

**Section G
PERSONNEL**

New code	Heading	Old Code	Notes
GA	Personnel Goals/Priority Objectives	GAA	This is model with specific goals for personnel.
GBA	Open Hiring/ Equal Employment Opportunity and Affirmative Action	GAAA	This is model that focuses on all aspects of equal opportunity and open hiring for personnel. Your policy was mainly focused on age discrimination. Policy AC is for the entire district and JB will focus on students.
GBAA, -R, -E(1), E(2)	Sexual or Other Harassment	GAM (part of it) , -R, E(2), E(3)	This is model policy with your introductory paragraph added. Rule and exhibits are yours; deleted language already in policy. Tobacco language is covered in new GBED and drug and alcohol language is covered in new GBEC.
GBB	Staff Involvement in Decision Making	New policy	This is model.
GBE	Staff Rights and Responsibilities	New policy	This is model; general language on staff responsibilities.
GBEA	Staff Ethics/Conflict of Interest	CB, GAG, GBU (part of it)	This is your policy GAG (updated in 10/11).
GBEB	Staff Conduct	GBEB	No change.
GBEBB, -R	Staff Conduct with Students	GBEBB, -R (part of it)	Added part from GBU; updated legal references. No change to rule.
GBEBC	Gifts to and Solicitations by Employees	GAIA/GAIB, GAJA/GAJB, JLA, KDCA/ KDCB	This is model; combines all these policies.
GBEBDA	Criminal Record Checks	GBEBDA*	No change (this is model).
GBEC, -E	Drug and Alcohol Free Schools and Workplace	GAM (part of it), GAM-E(1) JCDAB/JCDAC, -R	This is updated model policy to go with the new ADB. Exhibit is model.
GBED	Tobacco-Free Schools/Staff No Smoking/ Smoking	GAM (part of it), JCDA	Draft one is your existing policy (same as new ADC). Draft two is the model 100% comprehensive policy SCSBA recommends (always trying!).
GBG	Staff Welfare/Protection	GAEA	Added language and legal reference.

New code	Heading	Old Code	Notes
GBGA	Staff Health	GBR, -R, GBRA, GCR, GCRA	This is model revised recently with the assistance of SCDE and DHEC; goes with new EBBA; combines your policies. Note options.
GBGD	Workers' Compensation	EGAA	Updated language and legal references.
GBH	Staff Participation in Community Activities	GAH (you don't have)	This is model.
GBI	Staff Participation in Political Activities	GAHB, -R	This is model; combines policy and rule. Includes new information on bond referendum.
GBJ	Personnel Records and Files	GAK	Replaced with updated model; includes HIPAA requirements, if applicable.
GBK, -R, -E	Staff Concerns/ Complaints/Grievances and Grievance Form	GAE, -R, -E	These are the updated model policy and rule and are basically the same language and process with some longer response times. Also have section on support personnel. Form is model with your appeal language added.

PERSONNEL GOALS/PRIORITY OBJECTIVES

Code **GA** Issued **DRAFT/12**

Purpose: To establish the board's vision for development of personnel policies and goals for the district's personnel program.

All departments of the district exist to help the development of students. The excellence of all professional and support personnel will determine the success of the educational program.

The district will base its personnel policies on the following long-range goals.

- to recruit, select and employ the best qualified personnel to staff the district's schools
- to provide staff compensation and benefit programs sufficient to attract and retain highly qualified employees
- to provide an inservice training program for all employees to improve their performance
- to conduct an employee appraisal program that will contribute to the continuous improvement of staff performance
- to assign personnel to ensure as effective use of individuals as possible
- to develop the quality of human relationships necessary to obtain maximum staff performance and a high level of job satisfaction

Adopted 3/22/93; Revised ^

**OPEN HIRING/EQUAL EMPLOYMENT OPPORTUNITY
AND AFFIRMATIVE ACTIONNON-DISCRIMINATION AND NON-
RETALIATION IN EMPLOYMENT**

Code **GBA** Issued **DRAFT/12**

Purpose: To establish the basic structure for the hiring of all personnel.

The district is an equal opportunity employer.

As required by applicable state and federal laws, the district will recruit, hire, train, promote and make other employment decisions on the basis of individual merit and without discrimination because of race, religion, color, disability, gender, age, alienage or national origin.

The district also prohibits retaliation against an individual because s/he has either opposed an alleged unlawful employment practice or has made a charge, testified, assisted, or participated in an investigation, proceeding, or hearing regarding an alleged incident of illegal discrimination or harassment.

The superintendent will establish guidelines for organization of the teaching, administrative and other certified staff and will select, hire and promote such staff with approval of the board. The superintendent will select, hire and promote all other district employees. The superintendent will direct the work of district employees.

The district maintains a policy of equal opportunity in the following areas.

- recruitment
- selection and hiring criteria and practices
- transfer and promotion
- demotions, terminations, layoffs and recalls
- compensation
- working conditions
- benefits and privileges of employment
- training

Cf. AC, JB

Adopted 2/7/91; Revised 3/22/93, ^

Legal references:

A. United States Code:

1. Title VII of Civil Rights Act of 1964, as amended, 42 USC 2000e - Prohibits discrimination in employment on basis of race, color, national origin, religion or sex.
2. Section 504(b) of Rehabilitation Act of 1973 - Prohibits recipients of Federal assistance from discriminating in employment of handicapped.
3. Title IX of the Education Amendments of 1972, 20 USC 1681, et seq. - Prevents discrimination on the basis of sex by any educational program or activity receiving federal funds.
4. 42 USC, Section 12101-12213 - Americans with Disabilities Act of 1990.

SEXUAL AND OTHER HARASSMENT

Code **GBAA** Issued **DRAFT/12**

Purpose: To establish the board's vision for a working environment free of sexual and other harassment.

Sexual harassment and other forms of harassment of district employees are prohibited. All employees, including supervisory level employees and third parties associated with schools, must avoid any action or conduct which could be viewed as sexual harassment or harassment based on an employee's race, color, national origin, religion, disability or age. Teachers and school administrators are expected to use judgment and common sense which are important elements of a proper response to a particular allegation of harassment or inappropriate conduct.

Sexual and other harassment (staff)

The district will not tolerate or condone sexual harassment or other types of harassment in the workplace. The board considers sexual or other harassment to be a major offense which may result in disciplinary action or dismissal of the offending employee.

Unwelcome sexual advances, requests for sexual favors, or other sexual conduct, either verbal or physical, constitutes sexual harassment under the following circumstances.

- The harasser requires the employee to submit to the conduct as an explicit or implicit condition of employment, status or promotion.
- The harasser uses the employee's submission to, or rejection of, the conduct as a basis for an employment decision.
- The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.
- The employee's submission to, or rejection of, the conduct is the basis for any decision affecting benefits, services, honors, programs or other available activities.

An employee who feels that he/she is being harassed should immediately report such incident to his/her immediate supervisor or the appropriate personnel department official. Nothing in district policy requires the employee alleging ~~sexual~~ harassment to present the matter to the person who is the subject of the complaint.

The district will promptly and thoroughly investigate all complaints of sexual or other harassment. All complaints will be confidential and only those persons necessary for the investigation and resolution of the complaint will be given information about it. The district prohibits retaliation or reprisal in any form against an employee who has filed a complaint of sexual or other harassment.

Sexual and other harassment (students)

Not all behavior with sexual connotations constitutes sexual harassment under federal law. In order to qualify as a complaint under Title IX, sexual harassment must be sufficiently severe, persistent or pervasive so that it does the following.

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- adversely affects a student's education
- creates a hostile or abusive educational environment

A one time incident must be severe to rise to the level of harassment.

The district prohibits all sexual and other harassment of students by district employees, other students or third parties. All students and employees must avoid any action or conduct which could be viewed as ~~sexual~~ harassment.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when the following occurs.

- Submission to such conduct is made either expressly or implicitly a term or condition of a student's education.
- Submission to or rejection of such conduct by an individual is used as the basis for any decisions affecting a student.
- Such conduct has the purpose or effect of unreasonably interfering with a student's education or creating an intimidating, hostile or offensive school environment.

Any student who feels he/she has been subjected to sexual or other harassment is encouraged to file a complaint in accordance with administrative rule JI-R. All allegations will be investigated promptly and confidentially. The district prohibits retaliation or reprisal in any form against a student who has filed a complaint of ~~sexual~~ harassment.

Any employee or student who is found to have engaged in sexual or other harassment will be subject to disciplinary action, up to and including termination in the case of an employee, or expulsion in the case of a student. The district will take all other appropriate steps to correct or rectify the situation.

