

**WASHINGTON WEST SUPERVISORY UNION**

**CENTRAL OFFICE**

**POLICIES**

**DRAFT 5-12-03**

**WASHINGTON WEST SUPERVISORY UNION  
CENTRAL OFFICE POLICIES  
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## POLICY DEVELOPMENT

A1

The WWSU Board/Executive Committee intends to develop policies for the successful and efficient operation of the Washington West Supervisory Union (WWSU) Central Office.

The WWSU Board/Executive Committee accepts the definition of policy as set forth by the National School Boards Association:

Policies are principles adopted by the school board to chart a course of action. They tell what is wanted; they may include why and how much. Policies should be broad enough to indicate a line of action to be followed by the administration in meeting a number of problems; narrow enough to give clear guidance. Policies are guides for action by the WWSU Central Office administration, who then sets the rules and regulations to provide specific directions to central office personnel.

These policies should serve to inform and guide all people interested in or connected with the WWSU Central Office.

The policies of the WWSU Central Office are to be interpreted consistent with Vermont law and the regulations of the Vermont State Board of Education. These policies should also be interpreted ***in a manner that is*** consistent with those educational objectives, procedures, and practices, which are generally accepted in the public education field.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 16 VSA § 563(1)

Cross Reference: Policy Adoption (A2)

Policy Dissemination, Administration & Review (A3)

## **POLICY ADOPTION**

**A2**

Any person residing in or employed by the WWSU Central Office may suggest policies by providing a statement of need in writing to the Superintendent or WWSU Board/Executive Committee member.

The WWSU Board/Executive Committee, acting as a whole or through a policy committee, will seek appropriate public comment and administrative guidance as it considers proposals for policy development or revision.

Comment and information will be sought in the following areas:

- The effect of proposed policy on administrators, students, teaching staff, and the community.
- The fiscal consequences and risk exposure of the proposed policy.
- The specific need for the policy.
- Samples of similar policies of other boards.
- Applicable provisions of state and federal law.
- The anticipated costs and benefits of implementing, enforcing and evaluating the proposed policy.

The WWSU Board/Executive Committee will adopt policies after a first warning in accordance with 16 VSA § 563 or other applicable state statutes.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 16 VSA § 563 (1)

Cross Reference: Policy Development (A1)  
Policy Dissemination, Administration & Review (A3)  
Risk Management (E5)

## **POLICY DISSEMINATION, ADMINISTRATION & REVIEW**

**A3**

When policies are adopted, the Superintendent will publish and make them available to the public, building administrators, and school personnel.

Policies will be administered through regulations and directives of the Superintendent of Schools.

A copy of the WWSU Central Office policy manual will be available during the normal working day in the Central Office. It will be the responsibility of employees to know and follow board policy.

All policies will be reviewed periodically and, if necessary, revised or repealed.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 16 VSA § 563, 1 VSA § 316

Cross Reference: Policy Development (A1)  
Policy Adoption (A2)

## **BOARD MEMBER EDUCATION**

**B1**

WWSU Board/Executive Committee members will take advantage of opportunities to learn more about their roles, school programs, State Department of Education functions, and legislative activities. New members will participate in an orientation session designed by the Superintendent and WWSU Board/Executive Committee Chair to familiarize themselves with all aspects of WWSU Board/Executive Committee operation.

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Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s):

Cross Reference: Board Goal-Setting & Evaluation (B2)

## BOARD GOAL-SETTING & EVALUATION

B2

The WWSU Board/Executive Committee will participate in goal-setting and self-evaluation activities developed or recommended by the Superintendent *and/or* WWSU Board/Executive Committee Chair at least annually. Particular attention will be given to board goals and performance in the following areas:

- Policy making
- Policy implementation
- Effective communications
- Central Office/*Board* relations
- Fiscal/budget management

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s):

Cross Reference: Board Member Education (B1)

## BOARD MEMBER CONFLICT OF INTEREST

B3

Members of the WWSU Board/Executive Committee recognize the ethical duty of all public officers to avoid conflicts of interest. In the case of board members, this duty is extended by Vermont statutory law to include a requirement that boards adopt policies and procedures to avoid the *appearance* of conflicts of interest. In order to comply with the obligations thus imposed, the WWSU Board/Executive Committee members will adhere to the following standards:

