

ROWAN-SALISBURY SCHOOLS EMPLOYMENT POLICIES

1. Employee Grievances 7-15

7-15 Employee Grievances

The intent of this policy is to secure, at the lowest possible level, equitable solutions to problems affecting employees. These grievance proceedings shall be kept as informal and confidential as possible at all levels of the procedure. Appeals to the Board of Education shall take place only after the Superintendent or designee makes a final administrative decision.

DEFINITIONS

Grievance: An employee grievance is a formal written appeal by an employee or group of employees of one of the following matters:

- 1) An alleged violation of a specified federal law, state law, State Board of Education policy, or a Rowan Salisbury Schools policy. This includes allegations of discrimination based on race, gender, age, disability, religion, national origin or other impermissible factors;
- 2) The terms of conditions of employment or employment status of an employee, and
- 3) Any matter subject to appeal under G.S. 115C-45(c) or G.S. 115C-305.

A grievance does not include appeals from decisions of school employees for which other avenues of appeal to the Board of Education exist. In matters other than those listed above, an employee may petition the Board of Education for a hearing on final administrative decisions. The Board of Education may grant or deny the petition.

Final administrative decision: A final administrative decision means a decision by the Superintendent or designee under Step II of this policy. Administrative decisions do not include recommendations to the Board of Education in cases where the Board possesses the final authority to act, such as recommendations not to renew employment contracts.

Terms or conditions of employment: Terms or conditions of employment include rate and frequency of pay, employment benefits, use of leave, and assignments to paid extra duties. Terms or conditions of employment do not include job transfers without loss of pay or other benefits or the placement of evaluations, observations, commendations, criticisms or suggestions for improvement in an employee's personnel file.

GRIEVANCE PROCEDURES

It is desirable for grievances to be resolved through free and informal communications. An employee should first attempt to resolve any grievance through discussion with the employee's supervisor. If a grievance cannot be resolved at this level, the aggrieved employee may request a grievance conference with the supervisor.

Failure of an employee to comply with time lines listed below will result in denial of the grievance or appeal.

The Board of Education prohibits retaliation against an employee who files a grievance under this policy.

Failure of the school administration to comply with timelines for Steps I and II will result in a right of appeal to the next level.

STEP I - Supervisor Conference

An employee wishing to invoke the grievance procedure shall make a written request for a conference with the supervisor. The request shall describe the grievance and name the specific basis for the grievance. The following additional guidelines shall be observed in Step I:

1. A grievance shall be filed as soon as possible but not longer than thirty (30) days after disclosure of the facts giving rise to the grievance.
2. The supervisor shall grant the conference within five (5) working days following receipt of the request. The supervisor will state in writing his/her position on the question to the employee within five (5) working days following the conference.
3. The supervisor's conference should involve the supervisor and employee only, unless they both agree to include other participants.

Step II - Appeal to the Superintendent

If the grievance is not resolved at Step I, the employee may appeal the supervisor's decision in writing to the Superintendent. The appeal must be made within five (5) workdays following receipt of the supervisor's written response (see guideline 2 of Step I above). The

Superintendent or designee shall review the grievance and conduct an informal hearing within ten (10) working days following receipt of the appeal. A written response containing the final administrative decision shall be made to the employee and supervisor from the Superintendent or designee within five (5) working days following the informal hearing.

The aggrieved party may appeal the final administrative decision to the Board of Education as provided by G.S. 115C-45. The appeal must be made within five (5) working days following receipt of the Superintendent's response.

5245.3 Step III - Appeal to the Board of Education

The Board of Education shall hear appeals from the final administrative decision in all cases where required pursuant to G.S. 115C-45(c). In other cases, the Board may grant a discretionary appeal hearing. The Board may designate an appeal committee to hear appeals. Any appeal to the Board of Education or appeals committee shall be on the record unless the Board of Education determines that additional information may be presented. No new evidence, written or verbal, may be presented without the prior knowledge and consent of both parties or upon a majority vote of the Board of Education. At the appeal hearing, each side normally shall be allotted thirty (30) minutes to present oral argument. The aggrieved party will be informed in writing of the Board's decision within five (5) working days. The Board of Education may affirm, disaffirm, or modify the decision of the Superintendent.

If the grievant does not appear for the hearing, the final administrative decision is upheld.

Legal Reference(s): G.S. 115-c-45; Title IX of the Education Amendments of 1972

Adoption Date: 9/18/89

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2. Policy for Technology in the Education Program 6-24

The board strives to incorporate the use of technological resources into the educational program in order to enhance instructional opportunities, appeal to different learning styles and meet the educational goals of the board.

Schools are encouraged to develop strategies for using technological resources to improve student success. The strategies should be included in the school improvement plan if they require the transfer of funds or otherwise relate to any mandatory or optional components of the school improvement plan.

The executive director of technology shall develop a local school system technology plan that is aligned with and meets state requirements. The executive director of technology shall incorporate this plan into school system strategic planning efforts and shall include various stakeholders as required. The executive director of technology shall take all steps necessary to receive approval of the plan from the State Board of Education.

A. Selection of Technological Resources

All technological resources, including computers, software and communication lines, must be purchased and used in a manner consistent with applicable law and board policy, including laws and policies related to copyright, public records, bidding and other purchase requirements, staff duties and standards for student behavior.

Technological resources must meet or exceed the following standards before they may be considered for implementation.

1. Technological resources must relate to or help to implement the North Carolina Standard Course of Study or the programs of the school district.
2. Technological resources must relate to the current use of learning and instructional management technologies in the school.
3. Any technologies purchased must be compatible with the condition of the network. The executive director of technology will set minimum standards for technological resources that are purchased or donated. Upgrading, hardware conditions and similar requirements must be maintained to the highest standards.
4. Staff development must be made available to implement technologies so that the benefits of the technologies will be maximized. Users should be trained as necessary in the effective use of technological resources. Such training should include information related to virus protection, NC WISE, network and information security, and other topics deemed necessary by the superintendent or executive director of technology. School improvement teams should identify any staff development appropriations for technological training in their school improvement plans.
5. There must be sufficient staff to operate and maintain the technological equipment, programs and systems.
6. There must be adequate funds budgeted to implement and support the technological resources.

7. All technological resources are under the control of the board, including hardware, software, and files stored on the computer. No personal software or files are to be kept on the computers. Personal software or files are not to be used on the computer unless sufficient steps, as defined by the technology department, have been taken to protect the computer from viruses or any other potential damage. To ensure the effective and efficient operation of technology resources within the school district, only technology-related equipment and resources that have been approved by the technology department are to be used in the district or connected to the school district's network.

B. Deployment of Technology to Schools

The deployment of hardware and software will be carried out in an organized, effective, and efficient manner. The technology department will be responsible for managing the deployment of hardware and software. Mission critical applications and functions will be used to establish the priority of hardware and software deployment.

C. Network And Information Security

The school system computers, networks and other technological resources support the educational and administrative functions of the school system. Because employees and students depend on these systems to assist with teaching and learning and because sensitive and confidential information may be stored on these systems, system integrity and security is of utmost importance.

The school district information technology systems are valuable assets that must be protected. To this end, school technology personnel will evaluate each information technology asset and assign protective controls that are commensurate with the established value of such assets. Appropriate security measures must be in place to protect all information technology assets from accidental or unauthorized use, theft, modification or destruction, and to prevent the unauthorized disclosure of restricted information. Network security measures will include an information technology system disaster recovery process. Audits of security measures will be conducted on a regular basis.

All personnel shall ensure the protection and security of information technology assets that are under their control.

The director of technology or designee shall provide employees with information to enhance awareness regarding technology security threats and to educate them about appropriate safeguards, network security, and information security.

D. Virus Protection

Virus detection programs and practices shall be implemented throughout the school district. The technology department is responsible for ensuring that the school district network includes current software to prevent the introduction or propagation of computer viruses.

E. Training for Use of Technological Resources

Users should be trained as necessary to effectively use the technological resources. Such training should include information related to remote access, virus protection, NC WISE, network and information security and other topics deemed necessary by the superintendent or executive director of technology. Each school should identify any staff development appropriations for technological training in its school improvement plans. The superintendent, executive director of technology, and other designees will assist schools in coordinating staff development needs.

F. Access to Information Technology Systems; User ID and Passwords; NC WISE

All users of information technology systems must be properly identified and authenticated before being allowed to access such systems. The combination of a unique user identification and valid password is the minimum requirement for granting access to information technology systems. Depending on the operating environment, information involved and exposure risks, additional or more stringent security practices may be required as determined by the superintendent or executive director of technology. The executive director of technology or his/her designee will establish password management capabilities and procedures to ensure the security of passwords.

The executive director of technology or his/her designee will ensure that any school district computers utilizing the NC WISE application pursuant to State Board of Education Policy EEO-C-018 adheres to requirements of the NC WISE Password and Workstation Policy, including provisions related to the user identification, password and workstation security standards. Employees must follow such standards for all computers used to access the NC WISE system, including the employee's personal computer.

The superintendent and executive director of technology may grant remote access to authorized users of the school district's computer systems. The executive director of technology or designee will ensure that such access is provided through secure, authenticated and

carefully managed access methods.

Legal References: G.S. 115C-102.6C, -522, -523, -524; 147-33.111; State Board of Education Policy TCS-C-018

Adoption Date: December 12, 2005

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3. Policy for Technology Acceptable Use 6-25

Technological resources, including computers, other electronic devices, programs, networks and the Internet, provide opportunities to enhance instruction, appeal to different learning styles and meet the educational goals of the board. Through the school system's technological resources, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

The Internet is a unique opportunity to enhance instructional methods, appeal to different learning styles, and meet the educational goals of the board. Through the Internet, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

The use of technological resources should be integrated into the educational program. Technological resources should be used in teaching the North Carolina Standard Course of Study and in meeting the educational goals of the board. Instructional departments should provide suggestions and support for using technological resources in their curriculum guides, pacing guidelines, and other appropriate instructional guides. Teachers are encouraged to further incorporate the use of technological resources into their lesson plans.

The technology department shall ensure that school district computers with Internet access comply with federal requirements regarding filtering software, Internet monitoring, and Internet safety policies. The executive director of technology shall develop any regulations necessary to meet such requirements and will submit any certifications necessary to meet the requirements of the Children's Internet Protection Act.