~~*Option: The administration will develop and distribute guidelines which implement the provisions of this policy concerning the reporting, investigation and resolution of complaints of sexual harassment.*~~

Adopted 1/28/91; Revised 3/22/93, 1/28/05, ^

Legal references:

A. Federal statutes:

1. Title IX of the Education Amendments of 1972, 20 USC Section 1681, et seq. - Prohibits discrimination on the basis of sex by any educational program or activity receiving federal funds.

B. Court cases:

1. United States Supreme Court: Jackson v. Birmingham Board of Education, No. 02-1672 (U.S. March 29, 2005).
2. Burlington Northern and Santa Fe Railway v. White, 126 S. Ct. 2405 (U.S. June 22, 2006).

SEXUAL AND OTHER HARASSMENT

Code **GBAA-R** Issued **DRAFT/12**

Sexual and other harassment

The following procedures are intended to do the following.

- discourage employees and third parties associated with schools from subjecting employees of the district to sexual harassment or other forms of unlawful harassment
- promote a harassment-free work environment
- effectively and appropriately address all harassment found to have occurred or be occurring
- establish on-going education and awareness of the problem of harassment
- provide information about how to report allegations of harassment

Sexual harassment and other types of harassment may include, but are not limited to, the following.

- verbal harassment, including epithets, sexual offensive comments or slurs
- physical harassment
- physical interference with movement or work
- visual harassment, such as sexual or offensive cartoons, drawings or posters

Harassment is prohibited against members of the same sex as well as against members of the opposite sex.

Behavior prohibited of administrators/supervisors

No administrator or supervisor may condition any offer of employment, employee benefit or continued employment on an employee's acquiescence to any of the sexual behavior defined above.

No administrator or supervisor may retaliate against any employee because that employee has opposed a practice prohibited by Title VII of the Civil Rights Act of 1964 and the South Carolina Human Affairs law, or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by an authorized agency.

No administrator or supervisor will cause or tolerate the creation of a sexually hostile or offensive work environment by any subordinate employee or third party associated with schools.

No administrator or supervisor will destroy evidence relevant to an investigation of sexual or other harassment.

Behavior prohibited of all employees

No administrator, supervisor or any other employee of this district and/or third parties associated with schools will create a sexually hostile or offensive work environment for any employee by engaging in any sexual or other harassment.

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No administrator, supervisor or any other employee of this district and/or third parties associated with schools will assist any individual in doing any act which constitutes harassment against any employee.

Preventative action

Periodically, the district will ensure the following.

- Policy GBAA and this administrative rule are fully referenced in employee handbooks and a copy is provided to all employees. They will also be available in each school's media center and the district office.
- All employees are informed about the nature of sexual harassment and other forms of prohibited harassment, the procedures for registering a complaint and the possible redress which is available.
- Designated administrators and designated harassment contact persons are informed of the district's anti-harassment procedures and understand how to implement them. For example, they should be made aware of the kinds of acts that constitute sexual or other harassment, the district's commitment to eliminating and avoiding harassment in the schools, the penalties for engaging in harassment, the procedures for reporting incidents of harassment and the procedures for conducting a harassment investigation.
- The district office makes available information from the Equal Employment Opportunity Commission and the South Carolina Human Affairs Commission about filing claims of harassment with these entities.

The district will designate a Title IX Coordinator. The name, address and business telephone number of the coordinator will be disseminated throughout the district.

Reporting and response procedures

Any employee who feels that he/she has been the object of sexual or other harassment is encouraged to file a complaint with his/her immediate supervisor or principal (except for situations covered in the following paragraph). (See attached complaint form which may be used to file a complaint.)

Under no circumstances will an employee be required to first report allegations of harassment to his/her immediate supervisor if that person is the individual who is accused of the harassment. In such cases, the employee will file the complaint with the district Title IX Coordinator.

All administrators/supervisors will initiate an investigation of any incident of alleged harassment reported to them or observed by them. The district will be responsible for ensuring that reasonable efforts are made to prevent public disclosure of the names of all parties involved in the harassment allegation, except to the extent necessary to carry out an investigation and comply with statutory obligations.

All administrators/supervisors will report in writing the results of any investigation of harassment, including corrective or disciplinary action taken, to the Title IX Coordinator and/or superintendent. The employee who brought the harassment allegation will be informed that appropriate actions were taken and will be advised as to how to report any subsequent problems.

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If an employee is determined to have harassed another employee, the administrator/supervisor will take whatever disciplinary action he/she determines is warranted, up to and including termination.

All administrators/supervisors will follow up periodically on any incident of harassment they were involved in investigating to determine whether the employee has been subjected to any further harassment since the corrective action was taken.

No administrator/supervisor of this district will retaliate in any way against an employee who has provided information as a witness to or victim of an incident of harassment.

Additional obligations of all employees

All employees will report to their immediate supervisor any conduct on the part of non-employees, such as sales representatives or service vendors, which is believed to constitute harassment.

All employees will cooperate with and maintain the confidentiality of any investigation of alleged acts of harassment conducted by the district or by an appropriate state or federal agency. Failure to do so could result in disciplinary action against the individual who failed to cooperate or who violated the confidentiality of the matter.

No employee of this district will take any action to discourage any other employee from reporting alleged harassment. However, any person who intentionally provides false information in connection with a report or investigation of harassment may be subject to disciplinary action.

No employee of this district will retaliate in any way against another employee who has provided information regarding an incident of harassment.

Issued 1/23/95; Revised 1/28/05, ^

**HARASSMENT OF EMPLOYEES
COMPLAINT FORM**

Name of employee complainant: _____

Address: _____

Home phone number: _____

Position with the district: _____

Job site: _____

Work phone number: _____

Immediate supervisor: _____

Name(s) of alleged harasser(s): _____

Approximate date(s) of alleged harassment or when harassment began, if ongoing: _____

Location or situation where alleged harassment occurred, or is occurring: _____

Nature of the harassment: _____

Other individuals who you believe may have witnessed, or also been subjected to, the alleged harassment: _____

Remedy sought: _____

Signature of complainant _____ Date _____

Signature of individual receiving complaint _____ Date _____

HARASSMENT FREE WORKPLACE POLICY

I have read and understand District Five Schools of Spartanburg County board policy GBAA and administrative rule GBAA-R regarding sexual harassment and other forms of harassment. I understand that it is my responsibility to maintain an environment that is free from harassment. I fully understand my responsibility to report any occurrences as identified in the above-mentioned policy and/or rule to the appropriate party.

Signature of employee

Date

STAFF RIGHTS AND RESPONSIBILITIES

Code **GBE** Issued **DRAFT/12**

Purpose: To establish the board's vision for the rights and responsibilities of district staff.

All staff members have a responsibility to become familiar with, and abide by, federal and state laws as these affect their work and the regulations designed to implement them. The same requirement applies to the policies of the board and related administrative rules and procedures.

The board expects all staff members to carry out their assigned responsibilities with conscientious concern. Essential to the success of ongoing district operations and the instructional program are the following specific responsibilities which the district requires of all personnel.

- faithfulness and promptness in attendance at work
- support and enforcement of policies of the board and administrative rules and procedures
- diligence in submitting required reports as assignments promptly at the times specified
- care and protection of school and district property
- concern and attention toward his/her own and the board's legal responsibility for the safety and welfare of students, including the need to ensure that students are under supervision at all times

In their association with students, all employees should exhibit an appropriate and professional demeanor through their manner, dress, courteousness, work ethic and attitude in order to establish themselves as role models who influence the development of young people. The board expects its staff members to be exemplary models, as well as provide exemplary instruction.

Adopted 1/28/91; Revised 3/22/93, 1/28/05, ^

STAFF ETHICS/CONFLICT OF INTEREST

Code **GBEA** Issued **DRAFT/12**

Purpose: To establish the basic structure for ethical conduct and the avoidance of conflicts of interest on the part of the district staff.

Staff members will not engage in any activity that conflicts or raises a reasonable question of conflict with their responsibilities in the district.

- No employee will engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system.
- An employee will not engage in work of any type where information concerning a customer, client or employer originates from any information available to him/her through school sources.
- A professional employee will not sell instructional supplies, equipment or reference books in the attendance area served by his/her school nor will the employee furnish the names of students or parents to anyone selling these materials.

Nepotism

Neither a board member nor an employee may participate in an action relating to the discipline of his/her family member.

The district will not place an employee in a position wherein an employee will exercise **direct** administrative or supervisory authority over a member of his/her family.

The district will not place an employee with family members within the same facility.

South Carolina law Section 59-25-10 provides that no board member's immediate family member (parent, child, brother or sister) may be employed as a teacher without the written consent of the board of trustees.

State ethics law

A public school employee is under the jurisdiction of the "Ethical Conduct of Public Officials and Employees," Section 8-13-700, et seq. S.C. Code of Laws, and is subject to the rules of conduct of the statute. Such rules include the following.

A public employee must do the following.