- WWSU Board/Executive Committee members will be familiar with the NSBA and VSBA Code of Ethics, and will observe their provisions.
- WWSU Board/Executive Committee members will be familiar with, and adhere to, those provisions of Vermont education law that define board powers and govern board member compensation and public bidding processes.
- A WWSU Board/Executive Committee member will do nothing intended to give the false impression that he or she has the authority to make decisions or take action on behalf of the Board/Executive Committee or Central Office administration.
- A WWSU Board/Executive Committee member will not take any action that would reasonably give the impression that he or she would represent special interests or partisan politics for personal gain.
- A WWSU Board/Executive Committee member will not use his or her position on the Board/Executive Committee in any manner intended or likely to unfairly promote personal interests or the personal interests of family members, friends, or supporters.
- A WWSU Board/Executive Committee member will not accept anything of value in return for taking or not taking particular positions on matters before the Board/Executive Committee.
- A WWSU Board/Executive Committee member will do nothing intended or likely to leave the impression that his or her position on any issue can be influenced by anything other than a fair presentation of all sides of the question.
- A WWSU Board/Executive Committee member will disclose any conflict of interest that arises in the course of considering any matter, and will refrain from further participation and voting on that matter.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 16 VSA § 557, 559, 563(20), 262(d)

Cross Reference:

## **CURRICULUM DEVELOPMENT AND ADOPTION**

**B4**

The WWSU Board/Executive Committee recognizes its responsibility for the improvement and growth of the educational program. For the purposes of this policy, the curriculum is defined as all planned learning activities within the supervisory union's jurisdiction.

The WWSU Board/Executive Committee delegates the direct responsibility for developing and evaluating the curriculum to the Assistant Superintendent for Instruction. S/he shall ensure the establishment of procedures for participation of all professional staff members, students as appropriate to their level of maturity, parents, and others who have a direct interest in the supervisory union. The Assistant Superintendent for Instruction shall insure that the curriculum is consistent with the written goals and objectives of the instructional program.

Curriculum committees will draft a document, which will then be presented to the Administrative Team. After approval from the Administrative Team, a joint meeting of all school boards will be held where the curriculum will be presented. The school board members will then discuss the curriculum draft at their own school level, and have their WWSU Executive Committee representative report back any concerns or questions to the curriculum committee for clarification and/or revision. After all individual boards have reviewed the document, the curriculum will then be considered for adoption at a meeting of the WWSU Executive Committee.

Any addition to, deletion, or revision of a program within the curriculum that would result in a substantial change in the program shall be approved by the WWSU Executive Committee before it is implemented.

The Assistant Superintendent for Instruction shall develop a process to evaluate all programs within the curriculum at the building level and periodically report the results to the WWSU Executive Committee.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 16 VSA § 241  
16 VSA § 11(a)(13)

Cross Reference:

## CONDUCT OF BOARD/EXECUTIVE COMMITTEE MEETINGS

C1

Meetings will be conducted in accordance with *Robert's Rules of Order, Newly Revised*, except that the Chair may discuss and have a vote on all matters before the WWSU Board/Executive Committee or as otherwise provided by law or policy.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 16 VSA § 554 (b)  
1 VSA § 312 et seq.

Cross Reference: Public Participation at Board Meetings (C2)  
Board Meetings (C4)

## **PUBLIC PARTICIPATION AT BOARD/EXECUTIVE COMMITTEE MEETINGS**

**C2**

All meetings of the WWSU Board/Executive Committee will comply with the Vermont Open Meeting Law.

The WWSU Board/Executive Committee recognizes its responsibility to conduct the business of the Supervisory Union in an orderly and efficient manner. When the pressure of business is severe, or when a large number of people wish to speak on matters before the Board/Executive Committee, reasonable rules of participation may be used to insure that meetings are conducted in an orderly fashion, and that the business at hand is completed in a timely manner.

The WWSU Board/Executive Committee will provide opportunities for public participation at its meetings prior to action on any item on the agenda in accordance with the following procedures:

- A. Persons who may address the WWSU Board/Executive Committee prior to board/committee action on items on the board agenda:
  1. Any Supervisory Union resident
  2. Staff members, students, and parents
  3. Individuals who have been requested by the Superintendent or the Chair to present a given subject
  4. Persons who are directly affected by matters on the board agenda
  5. Others at the discretion of the WWSU Board/Executive Committee.
- B. To speak to an item on the agenda.
  1. The Chair will ask for comments on the agenda items before the WWSU Board/Executive Committee takes action.
  2. When the pressure of board/committee business is extreme or the number of people wishing to speak is large, the WWSU Board/Executive Committee may authorize the Chair to use a speakers' list. Members of the public will be given an opportunity to sign the speakers' list, indicating which agenda item will be addressed.
- C. Time limit for speakers. The WWSU Board/Executive Committee may, when the number of people wishing to speak is large, or when the pressure of Board business is severe, limit the time for each speaker, and may authorize the Chair to restrict each speaker to one opportunity to be heard on a given topic.
- D. Public input on items not on the agenda. At every regular, special or emergency meeting of the WWSU Board/Executive Committee, time will be set aside for public input on items not on the agenda. The time allotted to this item will be assigned by the Chair or the person responsible for organizing the agenda. The Chair may rule