Requirements for Use of Technological Resources

The use of school system technological resources, such as computers and other electronic devices, networks, and the Internet, is a privilege, not a right. All students must be educated about appropriate on-line behavior. This education must cover topics such as cyberbullying and interacting with others on social networking websites and in chat rooms.

Anyone who uses school system computers or electronic devices or who accesses the school network or the Internet at an educational site must comply with the requirements listed below. Failure to adhere to these requirements will result in disciplinary action, including revocation of user privileges. Willful misuses may result in disciplinary action and/or criminal prosecution under applicable state and federal law.

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited.
2. Under no circumstance may software purchased by the school system be copied for personal use.
3. Students and employees must comply with all applicable board policies, administrative regulations, and school standards and rules in using technological resources. All applicable laws, including those relating to copyrights and trademarks, confidential information, and public records, apply to technological resource use. Any use that violates state or federal law is strictly prohibited.
4. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally accessing, downloading, storing, printing or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages or other material that is obscene, defamatory, profane, pornographic, harassing or considered to be harmful to minors.
5. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
6. Users must respect the privacy of others. When using E-mail, chat rooms, blogs, or other forms of electronic communication, students must not reveal personally identifiable, private or confidential information, such as the home address or telephone number, of themselves or fellow students. In addition, school employees must not disclose on the

- Internet or on school system websites or web pages any personally identifiable information concerning students (including names, addresses or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 8-19, Student Records. Users also may not forward or post personal communications without the author's prior consent.
7. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software or computer networks. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance. Users must take appropriate steps to ensure that any downloaded files or files being transmitted through any other electronic means are free of viruses.
 8. Users may not create or introduce games, network communications programs or any foreign program or software onto any school system computer, electronic device or network without the express permission of the technology department.
 9. Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems or accounts.
 10. Users are prohibited from using another individual's computer account. Users may not read, alter, change, execute or delete files belonging to another user without the owner's express prior permission. (An employee's supervisor and technical support staff may request and/or use an individual's ID and password for appropriate staff support.)
 11. If a user identifies a security problem on a technological resource, he or she must immediately notify a system administrator and the technology department. Users must not demonstrate the problem to other users. Any user identified as a security risk will be denied access.
 12. Teachers shall make reasonable efforts to supervise a student's use of the Internet during instructional time.
 13. Views may be expressed as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.
 14. Users of school district technological resources are expected to respect the school district's property and be responsible in using the equipment. Users are to follow any school district instructions regarding maintenance or care of the equipment. Users may be held responsible for any damage caused by intentional or negligent acts in caring for school district technological resources while under their control.
 15. If a school system laptop or mobile technology device is lost, damaged, or stolen while under the control of an employee, the employee shall report the incident to his/her supervisor and to the technology department. In the case of a laptop or mobile technology device being stolen, the employee shall also obtain a police report and submit the report to his/her supervisor and to the technology department. In cases of negligent or intentional loss, or damage, the employee will be held responsible for the cost of repairing or replacing the equipment. The employee may file a claim under his/her insurance coverage, where coverage is available.

Illegal or Inappropriate Use

Using school district computers for illegal, harassing, vandalizing, or inappropriate purposes, or in support of such activities is prohibited.

Illegal activities are any violations of federal, state, or local laws and include, but are not limited to, copyright infringement and/or illegal file sharing; posting or publishing false or defamatory information about a person or organization; committing fraud; cyberstalking; cyberharassment; threatening another person; or intentionally engaging in communications for the purpose of abusing, annoying, threatening, terrifying, harassing, or embarrassing another person.

Harassment includes, but is not limited to, slurs, comments, jokes, innuendoes, unwelcome compliments, cartoons, visual depictions, pranks, or verbal conduct relating to an individual that (1) have the purpose or effect of creating an intimidating, hostile or offensive environment; (2) have the purpose or effect of unreasonably interfering with an individual's work or school performance, or (3) interfere with school operations.

Vandalism is any attempt to harm or destroy the operating system, hardware, application software, or data.

Inappropriate use is any violation of this policy and includes, but is not limited to, using another person's ID or password; giving out one's user ID or password; plagiarizing; accessing, producing, storing, posting, sending, displaying, or viewing inappropriate or offensive material, including pornographic, obscene, discriminatory, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually suggestive language or images, or images of exposed private body parts; and accessing material advocating illegal acts or violence, including hate literature. (An employee's supervisor and technical support staff may request and/or use an individual's ID and password for appropriate staff support.)

Disruptive Use

School district computers may not be used to interfere with or disrupt other users, services, or equipment. For example, disruptions include, but are not limited to, distribution of unsolicited advertising (“spam”), propagation of computer viruses, distribution of large quantities of information that may overwhelm the system (i.e. chain letters, network games, or broadcasting messages), and any unauthorized access to or destruction of school district computers or other resources accessible through the school district’s computer network. Disruptive use may also be considered inappropriate and/or illegal.

The following are considered disruptions and are also prohibited: posting personal or private information about the user or other people on the Internet; arranging or agreeing to meet with someone the user has met on-line for purposes other than official school business; attempting to gain unauthorized access to the school district network computers or systems; installing, downloading, storing, or running software used for hacking; attempting to bypass any school district security control; posting information that could be disruptive, cause damage, or endanger students or staff; and accessing chat-rooms unless for a valid educational purpose or official school and/or school system business. The use of any technological device that may disrupt or interfere with district technology, such as cell phone jamming or blocking devices is prohibited.

Penalties

Each school according to the Rowan-Salisbury Schools Code of Conduct, the administration, and site-based decisions will determine penalties. Consequences may include, but are not limited to, suspension or revocation of telecommunication network privileges, and/or prosecution by law enforcement agencies. Users, including students, will be required to make full financial restitution for damages.

Restricted Material

The board is aware that there is information on the Internet that is not related to the educational program. The board also is aware that there is information and opportunities to communicate on subjects that are not suitable for school-age children and that many parents would find objectionable. The school district will take reasonable precautions to prevent students from having access to inappropriate

materials, such as violence, nudity, obscenity or graphic language that does not serve a legitimate pedagogical purpose. The school district will install or will ensure that its Internet service provider installs a technology protection measure that blocks or filters Internet access to audio or visual depictions that are obscene, that are considered child pornography or that are harmful to minors. It should be noted that content filtering devices are not one hundred percent effective due to the rapidly evolving content of the Internet. School officials may unblock specific web sites for an adult who uses a school-owned computer for bona fide research or other lawful educational purpose. However, the user is ultimately responsible for his or her activity on the Internet. School system personnel may not restrict Internet access to ideas, perspectives or viewpoints if the restriction is motivated solely by disapproval of the ideas involved.

Parents and/or guardians will be made aware of the possibility that a student could obtain access to inappropriate material while accessing the Internet and that the student user is responsible for appropriate use of the Internet and consents to the school district monitoring the student’s email communication and use of the Internet. The parent and/or guardian will have ten (10) days after the student enrolls in school to notify the principal in writing if there is objection to his/her child using the Internet.

Privacy

No right of privacy exists in the use of technological resources. School system administrators or individuals designated by the superintendent may review files, monitor all communication, and intercept E-mail messages to maintain system integrity and to ensure compliance with board policy and applicable laws and regulations. School system personnel shall monitor on-line activities of individuals who access the Internet via a school-owned computer.

Personal Websites

The superintendent may use any means available to request the removal of personal websites that substantially disrupt the school environment or that utilize school system or individual school names, logos or trademarks without permission.

1. Students

Though school personnel generally do not monitor students’ Internet activity conducted on non-school system computers or other technological resources during non-school hours, when the student’s on-line behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy.

2. Employees

All employees must use the school system network when communicating with students or parents about any school-related matters. Thus, employees may not use personal websites or personal on-line networking profiles, such as MySpace and Facebook, to post information in an attempt to communicate with students or parents about school-related matters.

Employees are to maintain an appropriate relationship with students at all times. Employees are encouraged to block students from viewing personal information on employee personal websites or on-line networking profiles in order to prevent the possibility that students could view materials that are not age-appropriate. If an employee creates and/or posts inappropriate content on a website or profile and it has a negative impact on the employee's ability to perform his or her job as it relates to working with students, the employee will be subject to discipline up to and including dismissal. This section applies to all employees, volunteers and student teachers working in the school system.

Disclaimers

The Rowan-Salisbury School System will not be held responsible for any damages suffered, including loss of data resulting from delays, non-deliveries, service interruptions, or inaccurate information. The user accepts personal responsibility for any information obtained via the Rowan-Salisbury School System's network. Personal liability will rest with the user. The user shall hold the Rowan-Salisbury School System blameless from any claim, expense, liability, or damage arising out of, or in connection with, student and staff use of the system, including, but not limited to, telephone toll charges, database access fees, and software charges.

Legal References: U.S. Const. amend. I; Children's Internet Protection Act, 47 U.S.C. 254(h)(5); Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; 20 U.S.C. 6777; G.S. 115C-325(e), -391

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4. Policy for Web Page Development 6-25b

The board of education encourages the use of the Internet as a means of providing accessible, accurate and timely information for staff, students, parents and others in the larger community to further the school district's objectives. The Internet affords the school district the opportunity to better communicate with its communities by posting pertinent district and school information on the web. The school district has established its district site on-line at www.rss.k12.nc.us. The school district website is the official website of the school district. In addition to this website, individual schools and departments may create district-related school websites. This policy provides the standards that must be followed for development of all district-related websites. Failure to comply with this policy may result in the removal of a web page or website from the Internet.

District-Related Website

A "district-related website" is any Internet website that is established in one of the following ways:

- by school district employees or students on behalf of the district;
- by any school within the district;
- by any school-sponsored club or organization within the district; or
- by students as part of an educational assignment.

Only those websites that are created pursuant to this policy are considered district-related websites. The board does not endorse and is not responsible for websites created by employees, students or others outside the standards and guidelines of this policy. Students or employees who create personal websites that result in a substantial and material disruption to the school environment may be subject to disciplinary action.