- may not use his/her position or office for personal financial gain (Section 8-13-700)
- must report the receipt of anything of value worth \$25 or more under certain circumstances (Section 8-13-710)
- may not receive compensation to influence action (Section 8-13-705)
- may not receive additional monies as payment for advice or assistance given in the course of their employment (Section 8-13-720)
- may not receive anything of value for speaking before a public or private group if the employee is acting in an official capacity (Section 8-13-715)

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- may not use government personnel, equipment or materials in an election campaign (Section 8-13-765)
- may not use or disclose confidential information gained in the course of employment (Section 8-13-725)
- may not cause the employment, appointment, promotion, transfer or advancement of a family member to a state or local office or position in which the public official, public member or public employee supervises or manages (Section 8-13-750)
- may not participate in an action relating to the discipline of the public official's, public member's or public employee's family member (Section 8-13-750)
- may not serve as a member or employee of a governmental regulatory commission that regulates any business with which the employee is associated (Section 8-13-730)
- may not represent another person before a governmental entity (Section 8-13-740)
- may not have an economic interest in a contract if the employee is authorized to perform an official function relating to the contract (Section 8-13-775)
- may not use or disclose confidential information in any way that would affect his/her economic interest (Section 8-13-725)

In cases where an employee is required to take action or make a decision which affects him/herself or other individuals, the employee will take such steps as the Ethics Commission will prescribe to remove him/herself from the potential conflict of interest (Section 8-13-700).

The superintendent must file an annual statement of economic interest with the State Ethics Commission (Section 8-13-1110).

Adopted 3/23/93; Revised 9/27/93, 8/94, 10/23/95, 3/31/04, 6/28/10, 10/24/11, ^

Legal references:

A. S. C. Code, 1976, as amended:

1. Section 8-13-700, et seq. - State ethics law.
2. Section 8-13-100(15) - Family member means an individual who is the spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent or grandchild or a member of the individual's immediate family.
3. Section 8-13-100(18) - Definition of immediate family.
4. Section 59-15-10 - No employee may serve on the county board of education.
5. Section 59-19-300 - A board member may not receive pay as a teacher in same district where he/she serves on the board of trustees.
6. Section 59-31-590 - A teacher may not have pecuniary interest in textbook selection.
7. Section 59-25-10 - Employment of teachers related to board members or serving as board members.

STAFF CONDUCT

Code **GBEB** Issued **DRAFT/12**

Purpose: To establish the board's vision for appropriate staff conduct.

The board reaffirms one of the oldest beliefs in education, which is “One of the best methods of instruction is that of setting a good example.”

The board expects the staff of the district to strive to set the kind of example for students that will serve them well in their own conduct and behavior and subsequently contribute to an appropriate school atmosphere.

To that end, in dress, conduct, including conduct communicated or performed in person, in writing and/or electronically, and interpersonal relationships, all staff should recognize that they are being continuously observed by students, other employees, parents/legal guardians and members of the community and that their actions and demeanor may impair their effectiveness as employees.

The personal life of an employee, including personal use of privately-owned electronic equipment outside of working hours such as email, text messages, instant messages or social networking sites, will be the concern of and warrant the attention of the board only as it may directly prevent the employee from effectively performing his/her assigned job duties or disrupts the educational environment or as it violates state or federal law, board policy or contractual agreements.

No employee will commit or attempt to induce students or others to commit an act or acts of immoral or criminal conduct which may be harmful to others or bring discredit to the district. If it appears an employee may have violated the law, the district will cooperate with law enforcement agencies.

~~While on duty and in the presence of students, employees of the district will not use profanity, will not use tobacco in any form, and will not consume or be under the influence of intoxicating beverages. (Restated below)~~

~~Employees of the district, while on duty and in the presence of students, will not use profanity, will not use tobacco in any form, and will not consume or be under the influence of intoxicating beverages. Employees will not be involved in drug abuse or drug traffic at any time.~~

Violations of this policy by employees will be grounds for immediate suspension and possible termination of employment consistent with district policy and state law. In such cases, an employee will be informed of his/her right to any hearing or due process procedure that may be applicable under state or federal law or district policy.

The following list includes some of the actions that are considered misconduct while on duty: ~~on or off district premises.~~

- Consuming or being under the influence of intoxicating beverages.
- possessing, using, selling, manufacturing, distributing or dispensing any illegal drugs ~~or alcohol while on duty or off district property~~

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- use of tobacco in any form
- fighting or deliberately harming another
- being absent without approval
- refusing to follow a supervisor's instructions and directions
- failure to adhere to safety and health rules as established by state law and the district
- destroying school property intentionally
- using obscene language which is unsuitable in the school setting
- having any interaction/activity of a sexual nature or intent with a student
- possessing weapons on school property (unless otherwise authorized by law)
- using school property without proper authorization
- behaving in any inappropriate manner to the extent of adversely affecting the employee's ability to perform his/her work and/or disrupting the educational environment
- harassment, intimidation or bullying of a student

Arrest of an employee

An employee must notify his/her supervisor immediately if he/she is arrested.

~~The board delegates specific authority to the superintendent to take appropriate employment action with regard to an employee who has been arrested.~~

- ~~• Employees arrested for a misdemeanor offense which would indicate no danger or appearance of danger to students, co-employees or the district will normally not be subject to any employment action.~~
- ~~• Employees arrested for a misdemeanor offense which would indicate a possible danger or appearance of danger to the school district, co-employees or to pupils will normally be suspended with pay pending adjudication.~~
- ~~• Employees arrested for a misdemeanor offense which would indicate a possible danger or appearance of danger to pupils but not to the school district or co-employees will normally be reassigned to different responsibilities away from pupils within the district pending adjudication.~~
- ~~• Employees arrested for a felony offense will normally be suspended with pay pending adjudication.~~

~~In certain circumstances, other employment action may be taken.~~

~~The Board delegates specific authority to the Superintendent or his/her designee to take appropriate employment action with regard to an employee who has been arrested. Should a District employee be arrested, s/he must notify his/her principal and the Superintendent of the arrest the next business day, and also keep the administration apprised of the continued status of the criminal case against him/her.~~

District Five Schools of Spartanburg County

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Cf. GBEBB

Adopted 9/17/10; Revised ^

Legal references:

A. South Carolina Code of Laws, 1976 as amended:

1. Section 16-23-420 and 430 - Concealed weapons, school property exception.
2. Section 16-3-755 - Sexual battery with a student.

STAFF CONDUCT WITH STUDENTS

Code **GBEBB** Issued **DRAFT/12**

Purpose: To establish the board's vision and the basic structure for appropriate staff conduct with students.

The relationship between staff members and students in the school district should be one of cooperation, understanding and mutual respect. All employees have the responsibility to provide an atmosphere conducive to learning, which should be accomplished through effective individual and group discipline. All students and staff members will treat each other with respect.

Staff members must not discuss the weaknesses and strengths of students before the class, in public places or in the teacher's lounge. Staff members may discuss students with others in an effort to resolve student problems, but the discussions must be in confidence and must not include individuals who are not involved in the resolution of the problem.

All employees are expected to exercise good judgment and maintain professional boundaries when interacting with students at all times, both on and off school property.

Differences and problems that arise between an employee and student are typically best worked out by conferences between these two persons or between the employee and the parent/legal guardian of the student. However, employees and students should immediately report a violation or perceived violation of the district's nondiscrimination and anti-harassment policy regardless of whether a conference has been held.

Sexual misconduct

Any behavior of a sexual nature which may constitute professional misconduct and/or is a violation of criminal or civil statutes, professional codes of ethics or board policy, is strictly prohibited. This includes any action or conduct communicated or performed in person, in writing and/or electronically through such means as telephone, email, text messages, instant messages or social networking sites.

No employee may use his/her status as an employee to adversely influence a student of the district. No employee may date, make sexual advances toward or engage in any sexual relationship with a district student, regardless of the student's age, the perceived consensual nature of the relationship, where the advances are made, or whether the employee directly supervises the student. Further, no employee may discuss or plan a future romantic or sexual relationship with a student. All employees possessing evidence of or witnessing such conduct will report it to the appropriate district administrator immediately. After a thorough investigation and depending upon the nature of the charges, the district will take appropriate disciplinary action, up to and including dismissal, and, when warranted, contacting law enforcement officials.

Cf. AC, JB, GBAA, GBEB, GCQF, JI, JLF

Adopted 9/27/93; Revised 8/94, 6/28/10, 9/27/10, ^

Legal references:

A. Federal statutes:

1. Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d - Prohibits discrimination by recipients of federal financial assistance on the basis of race, color or national origin.

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2. Title IV of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000c-6 - Prohibits discrimination on the basis of race, color or national origin, among other factors, by public elementary and secondary schools.
3. Title IX of the Education Amendments of 1972, 20 USC Section 1681, et seq. - Prohibits discrimination on the basis of sex.