**PUBLIC PARTICIPATION AT BOARD/EXECUTIVE COMMITTEE MEETINGS C2  
(continued)**

out of order any presentation to the WWSU Board/Executive Committee, which breaches the privacy or other rights of students, parents, or school employees, or which does not comply with board policy on complaints.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 1 VSA § 312 et seq.; 16 VSA § 554(b)

Cross Reference:

## WWSU BOARD/EXECUTIVE COMMITTEE MEETINGS

C3

Meetings will be held as needed. Special and emergency meetings will be called by the Chair on his/her own initiative or when requested by a majority of the WWSU Board/Executive Committee. Special and emergency meetings will be held only after compliance with the provisions of the Open Meeting Law.

The Superintendent will prepare an agenda for each meeting after consultation with the Chair. Any WWSU board/committee member, staff member, or citizen of the Supervisory Union may suggest items of business. The inclusion of items will be at the discretion of the Superintendent and WWSU Board Chair, unless a majority of the WWSU Board/Executive Committee votes to place an item on the agenda.

Executive sessions of the WWSU Board/Executive Committee will convene only after full compliance with the provisions of Vermont's Open Meeting Law. Unless otherwise determined by the WWSU Board/Executive Committee, minutes of executive sessions will not be kept.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 1 VSA § 311, 312 et seq.

Cross Reference: Public Participation at Board Meetings (C2)  
Conduct of School Board Meetings (C1)

**BOARD RELATIONS WITH THE SUPERINTENDENT AND  
CENTRAL OFFICE ADMINISTRATORS**

**C4**

The WWSU Board/Executive Committee Chair and Superintendent will develop guidelines for WWSU Board/Executive Committee relations with the Superintendent and Central Office administrators. Guidelines for WWSU Board/Executive Committee relations with the Superintendent and Central Office Administrators should take into account the need to maintain a distinction between the administrative role of the Superintendent and Central Office Administrators and the policy-making role of the WWSU Board/Executive Committee.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 16 VSA § 241

Cross Reference: Board Relations with Staff (C6)

**WWSU BOARD/EXECUTIVE COMMITTEE COMMITMENT TO  
NON-DISCRIMINATION**

**C5**

The WWSU Board/Executive Committee recognizes its obligation to respect the legal rights of all parents, employees, applicants for admission or employment, sources of referral of applicants for admission and employment, and professional organizations holding professional agreements with the WWSU Central Office. The WWSU Board/Executive Committee will seek to comply with all applicable federal and state non-discrimination laws. The WWSU Board/Executive Committee will not unlawfully discriminate against any person or group on the basis of race, color, religion, national origin, sex, sexual orientation, ancestry, place of birth, age, physical or mental condition, or HIV status.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 21 VSA § 495 et seq.  
Equal Pay Act, as amended by the Education Amendment of 1972  
Education for all Handicapped Children Act of 1975  
Title VI, Civil Rights Act of 1964, and as amended by the Equal  
Employment Act of 1972  
Rehabilitation Act of 1973  
Title IX, Education Amendments of 1972  
Age Discrimination in Employment Act, P.L. 95-25  
Title VII, Civil Rights Act of 1964  
9 VSA § 4501 et seq.  
Americans with Disabilities Act PL 101-336 (1990)

Cross Reference: Personnel - Recruitment, Selection, Appointment (D1)

## **PERSONNEL - RECRUITMENT, SELECTION, APPOINTMENT**

**D1**

It is the policy of the WWSU Central Office to select for employment only persons of good character who have the skills and other qualifications necessary to fulfill job requirements, and to comply with provisions of state law regarding the recruitment, selection, and employment of WWSU Central Office employees and contractors.

A check of criminal records shall be required for those recommended for full-time, part-time, or temporary employment in the WWSU Central Office, including those employees of contractors (unless otherwise exempt from such checks by law) who will have unsupervised contact with students.