Standards for Web Page Development

Non-Public or Closed Forums for Expression

All district-related websites are "non-public" or "closed" forums for expression. This means that the district has control over information on such websites and is not required to allow students, teachers, or others to place material on district-related websites. The purpose of district-related websites is to disseminate curriculum-related information, to present the public with information about the district, its schools and programs and to provide the community with each school or department's mission, contact information, activities, organizational format and instructional program. District-related websites are analogous to newsletters from the administration or the individual school. District-related websites are not analogous to a student newspaper or a non-school publication.

Administration and Editorial Control

All employees responsible for creating, developing, maintaining, editing or approving a district-related website shall act legally, responsibly and ethically in providing educational resources and information to support the mission and curriculum of the school district. Such persons will abide by the generally accepted rules of website etiquette, board policy and regulations and guidelines established by the technology department.

a. Superintendent Final Authority

The superintendent or designee may delegate authority to place information on a district-related website; however, the superintendent has the final authority to approve or disapprove any information in whatever form on any such district-related websites.

b. School District Official Website

The superintendent or designee has editorial control and responsibility for the content of the school district official website. The district webmaster will serve as the web manager/editor of the district website.

c. Individual School Websites

Each school will be provided with a web address, web design software, and disk space on the district server. All district-related websites will be housed on the district web server. Each principal has editorial control and responsibility for the content of his or her individual school's official website, subject to review of the superintendent or his/her designee. The principal may appoint a staff member to serve as the web manager of the school's website and a website committee to advise the web manager and principal regarding the content of the school's website. Individual school websites must comply with the additional guidelines provided below.

d. Teacher and Student Websites

Each teacher has editorial control over and responsibility for the content of his/her official website and for the content of his/her students' authorized websites, subject to the review by the principal, the superintendent and the board. With the knowledge and written consent of a student's parent or guardian, a teacher may allow a student to create only for the following instructional purposes: (1) to teach a student how to create or maintain a website or (2) to facilitate a student's work on school assignments or research projects. No student pages may be posted or made accessible to the general public until approved by the principal or designee.

e. Personal Websites

The school district is not responsible for personal websites or web pages created or maintained by students, employees, parents, groups or organizations. Personal websites or web pages are not considered district-related websites or web pages, and are not covered by the provisions of this policy.

The superintendent may use any means available to request the removal of personal websites or web pages that substantially disrupt the school environment or that utilize school district or individual school names, logos or trademarks without permission.

Website Appearance and Evaluation

Web page content must be kept current and be maintained regularly. All district-related websites must include the name of the web page author, the date produced or revised, and an E-mail address of the author. The superintendent or designee (for the official system website) or the principal or designee (for individual school websites) must regularly review, proof, and evaluate all district-related websites.

Copyright Laws

No information or graphics may be posted on websites in violation of any copyright laws, board policy 6-20, Instructional Media, or board regulation 6-20B, Copyright Regulation. Copyright permission must be obtained for the use of any copyrighted material unless use is permitted as "fair use" under the law. The superintendent or designee and each principal or designee is responsible for maintaining copies of permission granted for the use of copyrighted material.

Links

a. Internal Links

Each page of a district-related website-must include a reference and hyperlink to the school district's official website home page.

External Links

The superintendent or designee has editorial control over and responsibility for the linking of a district-related website to other sites on the Internet that are appropriate to the mission of the school district. If required, web managers must obtain permission from external websites before links are established from any district-related website to external websites. To the extent possible, school personnel shall determine the extent to which a secondary site is linked to

other sites on the Internet and whether such sites are appropriate for access through the school district websites. Web managers shall periodically check external links for accuracy and appropriateness of content. School employees must report any inappropriate links to the web manager.

Since the school district cannot control the content of other sites on the Internet and their linkages, the following disclaimer statement or a link to the statement ~~w~~ must be inserted in a prominent position on the official district website, on each school's web page and on other district-related websites where there are links to other websites or web pages that are not district-related websites:

The school district retains control over what links will be placed on district-related websites: however, linked sites themselves are not under the control of the school district, its agents or its employees. The school district is not responsible for the contents of any linked site, any link contained in a linked site or any changes or updates to such sites. The school district provides links as a convenience, and the inclusion of any link does not imply endorsement of the site by the school district. The school district reserves the right to remove or restrict any links.

Links to Personal Pages

School websites or web pages may not contain links to personal web pages of students or employees or lists of personal web pages.

Behavior Standards

When using the Internet, employees and students are responsible for understanding and complying with board policies, administrative regulations, and administrative guidelines.

Guidelines for Individual School Websites

Each school may promote itself by publishing an official school web page on the Internet only via the official school district website. In addition to the standards above, the following standards apply to individual school websites:

The content of school web pages must be approved by the school principal.

The safety of students and employees must be considered when constructing school web pages. To protect the safety of students and ~~s~~ employees, the following precautions must be taken:

home addresses or telephone numbers will not be listed;
student E-mail addresses will not be listed;
photographs of students and student work will be used only with appropriate parental permission and/or as approved for release as directory information under policy 8-19, Student Records, and will include only the student's first name, with no other information about the student.

The principal or designee is responsible for maintaining records of permission granted for the release of information. The principal should implement other safety precautions, as necessary, to be followed when constructing web pages.

To protect a student's rights in his/her intellectual property, if a school or teacher publishes a student's work, a disclaimer should be provided indicating that the work may not be modified in any way or copied.

Schools must provide contact information and other general information about the school on the school website, including the school's name, phone number, fax number, grade levels, and address, the principal's name and the E-mail addresses of the school administrative team.

Graphics used on school websites must be appropriate to the school and should be of a size that will download quickly into a web browser.

Schools must keep information presented on their school's web page current, accurate and grammatically correct.

The principal or designee must approve all revisions and additions to the school website.

Failure to comply with these guidelines or the standards of this policy, as determined by the superintendent or his/her designee, may result in the removal of a school's web page from the Internet.

Legal References: U.S. Const. Amend. I; Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; G.S. 115C-325(e), -391

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5. Policy for Use of Wireless Communication Devices 6-27

The board recognizes that cellular phones and other wireless communication devices have become an important tool through which people communicate with their children. Therefore, students are permitted to possess cellular phones and other wireless communication devices on school property as long as such devices are not activated, used, displayed or visible during the instructional day or as otherwise directed by local school rules or school personnel. Wireless communication devices include, but are not limited to, cellular phones, paging devices, two-way radios and similar devices.

A. Authorized Use

Administrators may authorize individual students to use wireless communication devices for personal purposes when there is a reasonable need for such communication. Teachers and administrators may authorize individual students to use the devices for instructional purposes provided that they supervise the students during such use.

Though generally use is permitted during non-instructional hours, use of cellular phones and other wireless communication devices may be prohibited on school buses.

B. Consequences for Unauthorized Use

School employees may immediately confiscate any wireless communication device that is on, used, displayed or visible in violation of this policy. Absent compelling and unusual circumstances, confiscated wireless communication devices will be returned only to the student's parent or guardian.

Violations of this policy will result in consequences as provided in the school's student behavior management plan. Aggravating factors may subject a student to more stringent disciplinary consequences, up to and including expulsion. Examples of such aggravating factors include, but are not limited to, using wireless communication devices: (1) to reproduce images of tests, to access unauthorized school information or to assist students in any aspect of their instructional program in a manner that violates any school board policy, administrative regulation or school rule; and (2) to take illicit photographs.

C. Liability

Students are personally and solely responsible for the security of their wireless communication devices. The school system is not responsible for the theft, loss or damage of a cellular phone or any other personal wireless communication device.

Legal References: G.S. 115C-36, -391

Cross References: School Plan for Management of Student Behavior (policy 4302), Disruptive Behavior (policy 4315)

Adopted:

6. Sexual Harassment 7-19

The Rowan Salisbury Board of Education is committed to providing a work and school environment in which employees and students have the right to be free from sexual harassment. To this end, the Board of Education prohibits employees and students from engaging in sexual harassment and advises employees and students that when evidence of sexual harassment is established, disciplinary action will be taken, up to and including dismissal (for employees) and suspension (for students).

1. Unwelcome sexual advances for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- A. Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment academic progress, or completion of school related activity; or
- B. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual, or, in the case of a student, submission to or rejection of such conduct is used in elevating the student's performance or affecting the students opportunities within a course of study or other school-related activity; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or a student's educational performance; or creating an intimidating, hostile, or offensive environment.

2. Examples of sexual harassment include, but are not limited to, deliberate, unwelcome-touching; suggestions or demands for sexual involvement accompanied by implied or overt promises or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used toward an individual or to describe an individual; or the display in the work place or school setting of sexually suggestive objects or pictures.

A hostile environment exists if the conduct of a sexual nature is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the educational program or creates a hostile or abusive educational or work environment.

In interactions between employees, sexual harassment does not include personal compliments welcomed by the recipient or social interactions or relations freely entered into by an employee or prospective employee. Appropriate social interactions between students that do not violate the Code of Student Conduct also do not constitute sexual harassment. In the case of consensual relations between students, there may be reason to question the consensual nature of the conduct of one or both of the students are very young or there is a large age disparity between the students. Romantic or sexual conduct by employees toward students, or conduct that could be perceived as romantic or sexual, is never appropriate.

