at the District's expense. Accepting personal, collect calls and charging personal long distance phone calls to the District is prohibited.

The use of Directory Assistance is also discouraged. Almost all phone numbers are listed in local phone directories or on various internet web sites.

The District uses the Centrex System, a toll system that keeps a log and charges for all long distance and Directory Assistance calls made on District phones. A monthly printout of calls is forwarded to each school for review.

## **Cell Phone Use**

The School Committee recognizes that today's society is different from previous generations. Cell phones and portable communication devices (PCDs) play an important part in employee and student safety and communications. Cell phones and PCDs are defined as current and emerging technologies that are wireless units that send and/or receive electronic communications in an analog or digital data transmission.

The possession or use of cell phones and PCDs are prescribed for employees are as follows:

1. Employees of the Dennis-Yarmouth Regional School District are granted permission to possess and use cell phones and PCDs in the official job capacity consistent with their job descriptions.

2. Employees who possess and use cell phones and PCDs in their official job functions will be provided a cell phone or PCD owned by the Dennis-Yarmouth Regional School District. The use of these units is for school business only. Any personal calls may be charged against the employee if the call causes a financial charge to the district.
3. Designated employees who are issued school-owned cell phones and other communication devices should keep their phones and PCDs on and charged during the workday and while conducting school business/events.
4. Employees who own a personal cell phone and/or PCD must ensure that the device does not ring or interrupt the academic classroom environment or the job performance of the employee. Employees must take pro-active steps to ensure that the cell phones do not ring during their instructional or business hours.
5. The School Committee may review employee phone call records and charges for any school owned cell phone or PCD at any time.

### **Personal Appearance**

The District expects an employee to dress in a manner suitable for the work involved and consistent with good taste and good personal hygiene. All employees are expected to conform and model the student dress code, which may vary slightly from location to location. Otherwise, an employee should be guided by the employee's supervisor with regard to any special clothes or equipment needed for the job.

### **Customer Service**

District employees serve the students of the District, their parents/guardians, and all the residents of the towns of Yarmouth and Dennis. Their work will probably bring an employee into frequent contact with the public. Courtesy, tact, and helpfulness on the employee's part are expected, and will do much to create the positive image District employees deserve.

### **Tobacco Products on School Premises - ADC**

Use of any tobacco products, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco and snuff and electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization, within the school buildings, school facilities, on school grounds or school buses, or at school sponsored events by any individual, including school personnel and students, is prohibited at all times.

A staff member determined to be in violation of this policy shall be subject to disciplinary action.

A student determined to be in violation of this policy shall be subject to disciplinary action pursuant to the student discipline code.

This policy shall be promulgated to all staff and students in appropriate handbook(s) and publications.

Signs shall be posted in all school buildings informing the general public of the District policy and requirements of state law.

**SCHOOL FACULTY  
AND ADMINISTRATION**

## **Employment Practices**

All teachers and assistant principals who are assigned to one location (school) will be appointed only upon approval of the Superintendent. Should a person nominated by the principal be rejected by the Superintendent, it will be the principal's duty to make another nomination. All nurses, coaches, and teachers assigned to more than one school site will be appointed by the Superintendent.

The Superintendent will ensure that all persons recommended for employment are certified or certifiable as per Department of Elementary and Secondary Education requirements, as well as the qualifications established for the position by the Committee. All candidates will be considered on the basis of their merits, qualifications, and the needs of the district.

### **Certification and Credentials:**

In accordance with M.G.L.A. c.71, sec. 38g, no person shall be eligible for employment as a teacher, guidance counselor, director, school psychologist, school adjustment counselor, school social worker, school nurse, library media specialist, school business administrator, principal, supervisor, director, assistant superintendent of school, and superintendent of schools by a school district unless he has been granted by the commissioner a provisional, or standard certificate with respect to the type of position for which he seeks employment; provided, however, that nothing herein shall be construed to prevent a school committee from prescribing additional qualifications; and provided further, that a superintendent may upon request be exempt by the commissioner for any one school year from the requirement in this section to employ certified personnel when compliance therewith would in the opinion of the commissioner constitute a great hardship in securing teachers for that school district. During the time that such a waiver is in effect, service of an employee of a school district to whom the waiver applies shall not be counted as service in acquiring professional teacher status or other rights under section forty-one.

Failure to obtain or maintain a valid certificate and highly qualified status under the Every Student Succeeds Act (formerly No Child Left Behind) will be cause for termination of employment.

### **Coaching Staff:**

All coaches of interscholastic and competitive/extracurricular sports must possess an "Interscholastic Coaching" certificate, or have successfully completed a college or university course on health and safety of participants (3 hours) and a cardio-pulmonary resuscitation (CPR) course either prior to or during their initial year of employment.

Each succeeding year, all coaches must attend an approved three (3) hour sports-related first aid training program.

### **Professional Staff Hiring:**

Through its employment policies, the District will strive to attract, secure, and hold the highest qualified personnel for all professional positions. The selection process will be based upon awareness to candidates who will devote themselves to the education and welfare of the children attending the schools.