B. S.C. Code of Laws, 1976, as amended:

1. Section 16-3-655 - Criminal sexual conduct with a minor.
2. Section 16-3-800, et. seq. - Sexual performance by children.
3. Section 16-3-755 - Sexual battery with a student.

C. U.S. Supreme Court:

1. Plyler vs. Doe, 457 U.S. 202 (1982).

STAFF CONDUCT WITH STUDENTS

Code **GBEBB-R** Issued **DRAFT/12**

Staff members are expected to use good judgement in their relationships with students both inside and outside of the school context including, but not limited to, the following guidelines.

- Staff members will not make derogatory comments to students regarding the school and/or staff.
- The exchange of purchased gifts between staff members and students is discouraged.
- Staff-sponsored parties, at which students are in attendance, unless they are a part of the school's extracurricular program and are properly supervised, are prohibited.
- Staff members will not fraternize, written, verbally or electronically, with students except on matters that pertain to school-related issues.
- Staff members will not use insults or sarcasm against students as a method of forcing compliance with requirements or expectations.
- Staff members will maintain a reasonable standard of care for the supervision, control and protection of students commensurate with their assigned duties and responsibilities.
- Staff members will not send students on personal errands.
- Staff members will not give rides to students in their personal vehicles, unless approved by the appropriate administrator.
- Staff members will not sign students out of class except for school-related reasons.
- Staff members will, pursuant to law and board policy, immediately report any suspected signs of child abuse or neglect.
- Staff members will not attempt to counsel, assess, diagnose or treat a student's personal problem relating to sexual behavior, substance abuse, mental or physical health and/or family relationships but, instead, should refer the student to the appropriate individual or agency for assistance.
- Staff members will not disclose information concerning a student, other than directory information, to any person not authorized to receive such information. This includes, but is not limited to, information concerning assessments, ability scores, grades, behavior, mental or physical health and/or family background.
- Dating between staff members and students is prohibited.
- Staff members will not associate with students at any time in any situation or activity which could be considered sexually suggestive or involve the presence or use of tobacco, alcohol or drugs.
- Sexual relations with students, regardless of age and/or consent, are prohibited and will result in dismissal in accordance with state and federal law and board policy.

Issued 9/27/10; Revised ^

GIFTS TO AND SOLICITATIONS BY EMPLOYEES

Code **GBEBC** Issued **DRAFT/12**

Purpose: To establish the basic structure regarding solicitation by employees and the giving of gifts to employees.

Selling items for personal profit

In the interest of preserving a completely professional relationship between employees of this district and those whom they serve, the board will not permit district employees, based on their employment with the district, sell on district premises to engage in commercial activities for personal profit ~~products~~ of any kind ~~to~~ with other employees, students, or patrons of the district school in which they teach.

Soliciting of employees

No organization (~~Option: name specific organizations which are exemptions~~) may solicit funds from employees within the district and the schools nor may they distribute flyers or other materials related to fund drives through the district and the schools without the approval of the superintendent. Employees will not be made responsible or assume responsibility for the collection of any money or distribution of any fund drive literature within the district or the schools without such activity having the superintendent's approval.

As a matter of policy, the board expects such activities to be kept to a minimum. The superintendent will seek direction from the board in instances where prior practice has set no policy as to a particular fund drive.

Gifts from employees to employees

Individual employees will refrain from giving gifts to employees who exercise any administrative or supervisory jurisdiction over them, either directly or indirectly. Generally, the board discourages collection of money for group gifts except in special circumstances such as bereavement, serious illness or for mementos at retirement.

Gifts to employees

Any good school system expects to employ staff members who are ethical in their relationships with students, parents, other school personnel and all companies with whom the district does business.

Employees may accept no personal gifts, bonuses or gratuities -- consistent with guidelines issued by the State Ethics Commission -- from companies which do business with the district, whether or not companies give such gifts in the hope of increasing the sale of a product or to influence district personnel. Exceptions to this policy are the acceptance of minor items which are generally distributed by the company or organization through their public relations program.

Any gifts received as the result of the district's business, financial or operational affairs will accrue to the district system as a unit.

The board discourages the giving of gifts to employees by students as well as the exchange of gifts at holiday parties.

Adopted prior to 1974; Revised 9/27/93, 4/25/94, ^

PAGE 2 - GBEB - GIFTS TO AND SOLICITATIONS BY EMPLOYEES

Legal references:

A. S. C. Code, 1976, as amended:

1. Section 8-13-100, et seq. - Ethics, government accountability and campaign reform.
2. Section 8-15-10, et seq. - Local or local and state officers and employees generally.
3. Section 16-17-420 - Prohibits activities that disturb school.

CRIMINAL RECORD CHECKS

Code **GBEBDA** Issued **DRAFT/12**

Purpose: To establish the basic structure for conducting criminal record checks on any individual hired by or volunteering in the district.

The district will require appropriate state criminal background checks as outlined in law on any individual recommended to be employed in a paid or volunteer position.

The cost of the background checks will be paid by the district. The fee associated with the criminal record search on a teacher or a substitute teacher is waived for the district.

State Law Enforcement Division (SLED) background checks

The district will obtain a name-based criminal record history check from SLED on all new employees prior to their initial employment. The district will consider the results of all criminal record history checks on an individual basis. In determining how the information obtained impacts the individual's ability to be an effective employee, the district will consider such things as severity of offense, age of the individual, direct impact of the offense on children, length of time since conviction or plea, restitution, conduct or remedial actions during probation, and participation in pre-trial intervention and/or expungement.

The district will not employ an individual who has been convicted of or plead guilty to a violent crime as outlined in law. Also, when making employment decisions, the district will carefully consider information relative to felony convictions as well as information that could result in the revocation or suspension of a professional certificate "for cause" as outlined in law.

The results of the name-based check will be presented to the board concurrent with the recommendation for employment.

National Sex Offender Registry checks

The district will perform a National Sex Offender Registry check on all new employees, whether employed on a full-time, part-time, regular, interim or temporary basis, and all volunteers who work in a school on an interim or regular basis as mentors, coaches, chaperones or any other capacity resulting in direct interaction or contact with students.

The district will not permit individuals whose names appear in the National Sex Offender Registry or individuals who have been required to register as sex offenders pursuant to state law to work or serve in the district in any capacity.

If an individual is denied employment in the district as a result of information appearing on the name-based background check, the person may be given an opportunity to respond to the reasons.

(Cf. GCF, GCFB, GCG, GDF, IJOA, IJOB/IJOC)

Adopted 8/23/10; Revised ^

PAGE 2 - GBEBDA - CRIMINAL RECORD CHECKS

Legal references:

- A. S.C. Code, 1976, as amended:
 - 1. Section 16-1-60 - Violent crimes defined.
 - 2. Section 23-3-115 - Fees for criminal record searches conducted for charitable organizations.
 - 3. Section 23-3-130 - Determination of information to be supplied and methods of evaluation and dissemination; promulgation of rules and regulations.
 - 4. Section 23-3-430 - Sex offender registry; convictions and not guilty by reason of insanity findings requiring registration.
 - 5. Section 59-19-117 - Background checks.
 - 6. Section 59-25-150 and 160 - Revocation or suspension of certificate; "just cause" defined.

DRUG AND ALCOHOL-FREE SCHOOLS AND WORKPLACE

Code **GBEC** Issued **DRAFT/12**

Purpose: To establish the basic structure to ensure the board's vision of a workplace and learning environment free of drugs and alcohol.

The district is committed to providing a drug and alcohol-free learning environment and workplace. Drug and alcohol abuse in the workplace or at school or in connection with school-sponsored activities on or off school grounds threatens the health and safety of our students and our employees and adversely affects the educational mission of the district. "Drug" means any narcotic drugs, marijuana, depressants, stimulants or hallucinogenic drugs, any counterfeit drugs, imitation controlled substances, "lookalike" substances, synthetic drugs, and any substance that is represented to be or is substantially similar in color, shape, size or markings to a prohibited substance, or other controlled substances as defined by the act and regulation cited below unless obtained from or pursuant to a valid prescription or ordered by a practitioner.

Employees

No employee will unlawfully manufacture, distribute, dispense, possess or use any drug on or in the workplace. No employee will manufacture, distribute, dispense, possess, use or be under the influence of alcohol on or in the workplace.

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

As a condition of employment, each employee will notify his/her supervisor of his/her conviction of any criminal drug statute for a violation occurring in the workplace as defined above. The employee must notify the supervisor no later than five days after such conviction.

As a condition of employment, each employee must abide by the terms of the school district policy respecting a drug and alcohol-free workplace.