3. It is possible for sexual harassment to occur at various levels: between peers or coworkers, between supervisors and subordinates, between employees and students, between students, or imposed by non-employees on employees and/or students.
4. Romantic or sexual advances toward students by employees or romantic or sexual relationships between school system employees and students are never appropriate, whether they are consensual or non-consensual or otherwise outside the definition of sexual harassment. Such relationships are prohibited. Employees engaging inappropriate relationships with students, or who fail to report such relationships to the Superintendent, are subject to disciplinary action, up to and including dismissal.
5. All complaints of sexual harassment shall be promptly and thoroughly investigated. A student or employee does not have to report an incident of harassment to trigger an investigation if a school official knows, or in the exercise of reasonable care, should have known about the harassment. Suspected sexual harassment shall be investigated according to the following procedures:
 - A. All complaints and investigations of sexual harassment shall be confidential. Information shall be given only to those individuals who need to have access to it in order to investigate appropriately and address the complaint.
 - B. A student who believes that he/she has suffered sexual harassment may report the matter either orally or in writing to the school principal. Written complaints may also be made to the Superintendent or designee for cases of student to student harassment and to the Assistant Superintendent of Human Resources for complaints of harassment by a school employee. However, any teacher or other school employee who receives from a student a report, whether oral or written, of alleged sexual harassment shall immediately report the same to the school principal, and the principal shall promptly inform the Superintendent of the allegations. Failure by the employee to do so may subject the employee to disciplinary action. If the student's school principal is the alleged offender, such report by the student or by other school employees shall be made to the Superintendent or designee.
 - C. An employee who believes that he/she has suffered sexual harassment may report the matter in writing to the Superintendent or designee. However, any school employee who occupies an organizationally superior position relative to an employee who received from such employee a report, whether oral or written, of alleged sexual harassment shall promptly report the same to the Superintendent or designee. Failure by such employee to do so may subject the employee to disciplinary action. If the Superintendent's designee is the alleged offender, such report shall be made to the Superintendent.
 - D. In any case involving alleged sexual harassment by the Superintendent reports may be made to any member of the Board of Education.
 - E. Claims of sexual harassment shall be promptly and thoroughly investigated, and appropriate action shall be taken. The actions taken should be reasonably calculated to end any harassment, eliminate a hostile environment of one has been created, and prevent harassment from occurring again. Violations shall be deemed to be serious disciplinary infractions. In the case of students, the Student Code of Conduct outlines the range of disciplinary consequences.
 - F. No employee or student will be subject to negative action in retaliation for reporting alleged sexual harassment in accordance with this policy. Such retaliation is against the law and is prohibited by this policy.
 - G. The Superintendent may establish such guidelines and additional procedures as he/she deems necessary for the purpose of implementation of this policy.
 - H. The Superintendent shall recommend and the Board of Education shall approve the appointment of a member of the central office staff to coordinate compliance with Title IX of the Education Amendments of 1972 and this policy.
 - I. Anyone who has brought a complaint under this policy and is not satisfied with the results of the investigation may file a formal grievance with the Title IX coordinator, and the results of this review may be appealed to the Board of Education.
 - J. Persons found to have made frivolous or erroneous claims of sexual harassment due to disagreements with grades, promotions, etc. may have defamed the accused and may be subject to action by the accused in the courts regarding these claims. Persons alleged to have been involved in sexual harassment who are found to have no findings of support for the allegations, after an investigation of such, will have this information placed in his/her file, as well as in the file of the accuser.
 - K. The Superintendent or designee shall ensure that copies of this policy are distributed to employees and students.

7. Harassment 7-19b

The Board of Education is committed to providing a nondiscriminatory environment that is conducive to learning. To this end, the Board of Education specifically prohibits harassment on the basis of race, religion, color, gender, disability or handicapping condition, or national origin. This policy is in addition to the Board's Sexual Harassment policy.

Harassment means any offensive verbal, nonverbal, or physical conduct that is sufficiently severe, persistent or pervasive to interfere with a student's ability to participate in or benefit from an educational program or activity, or to alter the conditions of an employee's employment and create a hostile working environment. Prohibited conduct may include, but is not limited to, abusive jokes, insults, slurs, name-calling, threats, bullying or intimidation.

Harassment is prohibited at all levels: between students, between employees and students, between peers or co-workers, between supervisors and subordinates, or between non-employees and employees and/or students.

Any student who believes that he or she has been harassed in violation of this policy should report such behavior immediately to a teacher, counselor or administrator at his/her school. A school employee who is notified of or otherwise becomes aware of conduct which may violate this policy shall report the matter to the principal, and failure to do so may subject the employee to disciplinary action.

Any employee who believes that he or she has been harassed in violation of this policy should report such behavior to the principal, the Superintendent or the designee. Any supervisor who reasonably believes that an employee has been subjected to harassment in the workplace shall report the information promptly to the Superintendent or designee.

All complaints of harassment shall be promptly and thoroughly investigated. Evidence of harassment may result in disciplinary action being taken, up to and including dismissal in the case of employees, or up to and including long-term suspension or expulsion in certain cases for students. The Board of Education specifically prohibits retaliation against any individual who makes a complaint or reports an incident of harassment or who participates in an investigation or grievance proceeding initiated under this policy.

Noting in this policy precludes the school system from taking disciplinary action against a student or employee where the evidence does not establish harassment but the conduct otherwise fails to satisfy the school system's high expectations for appropriate conduct.

Regulation Procedure

I have been provided a copy of Board Policy 7-19, prohibiting sexual harassment, and Board Policy 7-19(a), prohibiting certain conduct with students:

- I acknowledge that I have read these policies and understand that sexual harassment is prohibited by the Board of Education and that relationships with students that are or appear romantic or sexual are forbidden.
- I understand that I may complain to the Office of the Superintendent or directly to the Board of Education if I believe I have been subject to sexual harassment.

I understand that if I become aware of sexual harassment directed against a school employee or student or if I become aware that a romantic or sexual relationship may exist between an employee and a student, that I have an obligation to report such to a supervisor.

8. Prohibition Against Discrimination, Harassment and Bullying 8-23

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring and inviting school environment to facilitate student learning and achievement. The board will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities.

A. Prohibited Behaviors and Consequences

1. Discrimination, Harassment and Bullying

Students, school system employees, volunteers and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination, harassment and bullying. Students are expected to comply with the behavior standards established by Board policy and the student code of conduct. Employees are expected to comply with board policy and school system regulations. Volunteers and visitors on school property also are expected to comply with board policy and established school rules and procedures. Any violation of this policy is serious, and school officials shall promptly take appropriate action. Students will be disciplined in accordance with the school's student behavior management plan (see policy 8-6, Code of Conduct). Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion. Employees who violate this policy will be subject to disciplinary action, up to, and including dismissal. Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 5-10, Visitors to the Schools. When considering if a response beyond the individual level is appropriate, school administrators should consider the nature and severity of the misconduct to determine whether a classroom, school-wide or school system-wide response is necessary. Such classroom, school-wide or school system-wide responses may include staff training, harassment and bullying prevention programs and other measures deemed appropriate by the superintendent to address the behavior.

2. Retaliation

The board prohibits reprisal or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report a violation of this policy or participating in the investigation of reported violations of this policy. Any consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable federal, state or local laws, policies and regulations, the superintendent or designee shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.

B. Application of Policy

This policy prohibits unlawful discrimination, harassment and bullying by students, employees, volunteers, and visitors. "Visitors" includes persons, agencies, vendors, contractors and organizations doing business with or performing services for the school system. This policy applies to behavior that takes place:

1. in any school building or on any school premises before, during or after school hours;
2. on any bus or other vehicle as part of any school activity;
3. at any bus stop;
4. during any school-sponsored activity or extracurricular activity;
5. at any time or place when the individual is subject to the authority of school personnel; and
6. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools. continued

C. Definitions

For the purposes of this policy, the following definitions apply:

1. Discrimination

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity, sex, pregnancy, religion, age or disability. Discrimination may be intentional or unintentional.

2. Harassment and Bullying

a. Harassment or bullying behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that:

- (1) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
- (2) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits. "Hostile environment" means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe. Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental or sensory disability. Examples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, continued derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault,

impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying. It is possible for harassment, including sexual or gender-based harassment, to occur in various situations. For example, harassment may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

b. Sexual harassment is one type of harassment. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress or completion of a school-related activity;
- (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or
- (3) such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with an employee's work or performance or a student's educational performance, limiting a student's ability to participate in or benefit from an educational program or environment, or creating an abusive, intimidating, hostile or offensive work or educational environment. Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, or the display or sexually suggestive drawings, objects, pictures or written materials. Acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

c. Gender-based harassment is also a type of harassment. Gender-based harassment may include acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

D. Reporting and Investigating Complaints of Discrimination, Harassment or Bullying

Employees are required to report any actual or suspected violations of this policy. Students, parents, volunteers, visitors or others are also strongly encouraged to report any actual or suspected incidents of discrimination, harassment or bullying. All reports should be made in accordance with Regulation 8-23, Discrimination, Harassment and Bullying Complaint Procedure, and reported to one of the school officials identified in that policy. Reports may be made anonymously, and all reports shall be investigated in accordance with that policy.

E. Training and Programs

The board directs the superintendent to establish training and other programs that are designed to help eliminate unlawful discrimination,

harassment and bullying and to foster an environment of understanding and respect for all members of the school community. Information about this policy and the related complaint procedure must be included in the training plan. As funds are available, the board will provide additional training for students, employees and volunteers who have significant contact with students regarding the board's effort to address discrimination, harassment and bullying and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitutes discrimination, harassment or bullying; (2) teach employees to identify groups that may be the target of discrimination, harassment or bullying; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, and on cell phones and the Internet.

F. Notice

The superintendent is responsible for providing effective notice to students, parents and employees of the procedures for reporting and investigating complaints of discrimination, harassment and bullying. This policy must be posted on the school system website, and copies of the policy must be readily available in the principal's office, the media center at each school and the superintendent's office.

Notice of

this policy must appear in all student and employee handbooks and in any school system publication that sets forth the comprehensive rules, procedures and standards of conduct for students and employees.

G. Coordinators

The superintendent or designee shall publish the names, office addresses and phone numbers of the "Title IX coordinator" (for sex discrimination) and the "Section 504" and "ADA coordinator(s)" (for discrimination on the basis of disability) in a manner intended to ensure that students, employees, applicants, parents and other individuals who participate in the school system's programs are aware of the coordinators. The coordinators shall coordinate the school system's efforts to comply with and carry out its Title IX, Section 504 and ADA

responsibilities, which include investigating any complaints communicated to school officials alleging noncompliance with Title IX, Section 504 or the ADA or alleging actions which would be prohibited by those laws.

H. Records and Reporting

The superintendent or designee shall maintain confidential records of complaints or reports of discrimination, harassment or bullying.

The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of training conducted and corrective action or other steps taken by the school system to provide an environment free of discrimination, harassment and bullying. The superintendent shall report to the State Board of Education all verified cases of discrimination, harassment or bullying. The report must be made through the Discipline Data Collection Report or through other means required by the State Board.

I. Evaluation

The superintendent shall evaluate the effectiveness of efforts to correct or prevent discrimination, harassment and bullying and shall share these evaluations periodically with the board.