Persons employed in Vermont by a public or independent school as of July 1, 1998, shall not be subject to the criminal record check provisions unless the individual ceased to be employed by a Vermont public or independent school for a continuous period of one year or more after that date.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 16 VSA § 563(12)

Cross Reference: Board Relations with Staff (C7)

Board Commitment to Non-Discrimination (C8)

## STAFF DEVELOPMENT

D2

The WWSU Board/Executive Committee understands and supports the important connection between professional development and job performance. The professional development system should enable WWSU Central Office personnel to broaden their knowledge and skills in order to contribute effectively to the achievement of the goals and strategies articulated by the Superintendent.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 16 VSA § 215 (Challenge to Excellence Grants)  
16 VSA § 165 (Public School Quality Standards)  
21 VSA § 1721 et seq. (Labor Relations)  
Vermont State Board of Education Rules §§ 2120.4, 2120.5

## EVALUATION AND SUPERVISION OF CENTRAL OFFICE STAFF

D3

The ultimate goal of good supervision and evaluation is to improve the knowledge and skills of the staff. Effective supervision and regular evaluation provide constructive feedback on methods and materials and enable staff to improve their abilities.

The Superintendent will develop procedures for the supervision and evaluation of Central Office staff. The Superintendent, in collaboration with the Central Office Administrators, will implement those procedures, which will be consistent with the following principles:

A job description will be developed for each staff member's position. Job descriptions will specify the staff member's qualifications, performance responsibilities, terms of employment, and supervisor.

Performance goals set by the staff member and his/her supervisor will be clearly articulated.

Evaluations will be based substantially on criteria communicated to staff members in advance, articulated goals, and linked directly to the need to improve staff performance.

In any case requiring discipline of an employee, applicable state law, due process procedures, and contractual requirements will be followed.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 16 VSA § 165 (Public School Quality Standards); 16 VSA § 563(12)  
(Powers of Boards)

16 VSA § 1752 (Suspension and Dismissal)

21 VSA § 1721 et seq. (Labor Relations)

Cross Reference: Board Member Education (B1)

Board Goal-Setting and Self-Evaluation (B2)

Board Relations with Staff (C6)

Staff Development (D2)

Personnel Files (D4)

Budgeting (E2)

## PERSONNEL FILES

D4

The WWSU Central Office recognizes the importance of complete and secure personnel files that accurately reflect the experience and service of each staff member employed by the Supervisory Union.

The Superintendent will maintain a personnel file for each employee of the Supervisory Union, and its contents will be confidential and will be released only as required by law or after written release by the employee.

Information which could be detrimental to an employee's job security will not become a part of an employee's file until the employee has examined it and been given an opportunity to append a response.

**Criminal Record Check Information:** Criminal history logs, processed release forms and criminal record information will be maintained for three calendar years in accordance with the Supervisory Union's user agreement with the Vermont Criminal Information Center.

After the three-year retention period specified in state law, the record information and logs will be maintained or destroyed as follows:

If the person who is the subject of the background check authorizes maintenance of the information, and the information is a notice of no criminal record, the information will be securely maintained by the WWSU Central Office indefinitely;

If the person who is the subject of the background check authorizes maintenance, and the information is a criminal record or notice of the existence of a criminal record, the information will be sent by the Superintendent to the Commissioner of Education for secure maintenance in the central records repository;

If the person who is the subject of the background check does not authorize maintenance of the information, the Superintendent shall destroy the information in accordance with the user agreement.

**Employees' Rights and Responsibilities:** An employee may examine his/her own personnel file by appointment with an appropriate administrator. Materials obtained prior to the employment of the individual, including confidential placement papers may not be available to employees.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 1 VSA § 317(c)(7) - Public Records  
16 VSA §§ 251, 252, 253 et seq. - Criminal Records Checks

Cross Reference: Evaluation and Supervision of Staff (D3)  
Personnel - Recruitment, Selection, Appointment (D1)

## ALCOHOL AND DRUG-FREE WORKPLACE

D5

No employee will unlawfully manufacture, distribute, dispense, possess, or use alcohol or any drug on or in the workplace. "Drug" means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance **or tobacco product** as defined by state or federal statute or regulation.

"Workplace" means the site for the performance of work for the WWSU Central Office, including any school building, or any school premises.

As a condition of employment, each employee will notify the Superintendent in writing of his/her conviction of any criminal drug statute for a violation occurring on or in the workplace as defined above. The employee must notify the Superintendent no later than five days after such conviction. Entry of a *nolo contendere* plea shall constitute a conviction for purposes of this policy, as will any judicial finding of guilt or imposition of sentence. Within ten days of notification from an employee, or receipt of actual notice of an alcohol or drug conviction, the Superintendent will notify any federal or state officers or agencies legally entitled to such notification. The WWSU Central Office reserves the right to take such disciplinary action as it deems appropriate, up to and including termination, in the event of any violation of this policy, or any conviction as defined herein.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): Drug Free Workplace Act of 1989 (P.L. 100-690)  
Drug Free Schools and Communities Act of 1989 (P.L. 101-226)  
Controlled Substances Act (21 U.S.C. 812)  
21 C.F.R. 1308.11 through 1308.15

Cross Reference:

## **PUBLIC COMPLAINTS ABOUT PERSONNEL**

**D6**

The WWSU Central Office places trust in its employees and desires to support their actions in such a manner that employees are freed from unnecessary, spiteful, or unjustified criticism or complaints.