An employee who violates the terms of this drug-free workplace policy may be subject to disciplinary action including, but not limited to, nonrenewal, suspension or termination at the discretion of the board. Such employee may be required to satisfactorily participate in a drug abuse assistance program or rehabilitation program approved by the board.

The board will take such action in accordance with district policies and regulations as well as applicable state and federal law.

The board directs the administration to establish a drug-free awareness program in the district to include information on the dangers of drug abuse in the workplace, the district's policy on a drug-free workplace, and any drug counseling available to employees as well as any available rehabilitation and employee assistance programs.

PAGE 2 - GBEC - DRUG AND ALCOHOL-FREE SCHOOLS AND WORKPLACE

The district requires every employee to submit to testing for controlled substances and/or alcohol if the administration has reasonable suspicion that the employee is engaging in prohibited conduct as defined in this policy. Any employee who, when requested by the District Office or appropriate administrator, refuses to submit to an established drug or alcohol test and/or shows a positive result from such test(s) will be subject to immediate dismissal from employment. Nothing in this policy shall limit the right of the district, at its discretion, to terminate or otherwise discipline any employee for violating the system's drug- and alcohol-free expectations.

Employees who drive school buses, district vehicles, or vehicles rented or leased by the district are prohibited from using alcohol or drugs while on duty or just prior to coming on duty. In compliance with the Omnibus Transportation Employee Testing Act of 1991, all employees who are required to hold commercial driver licenses will undergo alcohol and controlled substances testing consistent with federal regulations. Such employees shall receive appropriate education related to the requirements of this policy.

The district will notify employees at the time of initial employment, and periodically thereafter, of the Board's expectations that they be familiar with and abide by the terms of the District's drug- and alcohol-free workplace policy.

Students

No student, regardless of age, will possess, use, sell, purchase, barter, distribute or be under the influence of alcoholic beverages or other controlled substances in the following situations.

- on school property (including buildings, grounds, vehicles)
- at any school-sponsored activity, function or event whether on or off school grounds including any place (where an interscholastic athletic contest is taking place)
- during any field trip
- during any trip or activity sponsored by the board or under the supervision of the board or its authorized agents

No student will aid, abet, assist or conceal the possession, consumption, purchase or distribution of any alcoholic beverage by any other student or students in any of the circumstances listed above.

No student will market or distribute any substance which is represented to be or is substantially similar in color, shape, size or markings of a controlled substance in any of the circumstances listed above.

All principals will cooperate fully with law enforcement agencies and will report to them all information that would be considered pertinent or beneficial in their efforts to stop the sale, possession and use of controlled substances.

The administration will suspend, and recommend expulsion, students who violate this policy. ~~and the board may expel them. The board intends to expel all students who distribute any controlled substance on school grounds.~~

(Cf. JICH; also ADB)

Adopted 8/2/75; Revised 9/28/81, 1/28/91, 3/22/93, 4/25/94, 6/29/98, 1/28/05, 10/24/11, ^

PAGE 3 - GBEC - DRUG AND ALCOHOL-FREE SCHOOLS AND WORKPLACE

Legal references:

A. Federal statutes:

1. Drug-Free Workplace Act 102 Stat. 4305-4308.
2. Controlled Substances Act (21 U.S. C. 812) - Schedules I through V of Section 202.

B. Federal regulations:

1. 54 F.R. 4946 (1/31/89) - Relating to the Drug-Free Workplace Act.
2. 21 CFR 1300.11 through 1300.15 - Defining controlled substances.

C. State law:

(Alcohol)

1. S.C. Constitution:

- a. Article XVII, Section 14 - Must be over 21 to possess distilled liquors.

2. S.C. Code of Laws, 1976, as amended:

- a. Section 16-17-530 - Students who come to school in an intoxicated condition, or conduct themselves in a disorderly or boisterous manner, could be arrested for a misdemeanor.
- b. Section 59-67-150 - Drinking alcoholic liquors on a school bus is prohibited.

(Drugs)

1. S.C. Code, 1976, as amended:

- a. Section 44-49-80 - Establishment of drug abuse treatment program in public schools.
- b. Section 44-53-110, *et seq.* - Definitions; lists of illicit drugs.
- c. Section 44-53-140 - Certain communications and observations shall be privileged.
- d. Section 44-53-160 - Manner in which changes must be made to schedules of controlled substances.
- e. Section 44-53-190 - Substances added to Schedule 1 controlled substances.
- f. Section 44-53-370 - Prohibited Acts A; penalties.
- g. Section 44-53-440 - Distribution to persons under 18.

NOTICE TO EMPLOYEES

You are hereby notified that it is a violation of the policy of this district for any employee to unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined in Schedules I through V of Section 2020 of the Controlled Substances Act (21 U.S. C. 812) and as further defined by Regulations 21 CFR 1300.11 through 1300.15. No employee will manufacture, distribute, dispense, possess, use or be under the influence of alcohol on or in the workplace.

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

You are further notified that it is a condition of your continued employment that you will comply with the above policy of the school district and will notify your supervisor of your ~~conviction of arrest due to~~ any criminal drug statute ~~for a violation occurring in the workplace~~. You must notify your supervisor the next business day after such arrest, no later than five days after such conviction.

An employee who violates the terms of this drug-free workplace policy may be subject to disciplinary action including, but not limited to, nonrenewal, suspension or termination at the discretion of the board. Such employee may be required to satisfactorily participate in a drug abuse assistance program or rehabilitation program approved by the board.

TOBACCO-FREE SCHOOLS/STAFF (DRAFT ONE)

Code **GBED** Issued **DRAFT/12**

Purpose: To establish the basic structure for tobacco-free schools.

Use of tobacco and tobacco products

The board believes that the use of tobacco use and exposure to secondhand smoke (environmental tobacco smoke) are hazardous to the health of human beings, especially children, detrimental to the health of staff and contrary to the board's objectives to teach appropriate health values and habits. ~~Therefore, the board prohibits the use of tobacco products by anyone in any of the buildings or on the grounds of the school district. Therefore, the board affirms that one of the best methods of instruction is one that is provided within a 100% tobacco-free environment.~~

In addition, staff members will consider themselves under the provisions of this policy at any time while students are present under their jurisdiction off the school grounds.

The board directs the administration to ensure that signs are conspicuously displayed designating the prohibition of tobacco use at each building.

Potential employees will be informed of the district's drug and tobacco-free policy during the interview process.

In the event that this policy is not followed, the following sanctions will be taken.

Staff

- first offense verbal reprimand
- second offense written reprimand
- third offense considered insubordination and grounds for termination

Students

The district does not allow students to use or to possess tobacco products or tobacco paraphernalia. This restriction applies while students are on school grounds, in the school buildings, on buses, or during any other time they are under the direct administrative jurisdiction of the school whether on or off the school grounds.

School administrators will develop procedures consistent with the discipline code of this district in order to enforce this policy.

Professional personnel will carry out programs of education designed to inform students about the hazards of smoking.

Tobacco industry marketing or sponsorship

The district will not accept any contributions or gifts, money or materials from the tobacco industry. The district will not participate in any type of services that are funded by the tobacco industry. In addition, any gear, paraphernalia, clothing, etc., that advertises tobacco use or tobacco products will not be allowed on district grounds or in the possession of faculty, staff or students at district-sponsored events.

PAGE 2 - GBED - TOBACCO-FREE SCHOOLS/STAFF

(Cf. ADC, JICG)

Adopted 6/23/86; Revised 1/28/91, 3/22/93, 4/25/94, 1/28/05, 2/27/12, ^

Legal references:

A. United States Code:

1. 20 U.S.C. 6081 - Pro-Children Act of 1994.

B. S.C. Code, 1976, as amended:

1. Section 44-95-10 et seq. - Clean Indoor Air Act of 1990 and penalties for violations.
2. Section 16-17-490 - Contributing to the delinquency of a minor (school board rules and regulations may be exempt under certain circumstances).
3. Section 16-17-500 - Supplying minors with tobacco or cigarettes.
4. Section 59-67-150 - Qualifications of bus driver; drinking or smoking on bus.
5. Sections 16-17-500 and 501 - Youth Access to Tobacco Prevention Act of 2006.

STAFF WELFARE/PROTECTION

Code **GBG** Issued **DRAFT/12**

Purpose: To establish the basic structure for the defense of district employees in certain legal actions.

The district is obligated by law to defend employees in legal actions resulting from acts done or omitted in good faith in the course of their employment. This requirement applies to civil or criminal actions or special proceedings in the courts of this state or of the United States.

Any employee needing legal assistance in a legal action arising out of his/her employment must submit a request in writing to the superintendent. The superintendent will bring the request to the board's attention to determine whether legal assistance will be provided to the employee appropriate and consistent with the intent of the law.