It is the responsibility of the Superintendent, and of persons to whom he or she delegates this responsibility, to determine the personnel needs of the school district and to locate suitable candidates. No position may be created without the approval of the School Committee. The District's goal is to employ and retain personnel who are motivated, will strive always to do their best, and are committed to providing the best educational environment for the children

It will be the duty of the Superintendent to see that persons considered for employment in the schools meet all certification requirements and the requirements of the Committee for the type of position for which the nomination is made.

The following guidelines will be used in the selection of personnel:

1. There will be no discrimination in the hiring process due to race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law.
2. The quality of instruction is enhanced by a staff with a wide variation in background, educational preparation, and previous experience.
3. The administrator responsible for the hiring of a staff member (in the case of District-wide positions, for the position of Principals, it is the Superintendent; for building-based personnel, it is the Principal) is directed to establish a representative screening committee. The administrator has the final say in determining who will be hired but it is expected that the screening committee's input will be a factor in the decision. For those positions where the hiring authority rests with the School Committee, a representative screening committee may be established by the School Committee, or the School Committee may direct the Superintendent to establish a screening committee to assist the Superintendent in making their recommendation to the School Committee.

## **Substitute Employment**

The School Committee believes that the role of the substitute is highly important for maintaining continuity in teaching and learning. An effective program for selecting and assigning all substitutes and evaluating their performance will be established by the professional staff under the direction of the Superintendent. Persons wishing to substitute teach in the district will make an application through the Administration office.

Whenever possible, a substitute teacher will be a person who is employed in the absence of the regular teacher and who possesses knowledge in the area of assignment and demonstrated successes in teaching.

The substitute teacher lists will be prepared in the office of the Superintendent by the Human Resource Director who will maintain a complete file on all substitute teachers.

Employees who have retired from our system, resigned without prejudice, or who have received notice of a reduction in force may substitute in our school district.

The Superintendent may revoke the authorization of any individual to serve as substitute support staff for violation of any such standards, policies, or regulations.

## **Termination of Employment**

Termination of employment will be governed by state statutes and applicable language in the current collective bargaining agreement or individual contract.

**Suspension and Dismissal of Professional Staff members – GCQF:** The Superintendent will strive to assist personnel to perform their duties efficiently. However, the Superintendent may dismiss any employee in accordance with state law. Further, the Committee recognizes the constitutional rights of the District's employees and assures them the protection of due process of law. To guarantee such rights, a system of constitutionally and legally sound procedures will be followed in each case of suspension or dismissal of an employee.

When any report is made to a Principal that may result in a professional employee being suspended or dismissed the Principal shall consult the Superintendent. If a report is made directly to the Superintendent, s/he may include the Principal in the investigation.

If the Superintendent and/or Principal determines that sufficient cause exists that a professional employee be suspended or dismissed from service in the school system, he or she will:

1. Be certain that each such case is supported by defensible records.
2. Determine if the individual is to be suspended immediately with the understanding that the suspension will be subject to restoration of salary and position if an appeal is decided in favor of the individual.
3. Follow the procedures for dismissal or suspension that are contained in applicable laws as well as those included in the current agreement with the professional employees' bargaining unit. Contact with legal counsel is recommended.
4. Provide the individual involved with a written statement that will:
  - a. Indicate whether the action being taken is dismissal or suspension.
  - b. State the reason for the suspension or dismissal.
  - c. Guarantee that all procedures will be in accordance with due process of law.
  - d. Inform employees who have a right to request a hearing under appropriate laws that they may be represented at such a hearing by counsel of their choice.

## **Voluntary Resignation**

A staff member should submit adequate written notice to the employee's supervisor before voluntarily leaving the District. Those individuals whose responsibilities are determined by the academic calendar are expected to fulfill their commitments through the academic year. Members of the teaching staff are encouraged to inform the Administration by October 1 of their

intention not to return the following year. More advance notice may be required per individual contract or collective bargaining agreement. Clerical and service staff members are expected to provide a minimum of two weeks' notice.

Any unauthorized absence from employment for two or more consecutive days constitutes a voluntary resignation from employment.

### **Involuntary Separation**

Employment is not guaranteed to any employee. Termination of an individual may result from reorganization, financial circumstances or lack of work. Written notice of termination for such reasons will conform with the requirements of individual labor contracts.

### **Continuation of Benefits after Separation**

If an employee participates in group insurance plans through the District, the employee may be eligible to continue coverage after separation. Please see COBRA Coverage in the Insurance section of this handbook.

### **Rehire**

Employees who leave the Dennis-Yarmouth Regional School District in good standing and later wish to return are eligible for consideration for rehire provided an appropriate position is available. A previous employee who is rehired is not guaranteed credit for prior service for purposes of vacation eligibility, seniority, and other pertinent benefits.

### **Retirement**

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All full-time non-instructional personnel are required to participate in the Barnstable County Retirement System. Periodically, the superintendent will present to the committee the names of support staff members who have indicated their intentions to retire.