Legal Reference(s): Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 et seq.; Americans with Disabilities Act, 42 U.S.C. 12101 et seq., 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106; Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, U.S. Department of Education, Office for Civil Rights (1994); Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, U.S. Department of Education, Office for Civil Rights (2001); *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); G.S. 115C- 335.5, -407.9 through -407.12; 126-16; State Board of Education Policy HRS-A-007

Adoption Date: 3/14/05

Amended Date: 12/21/09

9. Discrimination, Harassment and Bullying Complaint Procedure Reg. 8-23

The board takes seriously all complaints of unlawful discrimination, harassment and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied or harassed in violation of policy 8-23, Prohibition Against Discrimination, Harassment and Bullying and policy 7- 19, Sexual Harassment. Individuals who have witnessed or have reliable information that another person has been subject to unlawful discrimination, harassment or bullying also should report such violations to one of the school system officials listed in subsection C.1. of this policy. Reports may be made anonymously.

A. Definitions

1. Alleged Perpetrator

The alleged perpetrator is the individual alleged to have discriminated against, harassed or bullied the complainant.

2. Complaint

A complaint is an oral or written notification made by a person who believes he or she is the victim of unlawful discrimination, harassment or bullying.

3. Complainant

The complainant is the individual complaining of being discriminated against, harassed or bullied.

4. Days

Days are the working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following receipt of the complaint. When a complaint is submitted on or after May 1, time limits will consist of all weekdays (Monday-Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

5. Investigative Report

The investigative report is a written account of the findings of the investigation conducted in response to a complaint.

6. Investigator

The investigator is the school official responsible for investigating and responding to the complaint.

7. Report

A report is an oral or written notification that an individual, other than the reporter, is a suspected perpetrator or victim of unlawful discrimination, harassment or bullying.

B. Reporting By Employees or Other Third Parties

1. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed or bullied in violation of policy 8-23 and policy 7-19 must report the offense immediately to an appropriate individual designated in subsection C.1., below. An employee who does not promptly report possible discrimination, harassment or bullying shall be subject to disciplinary action.

2. Reporting by Other Third Parties

All members of the school community including students, parents, volunteers and visitors are also strongly encouraged to report any act that may constitute an incident of discrimination, harassment or bullying.

3. Anonymous Reporting

Reports of discrimination, harassment or bullying may be made anonymously but formal disciplinary action may not be taken solely on the basis of an anonymous report.

4. Investigation of Reports

Reports of discrimination, harassment or bullying shall be investigated sufficiently to determine whether further action under this policy or otherwise is necessary, and school officials shall take such action as appropriate under the circumstances. At the option of the alleged victim, the report may be treated as a complaint by the alleged victim under this policy.

C. Complaints Brought by Alleged Victims of Discrimination, Harassment or Bullying

1. Filing a Complaint

Any individual, who believes that he or she has been discriminated against, harassed or bullied is strongly encouraged to file a complaint orally or in writing to any of the following individuals:

- a. the principal or assistant principal of the school at which either the alleged perpetrator or alleged victim attends or is employed;
- b. an immediate supervisor if the individual making the complaint is an employee;
- c. the assistant superintendent of human resources if the alleged perpetrator or alleged victim is an employee of the school system (or the superintendent if the assistant superintendent of human resources is the alleged perpetrator);
- d. the Title IX coordinator for claims of sex discrimination or sexual harassment; or
- e. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability.

2. Time Period for Filing a Complaint

A complaint should be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated; however, individuals should recognize that delays in reporting may significantly impair the ability of school officials to investigate and respond to such complaints.

3. Informal Resolution

The board acknowledges that many complaints may be addressed informally through such methods as conferences or mediation, and the use of such procedures to the extent possible. If an informal process is used, the principal or other designated personnel must (1) notify the

complainant that he or she has the option to request formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. In those circumstances in which informal procedures fail or are inappropriate or in which the complainant requests formal procedures, the complaints will be investigated promptly, impartially and thoroughly according to the procedures outlined in the remainder of this policy.

D. Process for Addressing Complaints of Alleged Incidents of Discrimination, Harassment or Bullying

1. Initiating the Investigation

a. Whoever receives a complaint of discrimination, harassment or bullying pursuant to subsection C.1. shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The investigator of a complaint is determined as follows:

i. If the alleged incident occurred under the jurisdiction of the principal, the investigator is the principal or designee, unless the alleged perpetrator is the principal, the assistant superintendent of human resources, the superintendent or a member of the board. If the alleged perpetrator is any other employee, the principal or designee shall conduct the investigation in consultation with the assistant superintendent of human resources or designee.

ii. If the alleged perpetrator is the principal, the assistant superintendent of human resources or designee is the investigator.

iii. If the alleged incident occurred outside of the jurisdiction of a principal (for example, at the central office), the assistant superintendent of human resources or designee is the investigator unless the alleged perpetrator is the assistant superintendent of human resources, the

Superintendent or a member of the board.

iv. If the alleged perpetrator is the assistant superintendent for human resources, the superintendent or designee is the investigator.

v. If the alleged perpetrator is the superintendent, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment or bullying shall immediately notify the assistant superintendent of human resources who shall immediately notify the board chair. The board chair shall direct the board attorney to respond to the complaint and investigate.)

vi. If the alleged perpetrator is a member of the board, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment or bullying shall immediately notify the superintendent who shall direct the board attorney to respond to the

complaint and investigate. Unless the board chair is the alleged perpetrator, the superintendent shall also notify the board chair of the complaint.)

- b. As applicable, the investigator shall immediately notify the Title IX, Section 504 or ADA coordinator of the complaint, and, as appropriate, may designate the coordinator to conduct the investigation.
- c. The investigator shall explain the process of the investigation to the complainant and inquire as to whether the complainant would like to suggest a course of corrective action.
- d. Written documentation of all reports and complaints, as well as the school system's response, must be maintained in accordance with policy 8-23 and policy 7-19.
- e. Failure to investigate and/or address claims of discrimination, harassment or bullying shall result in disciplinary action.

2. Conducting the Investigation

- a. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 8-23 and policy 7-19. In doing so, the investigator shall impartially, promptly and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); and (3) any other individuals, including other possible victim, who may have relevant information.
- b. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately. Any requests by the complainant for confidentiality shall be evaluated within the context of the legal responsibilities of the school system. Any complaints withdrawn to protect confidentiality must be recorded in accordance with policy 8-23 and policy 7-19.
- c. The investigator shall review the factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination, harassment or bullying, giving consideration to all factual information, the context in which the alleged incidents occurred, the age and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances.

3. Investigative Report

- a. The investigator shall submit a written investigative report to the superintendent and, as applicable, to the Title IX, Section 504 or ADA coordinator.
- b. The investigator shall notify the complainant of the results of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:
 - i. reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment or bullying and prevent it from recurring;
 - ii. as needed, reasonable steps to address the effects of the discrimination, harassment or bullying on the complainant; and
 - iii. as needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
- c. Information regarding specific disciplinary action imposed on the alleged perpetrator(s) will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant).
- d. If the investigator determines that the complaint was substantiated, the perpetrator(s) shall be subject to discipline or other corrective steps, as described in policy 8-23 policy 7-19. If the corrective steps involve actions outside the scope of the investigator's authority, the superintendent will be notified so that responsibility for taking the corrective steps may be delegated to the appropriate individual.
- e. Each alleged perpetrator will be provided with a written summary of the results of the investigation in regard to whether the complaint was

substantiated, whether the alleged perpetrator violated relevant law or board policies by his or her actions, and what, if any, disciplinary actions or consequences will be imposed upon the perpetrator in accordance with board policy. The perpetrator may appeal any disciplinary action or consequence in accordance with board policy and law. However, an appeal by the perpetrator of disciplinary action does not preclude school officials from taking appropriate action to address the discrimination, harassment or bullying.

4. Appeal of Investigative Report

- a. If the complainant is dissatisfied with the investigative report, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the assistant superintendent of human resources or the superintendent, in which cases the complainant may appeal directly to the board in accordance with the procedure described in subsection E.4.b below). The appeal must be submitted in writing within five days of receiving the investigative report. The superintendent may review the documents, conduct any further investigation necessary or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed.
- b. If the complainant is dissatisfied with the superintendent's response, he or she may appeal the decision to the board within five days of receiving the superintendent's response. The board will review the documents, direct that further investigation be conducted if necessary and take any other steps that the board determines to be appropriate in order to respond to the complaint. Upon request of the complainant, the board will hold a hearing pursuant to policy 2500, Hearings Before the Board. The board continued will provide a written response within 30 days after receiving the appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

E. Timeliness of Process

The number of days indicated at each step of the process should be considered a maximum. Every effort should be made to expedite the process. If any school official charged with investigating the complaint or reviewing the investigation fails at any step in the process to communicate a decision within the specified time limit, the complainant will be entitled to appeal the complaint to the next step unless the official has notified the complainant of the delay and the reason for the delay, such as the complexity of the investigation, review or report.

The school official shall make reasonable efforts to keep the complainant apprised of progress being made during any period of delay. Delays that interfere with the exercise of any legal rights are not permitted. Failure by the complainant at any step in the process to appeal a complaint to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the complainant has notified the investigator of a delay and the reason for the delay and the investigator has consented in writing to the delay.

F. General Requirements

- 1. No reprisals or retaliation of any kind will be taken by the board or by an employee of the school system against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless the person knew or had reason to believe that the complaint or report was false or knowingly

provided false information.

2. All meetings and hearings conducted pursuant to this policy will be private.

3. The board and school system officials will consider requests to hear complaints from a group, but the board and officials have the discretion to hear and respond to complainants individually.

4. The complainant may be represented by an advocate, such as an attorney, at any meeting with school system officials. continued

5. Should, in the judgment of the superintendent or designee, the investigation or processing of a complaint require that an employee be absent from regular work assignments, such absences shall be excused without loss of pay or benefits. This shall not prevent the superintendent or designee from suspending the alleged perpetrator without pay during the course of the investigation.

G. Records

Records will be maintained as required by policy 8-23 and policy 7-19.