Adopted 6/24/85; Revised 3/22/93, ^

Legal references:

A. S.C. Code, 1976, as amended:

1. Section 59-17-110 - Duty of school districts to defend actions or proceedings against their employees.

B. Attorney General's Opinion:

1. September 14, 1995 - To Rep. Worley from Charles Condon.

STAFF HEALTH

Code **GBGA** Issued **DRAFT/12**

Purpose: To establish the basic structure for practices related to staff health and communicable diseases as they apply to district employees.

Health screening

The district will not initially hire any person to work in any public school or kindergarten until that person has been appropriately evaluated for tuberculosis according to guidelines approved by the South Carolina Department of Health and Environmental Control. The district will not require re-evaluation for employment in consecutive years unless otherwise indicated by such guidelines.

Any person applying for a position in any of the district's schools, including kindergarten, will, as a prerequisite to employment, secure a health certificate from a licensed physician certifying that such person does not have tuberculosis in an active stage.

The physician will make the aforesaid certificate on a form supplied by the South Carolina Department of Health and Environmental Control.

If the district has questions or concerns regarding the physical or mental capability of an employee to perform the essential functions of his/her position with or without reasonable accommodations, the district may require an appropriate health examination.

Communicable diseases

The board defines a chronic communicable disease as a persistent or recurring infection that may be transmitted to a susceptible person by contact with an infected individual. The U. S. Centers for Disease Control and Prevention (CDC) will be the definitive authority on the identification and transmission of chronic communicable diseases.

It is not the policy of the district to automatically suspend employees with a chronic communicable disease. It is the policy of the district, however, to protect the health of members of the community by implementing a program of education, prevention and reporting with respect to chronic communicable diseases in cooperation with state and local public health agencies.

The district may reassign an employee with a chronic communicable disease to a position that limits student/employee contact. Alternatively, the district may place the employee on medical leave if medical judgment substantiates that said employee poses a significant health threat to students and/or other employees. The school board reserves the right to remove or exclude any employee whose physical condition would interfere with his/her ability to work or would expose other students or employees to infection.

PAGE 2 - GBGA - STAFF HEALTH

This district will notify other staff and students of the existence of a communicable disease in accordance with regulations and guidelines of the South Carolina Department of Health and Environmental Control.

HIV

Evidence shows that the risk of transmitting human immunodeficiency virus (HIV) is extremely low in school settings when current guidelines are followed. The presence of a person living with HIV infection or diagnosed with acquired immunodeficiency syndrome (AIDS) poses no significant risk to others in school, daycare or school athletic settings.

Employment

The district does not discriminate on the basis of HIV infection or association with another person with HIV infection. In accordance with the Americans with Disabilities Act of 1990, an employee with HIV infection may continue working as long as he/she is able to perform the essential functions of the position, with reasonable accommodation, if necessary.

Employees with acquired immunodeficiency syndrome (AIDS) or human immunodeficiency virus (HIV) should be under no work restrictions in the district, unless the employee's physician advises that medical impairments exist which are so severe as to be a hazard for the employee, district students or other employees. Employees infected with HIV or AIDS present no appreciable infection risk to others under normal school working conditions.

If an employee has been removed or excluded as provided above, as a condition for return to work, the district may require a satisfactory certificate from the employee's physician that the employee's presence is no longer a risk to the employee or to others at school.

Privacy

Students or staff members are not required to disclose HIV infection status to anyone in the education system. HIV antibody testing is not required for any purpose.

Every employee has a duty to treat as highly confidential any knowledge or speculation concerning the HIV status of a student or other staff member. Violation of medical privacy is cause for disciplinary action, criminal prosecution and/or personal liability for a civil suit.

No information regarding a person's HIV status will be divulged to any individual or organization without a court order or the informed, written, signed and dated consent of the person with HIV infection (or the parent/legal guardian of a legal minor). The written consent must specify the name of the recipient of the information and the purpose for disclosure.

All health records, notes and other documents that reference a person's HIV status will be kept under lock and key. Access to these confidential records is limited to those named in written permission from the person (or parent/legal guardian) and to emergency medical personnel. Information regarding HIV status will not be added to a student's permanent educational record.

Infection control

All employees are required to consistently follow infection control guidelines in all settings and at all times, including playgrounds and school buses. Schools will operate according to the standards promulgated by the U.S. Occupational Safety and Health Administration and the Centers for Disease Control and Prevention for the prevention of bloodborne infections.

PAGE 3 - GBGA - STAFF HEALTH

Equipment and supplies needed to apply the infection control guidelines will be maintained and kept reasonably accessible. The Director of Health Services will implement the precautions and investigate, correct and report on instances of lapse.

A school staff member is expected to alert the person responsible for health and safety issues if a student's health condition or behavior presents a reasonable risk of transmitting an infection.

If a situation occurs at school in which a person might have been exposed to an infectious agent, such as an instance of blood-to-blood contact, school authorities will counsel that person (or, if a minor, alert a parent/legal guardian) to seek appropriate medical evaluation.

HIV and athletics

The privilege of participating in physical education classes, athletic programs, competitive sports and recess is not conditional on a person's HIV status. School authorities will make reasonable accommodations to allow students living with HIV infection to participate in school-sponsored physical activities.

All employees must consistently adhere to infection control guidelines in locker rooms and all play and athletic settings. Rulebooks will reflect these guidelines. First aid kits that include personal protective equipment for preventing exposure to bloodborne pathogens must be on hand at every athletic event.

Physical education teachers and athletic program staff should complete an approved first aid and injury prevention course or training that includes implementation of infection control guidelines. Student orientation about safety on the playing field will include guidelines for avoiding HIV infection.

Staff development

All school staff members will participate in a planned educational program that conveys factual and current information about HIV and other bloodborne pathogens; provides guidance on infection control procedures; informs about current law and state, district and school policies; assists staff to maintain productive parent and community relations; and includes annual review sessions. Certain employees will also receive additional specialized training as appropriate to their positions and responsibilities.

General provisions

On an annual basis, school administrators will notify students, their family members and school personnel about current policies concerning HIV and other bloodborne pathogens and provide convenient opportunities to discuss them. Information will be provided in major primary languages of students' families.

In accordance with the established policy review process or at least every three years, the (*designate individual here*) will report on the accuracy, relevance and effectiveness of this policy and, when appropriate, provide recommendations for improving and/or updating the policy.

Bloodborne pathogens

The district has prepared and implemented an exposure-control plan for all employees based on the recommendations of the Centers for Disease Control and Prevention (CDC). This plan includes appropriate training for those employees who may be likely to incur occupational exposure to blood or other potentially infectious materials. A copy of the plan is on file in the superintendent's office and each school.

PAGE 4 - GBGA - STAFF HEALTH

Cf. EBBA, IHAM, JLCC, JRA

Adopted 9/27/93; Revised 1/02, 2/02, ^

Legal references:

A. South Carolina Code, 1976, as amended:

1. Section 44-29-150 and 160 - Tuberculin test required of new employees.
2. Section 44-29-200 - Attendance of teachers or pupils with contagious or infectious disease may be prohibited.
3. Section 44-29-135(f) - Confidentiality of sexually transmitted disease records.
4. Section 59-10-220 - Adoption and notification of Centers for Disease Control and Prevention (CDC) recommendations on universal precautions for bloodborne disease exposure.

B. Federal regulations:

1. U. S. Occupational Safety and Health Administration, CFR 1910.134 - Respiratory protection.
2. U. S. Occupational Safety and Health Administration, CFR 1910.1030 - Bloodborne pathogens.

C. State Board of Education Regulations:

1. R-43-207 - All personnel will be screened for tuberculosis.

D. South Carolina Department of Health and Environmental Control Regulations:

1. R-61-20 - Communicable diseases.
2. R-61-22 - Evaluation of school employees for tuberculosis.

WORKERS' COMPENSATION

Code **GBGD** Issued **DRAFT/12**

Purpose: To establish the basic structure for employee assistance through workers' compensation insurance.

The board of trustees provides workers' compensation insurance coverage ~~through the South Carolina School Boards Insurance Trust~~ for all district employees. Volunteers who are not employees are exceptions to this policy.

The South Carolina Workers' Compensation Law is designed to provide medical and monetary benefits for an employee who sustains an accidental injury arising out of and in the course of his/her employment. The law provides medical care to bring about the earliest possible recovery from the injury, a percentage of wages and salary lost during the injured employee's disability, and, in case of death, compensation for the deceased employee's dependents.

Under the Workers' Compensation Law it is the responsibility of the school district to provide medical treatment for employees injured on the job. School employees must use those providers specified by the employer. Designation of medical treatment providers will be made by the school district in consultation with and upon the recommendation of the workers' compensation insurance carrier. The refusal of an employee to accept any medical, hospital, surgical or other treatment when provided by the employer will bar such employee from further compensation until such refusal ceases unless, in the opinion of the South Carolina Workers' Compensation Commission, the circumstances justified the refusal.