## **ROUTINE BUSINESS**

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## **Expense Reimbursement - DKC**

The Dennis-Yarmouth Regional School District recognizes that, for many employees, travel expenses are incurred in order to further the mission of the District. Personnel and school department officials who incur expenses in carrying out their authorized duties will be reimbursed by the school department upon submission of a properly completed and approved voucher and any supporting receipts required by the Superintendent.

When official travel by a personally owned vehicle is authorized, mileage payment will generally be made at the rate currently approved by the Internal Revenue Service.

### **Lodging Expense**

Hotel and lodging expenses will be reimbursed for an employee only and up to a reasonable amount consistent with the going market rate for the city of the conference. It is suggested that hotel expenses be charged to the individual's personal credit card and that receipts for these charges be submitted with the *Travel Request Form*. Receipts must be submitted for all expenses claimed except incidental expenses such as tips, taxi expenses, public transportation fares, and parking. Reimbursement will be in an amount up to a reasonable daily allowance.

### **Private Vehicle Use**

The District will reimburse employees for required use of private vehicles for official, approved travel between schools and other official, approved, local travel. The School Committee uses the Internal Revenue Service federally set rate for mileage (\$0.545 per mile as of July 1, 2018). Local travel expenses should be submitted to the Business Office quarterly on a *Mileage Expense Form*. No requests for reimbursement submitted after the fiscal year ends will be honored.

## **Reporting Absences from Work**

Regular, consistent, and reliable attendance on the job is important to the District's operation. Frequent or unnecessary absence from work, tardiness in reporting to work, or leaving work early puts an added burden on fellow employees; interferes with the District's ability to perform its business, education; will seriously impair the value of an employee's services; and will be sufficient cause for termination or other disciplinary action. Whenever possible, elective surgery should be scheduled at a time that will cause the least disruption to an employee's ability to successfully perform the functions of the employee's position.

An employee who must be absent from work is expected to notify his or her supervisor **as soon as possible**, and to keep the supervisor regularly informed during any extended absence (three days or more). In a similar manner, employees should call their supervisors if they are going to be late for work. In addition to oral notification, an employee is required to complete a "Leave of Absence Form" for every absence. The form must be completed at least two days before the absence for any anticipated absences or immediately upon return for any unanticipated absences. The principal or supervisor must approve completed forms.

Each supervisor is responsible for keeping accurate records of an employee's absences. The Dennis-Yarmouth Regional School District reserves the right to request a medical examination or doctor's certificate during or following an illness.

## **Family Medical Leave Act**

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to twelve workweeks of leave in a 12-month period for:

- The birth of a child and to care for the newborn child within one year of birth;
- The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- To care for the employee's spouse, child, or parent who has a serious health condition;
- A serious health condition that makes the employee unable to perform the essential functions of his or her job;
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

## **Massachusetts Parental Leave Act**

An Act Relative to Parental Leave expands the current maternity leave law, G.L. c. 149, § 105D, which is enforced by the Massachusetts Commission Against Discrimination (MCAD). Currently, Massachusetts law requires employers with six or more employees to provide eight weeks of unpaid maternity leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption. The new law goes into effect on April 7, 2015 and expands the current leave law in the following ways:

- The parental leave law is now gender neutral. Both men and women are entitled to parental leave.
- If the employer agrees to provide parental leave for longer than 8 weeks, the employer must reinstate the employee at the end of the extended leave unless it clearly informs the employee in writing before the leave and before any extension of that leave, that taking longer than 8 weeks of leave shall result in the denial of reinstatement or the loss of other rights and benefits.
- The law clarifies that the right to leave applies to employees who have completed an initial probationary period set by the terms of employment, but which is not greater than 3 months.

- The law expands the notice requirements, mandating that employers keep a posting in a conspicuous place describing the law's requirements and the employer's policies as to parental leave.
- The law provides that if two employees of the same employer give birth to or adopt the same child, the two employees are entitled to an aggregate of 8 weeks of leave.
- The law clarifies that an employee seeking leave must provide at least 2 weeks' notice of the anticipated date of departure and the employee's intention to return, but also permits the employee to provide notice as soon as practicable if the delay is for reasons beyond the employee's control.
- The law clarifies that an employee on parental leave for the adoption of a child shall be entitled to the same benefits offered to an employee on leave for the birth of a child

## **Student Confidentiality & FERPA**

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of personally identifiable information contained in a student's educational record. FERPA applies to all schools (K-12 and postsecondary institutions) that receive funds under various programs from the US Department of Education.

FERPA defines "educational records" as records containing information in any medium (paper, electronic, microfilm, etc.) that directly relate to a student and are maintained by an educational institution or by a party acting for the institution. The information listed below is not considered part of an educational record and thus is not regulated by FERPA. However, the information may be regulated or protected by other federal and state laws.

Items not considered part of an educational record include:

1. Records kept in sole possession of the maker that are not accessible or revealed to any other person except as a temporary substitute;
2. Certain law enforcement records
3. Employment records that relate exclusively to the individual as an employee;
4. Records that contain only information about an individual after s/he is no longer a student.

Anyone who handles personal information about students or other employees has the obligation to maintain strict confidentiality. Records must be treated confidentially and professionally. They may be discussed only with individuals authorized to have access to such records.