Legal Reference(s): Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 et seq.; Americans with Disabilities Act, 42 U.S.C. 12101 et seq., 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106; Racial Incidents and Harassment Against Students at Educational Institutions: Investigative Guidance, U.S. Department of Education, Office for Civil Rights (1994); Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, U.S. Department of Education, Office for Civil Rights (2001); Gebser v. Lago Vista Independent School District, 524 U.S. 274, (1998); Davis v. Monroe County Board of Education, 526 U.S. 629 (1999); G.S. 115C-407.10; State Board of Education Policy HRS-A- 007
Adoption Date: 12/

10. Possession, Use, or Distribution of Drugs and Alcohol 7-18

In recognition of the serious health, safety, and security risks posed by drug and alcohol use and dependency, it is the policy of the Rowan-Salisbury School System Board of Education that a drug-free workplace shall be maintained. The board prohibits the unlawful manufacture, transmission, conspiring to transmit, distribution, dispensation, possession, use, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroids, alcoholic or other intoxicating beverage, counterfeit substances, other intoxicants of any kind, or any other controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812) and further defined by federal regulation. In addition, no employee shall exude the odor of any alcoholic beverage or controlled substance while acting within the course and scope of his/her employment. The board prohibits the possession, use, transmission, or conspiring to transmit drug paraphernalia.

This policy shall govern each employee before, during or after school hours, while on any property owned or leased by the board, at anytime during which the individual employee is acting in the course and scope of his/her employment with the board, and at any other time that the employee's violation of this policy has a direct and adverse effect upon the performance of his or her job.

No employee shall be impaired by the excessive use of prescription or nonprescription drugs in the workplace. The proper use of a drug authorized by a valid medical prescription from a legally authorized health care provider shall not be considered a violation of this policy when the drug is taken by the person for whom the drug was prescribed. Any employee with prior knowledge that the use of a prescribed medication under a doctor's direction or an over-the-counter medication could alter the employee's ability to perform the duties and responsibilities of his/her position must notify the appropriate supervisory person. An employee is responsible for finding out from a health care professional the effects of any prescribed drug being taken. Failure to take such action may result in disciplinary action under this policy.

If in the opinion of the employee's supervisor, an employee's action and/or behavior are considered unsafe as a result of the proper use of medication, the employee may be sent home. A conference shall be conducted with the employee prior to the employee's resuming his/her duties. Prior to the employee's returning to work, the employee must provide written assurance that:

- A. The medication's use has been terminated; or
- B. The medication has been adjusted/modified to avoid impairment.

Each employee shall be given a copy of this policy and shall be responsible for knowing and adhering to the requirements of this policy.

An employee having reasonable grounds to believe that another employee is using or in possession of any illegal drug, or is under the influence of or in possession of alcohol while in the workplace, or is impaired by the use of prescription or nonprescription drugs while on duty shall immediately report the facts and circumstances to a supervisor/principal. Any employee who has been convicted of violating any criminal drug statute shall notify his/her supervisor within five (5) days of such conviction.

Violation of this policy shall subject an individual to personnel action by the board up to and including termination of employment with the Rowan-Salisbury Schools and referral for criminal prosecution or the requirement that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by the board and a federal, state or local health law enforcement or other appropriate agency. Information concerning available counseling, rehabilitation, and re-entry programs shall be provided to employees.

The board has a strong commitment to assist any employee who voluntarily asks for help. It is the employee's responsibility to seek help for drug and alcohol problems before they must be addressed at the workplace or otherwise become apparent as unsatisfactory job performance and/or work habits. Such action on the part of the employee shall be viewed as responsible and shall be supported by the

board and the supervisor to the extent that this is consistent with protecting the safety and welfare of students, staff, and the public.

LEGAL REF: Drug-Free Workplace Act, 41 U.S.C. § 701 *et seq.*
21 U.S.C. § 812
G.S. ch. 95, art. 20
ADOPTED: 7/9/90
AMENDED: 4/28/08

11. Drug & Alcohol Testing Reg 7-18-1

- A. Pre-employment Drug Testing:** All applicants for safety-sensitive positions will be required to submit to a test for the presence of illegal drugs prior to final employment by the Board of Education. Positions designated as safety-sensitive shall include:
1. All positions, whether full or part-time, that require employees, as a regular part of their job duties, to transport one or more passengers in motor vehicles.
 2. All positions that require employees, as a regular part of their job duties, to provide direct care or supervision of students or to work directly with or in close proximity to students.
 3. All positions that require employees, as a regular part of their job duties, to use dangerous chemicals, equipment, or machinery, the misuse of which may pose significant risks of physical injury to the employees and/or others.
 4. All positions otherwise designated as safety-sensitive by the superintendent or superintendent's designee where an employee's impairment or lapse of attention while discharging regularly-assigned job duties would present significant risks of physical injury to the employee and/or others.

A confirmed negative drug test is a condition of employment for all safety-sensitive positions, and a confirmed positive test indicating the use of illegal drugs will automatically disqualify applicants for safety-sensitive employment positions. An applicant's refusal to submit to a pre-employment drug test required by this policy shall automatically disqualify the applicant for employment.

- B. Reasonable Suspicion Drug & Alcohol Testing:** Any employee may be required to submit to a drug or alcohol test when the Superintendent or Superintendent's designee has a reasonable suspicion that the employee is in violation of the Board's policy on the Possession, Use, or Distribution of Drugs and Alcohol. Criteria that may be considered in determining whether "reasonable suspicion" exists include, but are not limited to:
1. Direct observation of drug or alcohol use or possession;
 2. Direct observation of the physical symptoms of intoxication or drug use, such as impairment of motor functions or speech;
 3. Information provided by a reliable or credible source or that has been independently corroborated;
 4. A pattern of abnormal conduct or behavior observed by a supervisor trained to recognize the signs of drug or alcohol impairment;
 5. Recent arrest or conviction for drug-related offense, or reliable information that the employee is the focus of a criminal investigation involving a drug offense; and/or
 6. Evidence that an employee has tampered with a previous drug test.

The drug or alcohol test will be conducted to determine whether the employee has been under the influence of illegal drugs, under the influence of alcohol while on duty, or impaired by the use of prescription or nonprescription drugs while on duty. If the drug or alcohol assessment is positive and there is no legitimate medical explanation for the results, the employee may be subject to disciplinary action, including termination of employment.

- C. Post-Accident Drug & Alcohol Testing:** All employees, whether full or part-time, who operate a motor vehicle on behalf of the school system on a regularly-assigned basis (including but not limited to school bus drivers, activity bus drivers, and driver's education teachers), may be required to submit, at school system expense, to a post-accident drug or alcohol test if they are involved in a motor vehicle accident which results in personal injury or property damage in any amount reasonably estimated to be in excess of \$500, and either:
1. The accident resulted in a fatality, or
 2. The employee is cited for a moving traffic violation in connection with the accident.

The drug or alcohol test will be conducted to determine whether the employee has been under the influence of illegal drugs, under the influence of alcohol while on duty, or impaired by the use of prescription or nonprescription drugs while on duty. If the drug or alcohol assessment is positive and there is no legitimate medical explanation for the results, the employee may be subject to disciplinary action, including termination of employment.

- D. Commercial Motor Vehicle Operators:** Operators of "commercial motor vehicles," as that term is defined in 49 C.F.R. 382.107, are not governed by this Policy 7-18-1, but are subject pre-employment, reasonable suspicion, random, and post-accident testing in accordance with U.S.C. § 31306; 49 C.F.R. parts 40 and 382; G.S. 20-37.19; and Rowan-Salisbury School System Board of Education Policy 7-18-2.

- E. Refusal to Submit to Test: Any employee who refuses to submit to drug or alcohol testing in accordance with this policy will be immediately placed on leave without pay and subject to dismissal.
- F. **Tampering with Results:** Any individual who tampers with a blood or alcohol sample by substituting or contaminating a specimen will be subject to dismissal.
- G. **Testing Procedures:** Any drug testing required under this Policy shall conform with state law governing administration of controlled substance examinations. A drug test shall be deemed positive when it indicates the presence in a blood or urine sample of a “controlled substance,” as defined in Chapter 90, Article 5, of the North Carolina General Statutes, at or above the threshold levels established by the National Institute on Drug Abuse (NIDA). An alcohol test shall be deemed positive when it indicates alcohol content at or above the level allowed by law for a driver of a commercial motor vehicle under the Motor Vehicle Law of North Carolina by use of breath analyzer or laboratory analysis of blood, urine, saliva, or breath sample. Any drug or alcohol testing required by the employer after any initial employment test will be arranged for and provided at no cost to the person(s) being tested. The superintendent may devise procedures to implement this policy.
- H. **Confidentiality:** Information obtained through implementation of this policy is intended to be used solely for the purpose of protecting the health and safety of students and employees. All testing records will be kept confidential as provided by law. Test results and other confidential information may be released only as provided by law.
- I. **Independent Contractors:** Independent contractors and their employees shall be subject to drug and alcohol testing as follows:
 1. Any independent contractor who is to provide services designated by the Rowan-Salisbury School System as “safety-sensitive” (as defined in Section A above) must require any and all of its employees who will perform such safety-sensitive services on school system premises or at school-sponsored events to submit to a drug test prior to the commencement of services. No independent contractor or employee of an independent contractor shall be allowed to perform any safety-sensitive functions on school system premises or at school-sponsored events unless and until the superintendent or superintendent’s designee has received a confirmed negative drug test for each such individual.
 2. Independent contractors and employees of independent contractors shall be subject to reasonable suspicion drug and alcohol testing under Section B of this policy under the same terms that apply to school system employees.
 3. Independent contractors and employees of independent contractors shall be subject to post-accident drug and alcohol testing under Section C of this policy under the same terms that apply to school system employees.
 4. Independent contractors and employees of independent contractors who operate a commercial motor vehicle, as that term is defined in 49 C.F.R. 382.107, are subject to pre-employment, reasonable suspicion, random, and post-accident testing in accordance with U.S.C. § 31306; 49 C.F.R. parts 40 and 382; G.S. 20-37.19; and Rowan-Salisbury School System Board of Education Policy 7-18-2.
 5. The Rowan-Salisbury School System Board of Education reserves the right to terminate the contract of any independent contractor who fails to comply with the drug or alcohol testing requirements of this Policy 7-18-1 or of Policy 7-18-2.
 6. The Rowan-Salisbury School System Board of Education reserves the right to deny access to school system premises or to school-sponsored events to any employee of an independent contractor who refuses to submit to a drug or alcohol test required by Policy 7-18-1 or by Policy 7-18-2.