When an employee is absent from work as a result of accidental injury arising out of and in the course of his/her employment, available sick leave and annual leave and workers' compensation benefits can be coordinated to the extent that such leave and benefits are available.

Every injured employee or his/her representative will immediately, on the occurrence of an accident, or as soon thereafter as practicable, give or cause to be given to his/her principal or immediate supervisor and to the district office a notice of the accident.

Adopted 3/22/93; Revised 7/94, 10/24/05, ^

Legal references:

- A. S. C. Code, 1976, as amended:
1. Section 42-1-10, et seq. - The South Carolina Workers' Compensation Law.

STAFF PARTICIPATION IN POLITICAL ACTIVITIES

Code **GBI** Issued **DRAFT/12**

Purpose: To establish the basic structure for staff participation in political activities.

Employee candidacy

The board recognizes that employees of the district have the same fundamental civic responsibilities and privileges as other citizens. Among these are campaigning for an elective public office or holding an elective or appointive public office to the extent that neither activity conflicts with the employee's duties in the school district.

At the earliest possible moment, an employee who wishes to offer for an elective or an appointive position on a governing board or agency should verify in writing to the superintendent or his/her designee that such position will not conflict with state or federal law and/or regulations concerning the employee's right to serve (dual office holding, conflict of interest, etc.). The employee must also notify the superintendent in writing of the position sought and the employee's intention as to the possibility of continued employment and the conditions of that employment.

The immediate supervisor and the employee will meet with the superintendent to discuss obvious and/or implied difficulties which might conflict with the public interest. The superintendent will call this meeting and notify the employee as to the administration's recommendations in the matter.

The superintendent will report the data, along with his/her recommendation, to the school board at its next regular meeting. The board will make the final decision as to whether the activities proposed by the employee are consistent with his/her services to the district and in the best interests of education in the district.

In connection with campaigning and/or holding public office an employee must **not** do the following.

- use school system facilities, equipment or supplies
- discuss his/her campaign with district personnel, students, parents or citizens during work hours
- use any time during normal work hours for campaigning purposes, either through his/her own activities or through the activities of a supporter/colleague

Political activities in schools

~~The board firmly believes in the democratic process and its principles. Additionally, the board believes the exposure of mature students to persons of political prominence and current events is an important part of education. However, the board opposes those actions that transform the schools into arenas for political activity, including advocating any political party or any candidate for public office. Such activity can and does create friction within the school and is thus disruptive to the educational processes and programs of the school.~~

PAGE 2 - GBI - STAFF PARTICIPATION IN POLITICAL ACTIVITIES

~~Therefore, the board directs that no one may distribute or post cards, flyers, pamphlets, brochures, signs, pins, badges or any other political paraphernalia espousing any political party or candidate at any time on school property. No one may collect or solicit funds for political use or solicit for campaign workers on school property. No one can use the district or school communications systems, including telephones, email or voice mail, in an election campaign.~~

Further, no employee will, during the school day, on school property or at a school-sponsored event, influence or attempt to influence any student, teacher, parent or other person to vote for or against any candidate. During the school day, on school property or at a school-sponsored event, no employee will contact any student, teacher, parent or other person for the purpose of espousing any candidate or political party or use any district property for the purpose of espousing any candidate or political party.

No school publication will advertise or accept for advertisement any material promoting any political party or any candidate for public office.

Nothing in this policy is to be construed as precluding the dissemination of general information concerning a school tax and/or a bond referendum. An employee may not attempt to influence anyone to support or oppose these issues nor may the employee distribute materials supporting or opposing these issues while on school grounds or while "on the clock."

Nothing in this policy is to be construed as precluding mock elections, debates, conventions or other simulated political activities where the activity is primarily intended as an educational experience.

Adopted 9/27/93; Revised ^

Legal references:

A. U. S. Code:

1. Hatch Act may apply to employees paid with Federal funds or working in activities supported by Federal funds. To obtain scope of coverage and permissible activities, contact General Counsel, U.S. Civil Service Commission, Washington, D. C. or Atlanta Regional Office (Reference - S. C. Attorney General's Opinion, 1973-74, No. 3749, p. 117).

B. S. C. Code, 1976, as amended:

1. Section 2-1-120 - A South Carolina teacher elected to the General Assembly is exempted from requirements of recertification and retains his/her teaching certificate while serving in the legislature.
2. Section 8-13-100, et. seq. - Ethics, conduct, campaign practices and disclosures.

PERSONNEL RECORDS AND FILES

Code **GBJ** Issued **DRAFT/12**

Purpose: To establish the basic structure for maintenance of and access to personnel files.

Maintenance of records

The superintendent will maintain a personnel file on each employee.

The personnel file will include all records and documents collected by the district concerning the employee. It will include, but not be limited to, any of the following records that are retained by the district.

- performance evaluations
- commendations for, and complaints against, the employee made by the administration
- written suggestions for corrections and improvements made by the administration
- teaching credentials
- transcripts
- application records
- contracts
- all other personnel records kept about an employee

The personnel file will be kept in the office of the superintendent. The district will maintain health records and medical records in a separate file to protect confidentiality.

Pre-employment records, such as pre-employment references or comments from interviews, are confidential and access to this information is limited to the superintendent or his/her designee. Pre-employment records will be kept in the office of the superintendent.

Additions to the personnel file

No performance evaluation, complaint or suggestion for improvement may be placed in the personnel file unless it meets the following requirements.

- The document must be signed and dated by the administrator making the performance evaluation, complaint or suggestion for improvement.
- The employee must have an opportunity to review the information or receive a copy of the performance evaluation, complaint or suggestion prior to placement in the employee's personnel file.
- The employee will be given an opportunity to sign or initial the performance evaluation, complaint or suggestion.

The employee may offer a written denial of the communication and any such denial or explanation will become a part of his/her personnel file.

General access to a personnel file

The district will permit access to an employee's personnel file to the following persons on a routine basis without consent of the employee about whom the file is maintained.

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- employee's school principal/immediate supervisor
- superintendent
- those school officials involved in the evaluation process of the individual
- school board if its examination of the file relates to the duties and responsibilities of the board regarding promotion, demotion, suspension or dismissal of the employee

No other person may have access to a personnel file except under the following circumstances.

- when the employee gives written consent to the release of his/her personnel file. (The written consent must specify the records to be released and to whom they are to be released. Each request for consent must be handled separately; blanket permission for release of information will not be accepted.)
- when lawfully subpoenaed or under court order

Responsibility for the personnel files

The superintendent will have the overall responsibility for maintaining and preserving the confidentiality of an employee's personnel files. The superintendent may, however, designate another school official to perform these duties for him/her.

The superintendent or his/her designee is responsible for granting or denying access to records on the basis of this policy.

Employee's access to personnel file

Each employee has the right to review the contents of his/her personnel file upon written request. The employee does **not** have the right to review references and recommendations provided to the district on a confidential basis.

Personnel records/information for payroll purposes

The district keeps information, records and documents collected by the district to handle an employee's payroll account in a file separate from records noted above. The district limits access to this information to those persons involved in the payroll process.

Use of personal information for commercial solicitation

The district will provide notice to all persons who request employee records that obtaining or using public records for commercial solicitation is illegal.

Required immigration form

The Immigration Reform and Control Act of 1986 prohibits employers from hiring aliens not legally eligible to work in the United States. The district will comply with the provisions of the Immigration and Naturalization Service (INS) Regulations under the Act by requiring employees of the district to complete an INS Form I-9. The district will utilize the federal work authorization program E-Verify for verification of work authorization submitted by an employee.

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All newly hired employees must complete the form no later than three business days following their first working day. If an individual is unable to provide the required document or documents to complete the Form I-9 within the three-day period, the individual must present a receipt for the application of the document or documents within three days of the hire and present the required document or documents within 21 days of the hire.

The district will maintain completed Form I-9 in a file separate from other personnel records in order to prevent unauthorized review of personnel files.

The district requires three days notice prior to inspection of Form I-9 by an authorized service officer.

The district will retain Form I-9 for three years after the date of hire or one year after the date the individual's employment is terminated, whichever is later.

Option: District needs to include the following if district is a covered entity according to the law.

Health Insurance Portability and Accountability Act (HIPAA)

The district qualifies as a health plan, a hybrid entity under the Health Insurance Portability and Accountability Act of 1996, and is therefore subject to HIPAA privacy laws and regulations. The district will maintain all protected health information in accordance with law. Protected health information does not include individually identifiable health information in employment records held by the district in its role as an employer.

Protected health information will only be available to designated employees who need to have access to those records in their employment capacity with the district and with other authorized entities. The district will train all employees who may have contact with protected health information on the law and the district's procedures and guidelines as necessary and appropriate for the employee's position. Any employee failing to comply with the law or district procedures may be subject to discipline or termination.

Adopted 9/27/93; Revised 1/7/02, ^

Legal references:

A. Code of Federal Regulations:

1. Final regulations issued by INS in response to passage of the Immigration Reform and Control Act of 1986 (P.L. 99-603) [Federal Register, May 1, 1987].
2. P.L. 104-191 - Health Insurance Portability and Accountability Act, 45 C.F.R. Sections 160.101-.312, 164.102-.534.
3. Public Law 99-603 - Immigration Reform and Control Act of 1986.
4. Public Law 104-208 - Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

B. S. C. Code, 1976, as amended:

1. Section 30-4-10, et seq. - Freedom of Information Act, especially Sections 30-4-20 and 30-4-40.
2. Section 30-2-10, et seq. - Family Privacy Protection Act of 2002.

STAFF CONCERNS/COMPLAINTS/GRIEVANCES

Code **GBK** Issued **DRAFT/12**

Purpose: To establish the basic structure for orderly and expeditious resolution of staff concerns, complaints and grievances.

The board recognizes the need for a procedure providing a prompt and effective means of resolving differences that may arise among employees and between employees and administrators.

A grievance is a disagreement involving the work situation in which an individual or group of individuals believes an injustice has occurred due to one of the following reasons.

- lack of policy
- unfair policy
- deviation from a policy
- misapplication or misinterpretation of a policy or contract

Employees should secure an equitable solution of grievances at the most immediate administrative level. Employees are encouraged to seek resolution of disputes under the existing grievance regulation and will have the right to do so with complete freedom from reprisal.

It is important that grievances be settled as quickly as possible. Therefore, there will be no extension of the prescribed time for moving through the grievance procedure except upon a compelling show of good cause. All appeals for such an extension of time will be to the superintendent, whose decision will be final.

Nothing in this policy limits the right of any employee to discuss a grievance with any appropriate member of the administration. Such grievance may be adjusted without formal proceedings, provided the adjustment is consistent with board policy and existing administrative rules and regulations.

The board does not consider actions which are subject to the Teachers Employment and Dismissal Act, S.C. Code of Laws 1976, as amended, Section 59-24-410, *et seq.*, Section 59-26-40 (Rev. 1998) or employment decisions implemented under the district's reduction in force policy to be grievances under this procedure.

The superintendent is responsible for maintaining administrative procedures that will facilitate this policy.

Adopted 2/19/73; Revised 12/8/80, 3/22/93, 1/02, ^

STAFF CONCERNS/COMPLAINTS/GRIEVANCES

Code **GBK-R** Issued **DRAFT/12**

The board encourages employees to discuss their concerns or complaints informally with their supervisors. Often, the cause of a problem or concern is merely a misunderstanding among the individuals involved. If, however, an employee believes that a formal mechanism for raising his/her concern or problem is needed, he/she should follow the procedure in this administrative rule.

Purpose

The purpose of this procedure is to settle, at the lowest possible administrative level, employee complaints relating to contracts, salaries and working conditions. "Working conditions" refers to areas of class loads, planning time, adequate physical facilities, activities, etc. The district will keep these proceedings as informal and confidential as may be appropriate at all levels of procedure.

Definition

A grievance is a claim by an employee of a violation, misinterpretation or misapplication of a provision of board policy and administrative rules or district practices as they may affect the employment or work of such employee and/or a violation, misinterpretation or misapplication of state or federal law. The Board does not consider actions which are subject to the Teacher Employment and Dismissal Act, Section 59-24-410, et seq.; Section 59-26-40; Section 59-24-15; employment decisions implemented under the District's reduction-in-force policy; job performance evaluations; employee assignments and/or reassignments; employment or non-employment of at-will working retirees; or support staff terminations to be grievances under this procedure.

Joint grievances

Employees may present a joint grievance where each grievant alleges essentially the same facts or circumstances and requests the same relief. Joint grievances must bear the signature of each grievant. The district reserves the right to consolidate individual grievances and the right to hear joint grievances on a separate basis.

Definition of supervisor

The term "supervisor" means any person having the authority to recommend employment, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline an employee or any person having the responsibility for directing or reviewing the work of an employee.

Definition of day

A "day" is any day on which the administrative office is officially open.

Grievance procedure

Step one

An employee who wishes to file a grievance must complete the prescribed grievance form and present it to his/her direct supervisor within 10 days following either the event giving rise to the

grievance or the time when the employee reasonably should have gained knowledge of its occurrence.

Should the employee believe that resolution of the grievance requires a decision beyond the supervisor's level or area of authority, the employee will so state such belief upon submitting the grievance form. If the supervisor is in agreement concerning authority to resolve the grievance, he/she will immediately pass the grievance on to the appropriate supervisor, who will handle the matter as a first level grievance. The direct supervisor may, however, determine that resolution of the grievance is not outside his/her authority and hear the grievance.

grievance form. If the supervisor is in agreement concerning authority to resolve the grievance, he/she will immediately pass the grievance on to the appropriate supervisor, who will handle the matter as a first level grievance. The direct supervisor may, however, determine that resolution of the grievance is not outside his/her authority and hear the grievance.

The appropriate supervisor will arrange a meeting with the employee within 10 days of receipt of the grievance. The supervisor will provide the employee with a written response to the grievance within 10 days after the meeting. The response will include the name of the next level supervisor to whom the grievance may be appealed, provided such appeal is presented in writing within five days.

Step two

The grievance may be appealed through each supervisory or administrative level to the superintendent. At each level, the procedure above will be followed. The original grievance and the supervisor's response will serve as the basis of the meeting. The employee and the supervisor at the preceding level may summarize the facts previously presented.

On appeals to the superintendent, the superintendent or his/her designee will arrange a meeting within 10 days of receipt of the grievance and will respond in writing to the employee within 10 days of his/her hearing of the grievance. The superintendent will make summaries of the lower level presentations and responses, and may, at his/her discretion, hear witnesses and evidence directly.

Upon mutual agreement between the employee and the supervisor, the time requirements under this procedure may be extended at any step, except that neither party will unreasonably refuse an extension or unreasonably delay the proceeding.

Appeal to the board of trustees

After following the above procedure, an employee may request a meeting with the board for the purpose of discussing the grievance which arose from his/her employment. The request will be made in writing to the superintendent within five days of the superintendent or his/her designee's response to the grievance.

The superintendent will, at the next regularly scheduled board meeting, present to the board the request that the grievance be heard, together with copies of all correspondence and responses from the lower administrative levels.

The board will notify the employee of its decision (whether or not to meet with the grievant to discuss the grievance) within 15 days. Should the board decide to hear the grievance appeal, the format will be informal and non-adversarial for the discussion of employment as allowed under S. C. Code, Section 30-4-70 (Supp. 1984). **Civil rights grievances**

The district will use the grievance procedures set forth above to process employee complaints based on alleged violations of Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 and Titles I and II of the Americans with Disabilities Act of 1990 (referred to as "civil rights grievances").

However, if the grievance is not resolved after the first two levels above, the employee may appeal in writing to the district's civil rights coordinator. If the employee does not file such appeal within five days of the grievant's receipt of the written response, the employee waives his/her right to appeal.

If the employee files an appeal, the civil rights coordinator will investigate the claim as appropriate. He/She will conduct a hearing within 10 days following any investigation. All interested persons and their representatives, if any, will have an opportunity to submit evidence relevant to the complaint. The civil rights coordinator will render a decision on the matter within 10 days after receipt of the grievance or, if a hearing is conducted, within 10 days after the conclusion of the hearing. The decision and any description of the resolution will be in writing and a copy forwarded to the grievant.

After appeal to the civil rights coordinator, the grievant may follow the procedures described above beginning with appeal to the superintendent.

The employee's pursuit of other remedies such as the filing of a complaint with the responsible federal department or agency will not impair his/her right to a prompt and equitable resolution of any civil rights grievance.

The district prohibits retaliation for filing a complaint or participating in an investigation or inquiry. Any person attempting to retaliate will be dealt with accordingly.

Issued 1/02; Revised ^

GRIEVANCE FORM

Name: _____

Address: _____

Home telephone: _____ Mobile telephone: _____

School: _____ Telephone: _____

Present assignment: _____

1. Statement of grievance: _____

2. Date grievance occurred: _____

3. Policy, procedure, practice or right violated: _____

4. Relief sought: _____

5. Comments: _____

Signature

Date

Appeals

Immediate Supervisor _____ Date of Response _____

First Appeal Supervisor _____ Conference Requested _____ Date of Response _____

Second Appeal Supervisor _____ Conference Requested _____ Date of Response _____

Third Appeal Supervisor _____ Conference Requested _____ Date of Response _____

Superintendent _____ Conference Requested _____ Date of Response _____