LEGAL REF: Drug-Free Workplace Act, 41 U.S.C. § 701 *et seq.*
 21 U.S.C. § 812
 G.S. Chapter 95, Article. 20

12. Drug & Alcohol Testing of Commercial Motor Vehicle Operators Reg. 7-18-2

A. Purpose: The purpose of this policy is to help ensure safe operation of school vehicles and to comply with federal law and regulations by establishing a comprehensive program of drug and alcohol testing for any person who operates a commercial motor vehicle and who is employed by or volunteers for the Rowan-Salisbury School System Board of Education.

B. Applicability: Persons subject to this policy include any driver who operates a commercial motor vehicle in the course of duties for the Rowan-Salisbury School System Board of Education, including anyone who regularly or intermittently drives a school bus, activity bus, or other vehicle designed to transport sixteen or more people, including the driver. For purposes of this policy and its accompanying regulations, the term “driver” includes, but is not limited to, school bus drivers, activity bus drivers, substitute school or activity bus drivers, and school system delivery truck drivers employed by the Rowan-Salisbury School System Board of Education, and any volunteers or independent contractors who operate a commercial motor vehicle on behalf of the Rowan-Salisbury School System Board of Education.

C. Prohibited Acts: Drivers shall not be impaired by alcohol or drugs while on duty or while operating any motor vehicle or while performing any safety-sensitive function. Drivers shall inform their supervisors of any therapeutic drug use. In all cases, a driver will be considered impaired and in violation of the policy when testing reveals the presence of any alcohol or drugs. Further, no driver will be permitted to perform or to continue to perform safety sensitive functions if evidence exists of alcohol consumption or if the employer knows the driver has consumed any alcohol or used a controlled substance. Drivers shall not commit any act prohibited by federal law, by the federal regulations contained in the Controlled Substance and Alcohol Use and Testing (49 C.F.R. part 382), by this policy and its regulations, or by the board’s Drug-Free Workplace Environment Policy. Further, anyone who supervises commercial motor vehicle operators shall be responsible for enforcing and complying with the foregoing provisions.

D. Testing: The administration shall carry out pre-employment testing for drugs, and post-accident, random, reasonable suspicion, return-to-duty and follow-up testing for drugs and alcohol as required by 49 C.F.R. part 382 for all drivers. Drivers shall undergo pre-employment drug testing prior to the first time the driver performs safety sensitive functions for the Board. All other employees whose duties change during the course of their employment to include the driving of commercial motor vehicles shall be subject to a pre-driving drug testing and shall undergo any other testing required by 49 C.F.R. part 382 prior to being assigned driving duties. Volunteer drivers who are not employees will be initially tested prior to operating a school or activity bus and tested on a random basis thereafter. Refusal of any test required pursuant to this policy or 49 C.F.R. part 382 shall be cause for dismissal or removal.

E. Pre-employment Inquiry: All applicants who would be subject to this policy if employed shall consent in writing to the release of any information gathered pursuant to 49 C.F.R. part 382 by any of the applicant's previous employers. Before employing any applicant covered by this policy or 49 C.F.R. part 382, the administration shall obtain, pursuant to the applicant's written consent, all records maintained by the applicant's previous employer(s) of prohibited acts by the applicant that have taken place in the two years prior to the inquiry date.

F. Training and Education: Each driver and supervisory employee, including principals and assistant principals, shall be provided with educational materials that inform them of drug testing procedures, prohibited acts, consequences, and other aspects of 49 C.F.R. part 382, this policy and any attached regulations. The information also shall identify a school system employee who will be responsible for providing information on substance abuse. Each employee shall sign a statement certifying receipt of these materials. Each supervisor responsible for overseeing the performance of drivers, including principals and assistant principals, shall undergo training concerning alcohol misuse and an additional hour of training concerning drug use.

G. Referrals: Each driver who commits acts prohibited by 49 C.F.R. part 382 shall be provided with information concerning resources available for evaluating and resolving drug or alcohol misuse. This information shall include names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

H. Penalties: Employees found in violation of this policy and the attached regulations, or 49 C.F.R. part 382, will be subject to disciplinary action up to and including dismissal.

I. Procedures: The Superintendent shall enact appropriate regulations and procedures to ensure compliance with the collection and testing procedures outlined in the Federal Highway Administration's "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" (49 C.F.R. part 40), and to ensure compliance with 49 C.F.R. part 382, including, but not limited to, testing, reporting, record retention, training, and confidentiality requirements. The regulations and procedures shall also include any reporting requirements required by law.

13. GUIDELINES FOR DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE OPERATORS

These regulations serve as an outline of the testing regulations established by federal law and required by the Rowan-Salisbury School System Board of Education's Drug and Alcohol Testing of Commercial Motor Vehicle Operators Policy. These regulations should in no way be interpreted to cover the entire scope of the laws and regulations for drug and alcohol testing. Copies of the Omnibus Transportation Employee Testing Act and the Department of Transportation's Drug and Alcohol Testing Rules will be made available by the Superintendent or designee. Any questions regarding these policies or any of the materials regarding these policies should be directed to the Superintendent's designee. For the purpose of the Drug and Alcohol Testing of Commercial Motor Vehicles Policy and these Regulations, a "safety-sensitive function" means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and responsibility from performing work. Safety-sensitive functions include, but are not limited to, all time waiting to be dispatched; all time inspecting, servicing, or conditioning any commercial motor vehicle; all time driving a commercial motor vehicle and in or upon any commercial motor vehicle; all time loading or unloading a vehicle; and all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

I. ALCOHOL TESTING

a. Prohibited Conduct.

Performance of safety-sensitive functions is prohibited:

1. While having an alcohol concentration of 0.04 percent or greater.
2. While consuming alcohol.
3. Within four hours after using alcohol.
4. While possessing alcohol.

Refusing to submit to an alcohol test when requested and using alcohol within eight hours after an accident or until undergoing a post-accident test are prohibited. A driver's failure to be available for testing within this time frame following an accident is considered a refusal to take a test. Failure to sign a consent to testing form, to give a sample, to provide an adequate sample, or to otherwise cooperate in completing a test are considered refusals to take any alcohol test. Drivers who refuse to take alcohol tests shall not perform or continue to perform a safety-sensitive function.

b. Types of Tests.

The following types of alcohol tests will be conducted:

1. Post-accident tests will be conducted within two hours, or as soon as practicable, after accidents, if requested by the transportation supervisor. Post-accident tests shall be performed on each driver who was performing safety-sensitive functions for all fatal accidents and for each driver who receives a citation for a moving traffic violation.
2. Reasonable suspicion tests will be conducted when a trained supervisor or administrative official observes behavior or appearance that is characteristic of alcohol misuse by a driver performing a safety-sensitive function. The tests will be performed by someone other than the supervisor or administrator who made the reasonable suspicion determination. A trained supervisor or administrative official must base a reasonable suspicion test upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The test shall be performed only if these observations are made while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has performed safety-sensitive functions.
3. Random testing will be conducted on a random basis just before, during or just after performance of safety-sensitive functions. The number of random alcohol tests will equal at least 10% of the average number of driver positions annually or, if changed by the FMCSA

Administrator, the minimum annual percentage rate for random alcohol testing of drivers set by the FMCSA Administrator. The testing dates and times will be unannounced.

4. Return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol conduct standards returns to performing safety-sensitive duties. Follow-up tests will be unannounced, and administered at the employee's expense. At least six tests will be conducted in the first 12 months after an employee returns to safety-sensitive duties. Follow-up testing may be extended for up to 60 months.

c. Testing Procedures

Alcohol testing will generally be performed by an evidential breath-testing device. Such tests will be administered by a Breath Alcohol Technician (BAT). All testing will be performed in accordance with 49 C.F.R. Part 40.

d. Consequences of Alcohol Misuse

1. Test results 0.04 percent or greater or refusal to be tested. Any test results of 0.04 percent or greater or refusal to be tested are considered positive results and will result in the driver being immediately removed from safety sensitive functions and subjected to disciplinary action up to and including termination. Drivers who have engaged in alcohol misuse cannot return to safety-sensitive duties until they have been evaluated by a substance abuse professional and have complied with any treatment recommendations to assist them with an alcohol problem as recommended by the substance abuse professional.

2. Test results 0.02 percent or greater, but less than 0.04 percent. Drivers who have an alcohol concentration of 0.02 percent or greater, but less than 0.04 percent when tested just before, during or just after performing safety sensitive functions will be removed from their duties for at least 24 hours and subjected to disciplinary action up to and including termination. A negative alcohol test (less than 0.02 percent) will be required to return to performing safety-sensitive duties.

3. Reasonable suspicion testing.

If a driver's behavior or appearance suggests alcohol misuse, a reasonable suspicion test must be conducted. If an alcohol test is not administered within eight hours, the driver must be removed from performing safety-sensitive duties for at least 24 hours, and may be required to take annual leave, sick leave or leave without pay. The driver may also be subjected to disciplinary action up to and including termination. A negative alcohol test (less than 0.02 percent) will be required before a driver will be permitted to return to performing safety-sensitive duties.

e. Rehabilitation/Re-entry

Drivers who violate any alcohol misuse rule shall undergo an evaluation by a substance abuse professional, and must complete the rehabilitation recommended to receive consideration for reinstatement. The Rowan-Salisbury School System Board of Education is not required to provide rehabilitation, pay for treatment or reinstate the driver in his/her position. The Superintendent or designee will provide the driver with names, addresses and telephone numbers of substance abuse professionals as well as counseling and treatment programs.

A driver will not be permitted to return to safety-sensitive duties unless and until the superintendent or designee ensures that the driver: (1) has been evaluated by a substance abuse professional; (2) has complied with any recommended treatment as determined by a substance abuse professional; (3) has taken a return-to-duty alcohol test with a result less than 0.02 percent; (4) has agreed to unannounced follow-up alcohol tests; and (5) has been recertified by the Transportation Director.

II. DRUG TESTING

A. Prohibited Conduct.

The following drugs are prohibited and all drug tests will be analyzed for these drugs:

1. Marijuana (THC) metabolite.
2. Cocaine
3. Amphetamines
4. Opiates (including heroin)
5. Phencyclidine (PCP)

Use of any other unauthorized or illegal controlled substances not listed above is also prohibited. Illicit use of drugs by drivers performing safety-sensitive functions is prohibited at any time whether on or off duty.

B. Types of Tests.

The following types of drug tests will be conducted:

1. Pre-employment tests will be conducted before applicants are hired or after an offer to hire, but before actually performing safety sensitive functions for the first time, unless an applicant meets the exceptions set out in 49 C.F.R. Part 382. These tests are also required to be conducted before performing safety-sensitive functions when an employee's duties change during the course of his/her employment to include the driving of a commercial motor vehicle.

2. Post-accident tests will be conducted as soon as practicable after accidents if requested by the transportation supervisor. Post accident tests shall be performed on each driver who was performing safety-sensitive functions for all fatal accidents and for each driver who receives a citation for a moving traffic violation. A driver may not use any controlled substance during the thirty-two hour period of time following an accident without a written prescription from a doctor of medicine or osteopathy; under such circumstances, use must be in strict compliance with the written prescription. Failure to follow these restrictions will be considered a refusal to test.

3. Reasonable suspicion tests will be conducted when a trained supervisor or administrative official observes behavior or appearance that is characteristic of misuse of controlled substances by a driver performing a safety-sensitive function. The tests will be performed by someone other than the supervisor or administrator who made the reasonable suspicion determination. A trained supervisor or administrative official must base a reasonable suspicion test upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

4. Random testing will be conducted on a random basis just before, during or just after performance of safety-sensitive functions. The number of random drug tests will equal at least 50% of the average number of driver positions annually, or, if changed by the FMCSA Administrator, the minimum annual percentage rate for random controlled substance testing of drivers set by the FMCSA Administrator. The testing dates and times will be unannounced.

5. Return-to-duty and follow-up testing will be conducted when an individual has violated the controlled substances policy and returns to performing safety-sensitive duties. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months

after a driver returns to duty. Follow-up testing may be extended for up to 60 months following return to duty. All follow up testing will be at the driver's expense.

C. Test Procedures

All drug testing will be conducted in compliance with 49 C.F.R. Part 40. Such testing is generally conducted on a two-stage process. First, a screening test is performed. If it is positive for one or more controlled substances, then a confirmation test is performed for each identified drug using state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis. GC/MS confirmation ensures that over the counter medications and prescriptions taken in normal doses are not reported as positive results. All drug test results are reviewed and interpreted by a physician Medical Review Officer (MRO) before they are reported to the Rowan-Salisbury School System Board of Education. If the laboratory reports a positive test result, the MRO contacts the employee (in person or by telephone) and conducts an interview to determine if there is an alternative explanation for the drugs found by the test. If the employee provides appropriate documentation and the MRO determines that it is legitimate medical use of the prohibited drug, the test is reported as negative. If the Rowan-Salisbury School System Board of Education must contact the driver because the MRO is unable to, the driver will be required to contact the MRO within five (5) calendar days.

D. Consequences of Drug Misuse

Any driver who tests positive for any of the controlled substances listed in Section IIA of this regulation will be removed from safety-sensitive duties. Notwithstanding anything else stated in this policy, any driver who tests positive for any controlled substance will be subject to disciplinary action up to and including termination.

E. Rehabilitation/Re-entry

Drivers who test positive for any controlled substance or abuse of legal drugs shall undergo an evaluation by a substance abuse professional, and must complete the rehabilitation recommended to receive consideration for reinstatement. The Rowan-Salisbury School System Board of Education is not required to provide rehabilitation, pay for treatment or reinstate the driver in his/her position. The Superintendent or designee will provide the driver with names, addresses and telephone numbers of substance abuse professionals as well as counseling and treatment programs. A driver will not be returned to safety-sensitive duties unless and until he/she: (1) has been evaluated by a substance abuse professional or physician; (2) has complied with any recommended rehabilitation as determined by a substance abuse professional; (3) has a negative result on a return-to-duty drug test; (4) has agreed to drug follow-up tests; and (5) has been recertified by the Transportation Director. Follow-up testing to monitor the driver's continued abstinence and compliance with this policy will be required at the driver's expense.

III. OTHER PROVISIONS

A. Education and Training

The Rowan-Salisbury School System Board of Education will provide information on drug and alcohol abuse and treatment resources to drivers of commercial motor vehicles. All supervisors of drivers and all administrators designated by the Superintendent must attend training on the signs and symptoms of alcohol abuse and training regarding controlled substance use. The training will cover the physical, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Only those supervisors and administrators who have received training are authorized to make a reasonable suspicion determination. Action on the part of administrators and supervisors to address legitimate concerns about alcohol and other performance and work habits will continue to be expected. A supervisor or administrator who knowingly tolerates or ignores information and events described in this policy, or who otherwise fails to act appropriately in accordance with this policy concerning information and events, is considered to be acting irresponsibly to carry out the intention of this policy. Such a supervisor or administrator may be subject to disciplinary action in accordance with applicable statutes and policies.

B. Record Retention and Confidentiality

The records of all alcohol and drug testing programs will be maintained in a secure location with controlled access. The records will be maintained in accordance with applicable law. All testing records will be kept confidential as provided by law. Test results and other confidential information may only be released as provided by law. Employees will be entitled to review their records upon reasonable notice. With respect to testing results, the Rowan-Salisbury School System Board of Education will notify applicants of their pre-employment test results only if the applicant requests notification within 60 calendar days of notification of disposition of the employment application. Employees will be notified of the results of the random, reasonable suspicion, post-accident, return-to-duty, and follow-up tests whenever the results of the tests are positive.

C. Reporting Positive Drug Tests

The Rowan-Salisbury School System Schools shall report to the Division of Motor Vehicles any employee who tests positive in a drug or alcohol test required under 49 C.F.R. Part 382 and 49 C.F.R. Part 655. Such notification shall be made in writing within five business days following the school system's receipt of confirmation of a positive drug test. The notification shall include the driver's name, address, driver's license number, social security number, and results of the drug or alcohol test.

D. Refusal to Participate

The Rowan-Salisbury School System is required to notify DMV within (5)five days if an employee or applicant for employment refuses to participate in a drug or alcohol test required by federal law. Upon receipt of notice that an employee or applicant for employment has refused to participate in a drug or alcohol test required by federal law, the DMV will disqualify the CDL holder from operating a commercial motor vehicle until it receives proof that the employee has successfully completed a treatment program that satisfies the requirements of receipt of 49 C.F.R. 382.503 as enacted in NC Session Law 2007-492.

Legal Reference(s): 49 U.S.C. § 31306; 49 C.F.R. parts 40 and 382; G.S. 20-37.19.40 C.F.R. 382.503

Adoption Date: 2/13/95

Amended Date: 04/28/08

14. Criminal Record Review 7-20

It is the intent of the Board of Education that employees of the Rowan Salisbury School System, including independent contractors who

are being considered for performing the duties of a school personnel position, be law-abiding honorable citizens exemplifying sound moral character.

Therefore, as a condition of employment, a reasonable effort will be made to ascertain whether the final candidate for a school personnel position has any criminal history in, but not limited to, the county of residence, employment, or schooling. The Superintendent or designee is authorized to utilize local, state or national repositories of records as necessary to conduct a reasonable review. Any applicant who refuses to consent, including independent contractors, will not be considered for a school personnel position.

Any offer of employment is conditional on a favorable review of the criminal history. The Assistant Superintendent of Human Resources and the Superintendent pursuant to North Carolina General Statute 114-9.2, will make decisions denying employment based on the criminal records review on a case-by-case basis.

Any employee who is **charged with or convicted** of a crime excluding minor traffic offenses must notify the Human Resources Department as soon as possible but no later than **five (5)** calendar days. Minor traffic offenses are those such as stop sign violations and speeding. Driving under the influence, hit and run, fleeing an officer, or other serious matters must be reported. Upon receiving such reports, the Superintendent will consult with appropriate personnel to determine whether the employee's conduct requires dismissal or other disciplinary action. An employee's failure to report charges or a conviction could lead to disciplinary action up to and including dismissal. False information on an employment application or contract regarding criminal history will be a basis for denial of employment or, in the case of employees, immediate dismissal.

15. Dress and Appearance 7-23

The Board of Education believes that the appearance and the conduct of its employees are of supreme importance in establishing a positive image for education in the community and for presenting a good example for students. Therefore, the board affirms its expectation that all personnel will be professionally, neatly, cleanly, and appropriately attired for the work to be done. An employee's dress must not disrupt or distract from the educational process and must be in accordance with health and safety standards. Administrative and supervisory personnel will set a good example in personal appearance and good manners and will encourage and expect employees to dress in accordance with the board's expectations. An employee's supervisor will make an initial determination of whether an employee's dress or appearance is appropriate and will address the employee accordingly. In making this determination, the supervisor will consider the following factors:

- The nature of the employee's work:
- Whether the dress is consistent with a professional environment – Clothing should not be see-through, cut, slashed, torn, should cover the back and torso, necklines and arm cuts should not be too low as to be disruptive or distracting, should not be too short, too tight, too loose, or too revealing, no headgear unless it is for athletic, medical or bona fide religious reasons, no clothing, jewelry, or tattoos (permanent or temporary) shall advertise drugs/alcohol, or display obscene or pornographic words, symbols, or images that may be offensive to others and no visible body piercing jewelry, except for ears; all other visible body piercing jewelry must be removed during the school workday and at all school functions and/or school-related activities.
- Health and safety factors
- The nature of the employee's public contact and the normal expectations of outside parties with whom the employee will work
- The employee's interaction with students
- The prevailing practices of other workers in similar jobs
- Any properly established school site or department guidelines for dress or appearance:

If the supervisor determines that the employee's dress or appearance is inappropriate, the supervisor will counsel the employee regarding appropriate attire that is consistent with this policy and will determine whether the employee is allowed to remain at work or must leave work to change his/her dress. Any failure to follow the supervisor's directive and/or repeated violations of this policy will subject the employee to disciplinary action up to, and including, dismissal.

Legal Reference(s): NC G.S. 115C-36,-47
NC Code of Ethics for North Carolina Educators
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