A person having a complaint about a Central Office employee shall be encouraged to first bring that complaint to the individual concerned. If the problem cannot be resolved with the individual concerned, it should be brought to the attention of the immediate supervisor or administrator. The complaint should be in writing stating the issues and supporting facts. The individual employee involved shall be given every opportunity for explanation, comment, and presentation of the facts as he/she sees them.

If the issue is not resolved by involvement of the immediate supervisor the complainant may refer the issue to the Superintendent for his/her review and decision.

If the above steps do not resolve the concern of the complainant, he/she may request a session of the WWSU Board/Executive Committee for the purpose of reviewing the Superintendent's decision. All parties involved shall be asked to attend such a meeting for purposes of presenting facts, making further explanations, and clarifying the issue. The WWSU Board/Executive Committee shall conduct such meetings in a fair and just manner. The WWSU Board/Executive Committee shall then render a decision within 15 calendar days.

Through the administration of this policy, the WWSU Board/Executive Committee intends to protect the rights of employees under collective bargaining agreements and Vermont law.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 16 VSA § 1752  
1 VSA § 312 et seq

Cross Reference:

## **HARASSMENT OF PERSONNEL**

**D7**

Washington West Supervisory Union Central Office ("WWSU Central Office") is committed to having a diverse workforce with all employees being valued for their individual capabilities and contributions, complying with all laws on equal employment opportunity, and providing a workplace free from tensions involved in conduct that does not relate to WWSU Central Office's business. In particular, the hostile atmosphere created by non-work related conduct including, but not limited to, ethnic, racial, sexual, or religious remarks, animosity, unwelcome sexual advances, requests for sexual favors, or other similar conduct is not permitted. The Superintendent shall develop appropriate methods of providing information or training to develop broad awareness and understanding of harassment throughout WWSU, including Central Office.

### **Harassment**

It is the policy of WWSU Central Office to maintain a safe and supportive work environment that is free from unlawful harassment, in which all members of WWSU Central Office are treated with respect. Harassment is a form of unlawful discrimination as well as disrespectful behavior, which will not be tolerated. Harassment based on race, color, religion, national origin, sex, sexual orientation, marital status, ancestry, place of birth, age, physical or mental condition or HIV status will not be tolerated and employees who engage in such conduct may be subject to discipline up to and including discharge.

### **Sexual Harassment:**

It is against the policies of WWSU Central Office, and illegal under state and federal law, for any employee, male or female, to sexually harass another employee. WWSU Central Office is committed to providing a workplace free from this unlawful conduct. It is a violation of this policy for an employee to engage in sexual harassment, and appropriate disciplinary or corrective measures shall be taken, as set forth in the procedures implementing this policy.

### **DEFINITIONS:**

#### **What is "harassment"?**

*Harassment means unlawful harassment and constitutes a form of discrimination. Harassment arises from the dynamics of the workplace and can be based on nuances, subtle perceptions, and implicit communications. Conduct that may rise to the level of harassment includes, but is not limited to, verbal remarks (epithets, demeaning or derogatory statements, slurs, jokes, name calling, graffiti, innuendo), physical contact (assaults, physical interference with movement or work, touching), visual displays (displaying of printed or photographic materials, objects), bullying or threatening, extorting, stalking, and other actions that are demeaning or hostile. It is conduct based on an employee's race, religion (creed), color, ancestry, place of birth, marital status, age, sex, sexual orientation, or disability which has the purpose or effect of substantially interfering with an employee's work or creating an intimidating, hostile, or offensive environment. The terms "intimidating," "hostile," and "offensive" include conduct, which has the effect of causing humiliation, embarrassment, or discomfort.*

*Additional examples of specific types of harassment are listed at the end of this policy. Harassment includes, but is not limited to, the examples cited in this policy.*

## **What is "sexual harassment"?**

Sexual harassment is harassment in the form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to that conduct is made either explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

- either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of an employee's body;
- touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact was unwelcome;
- continuing to ask an employee to socialize on or off-duty when that person has indicated s/he is not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);

- *derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;*
- *harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation;*
- *off-duty conduct which falls within the above definition and affects the work environment.*

*Employee: For purposes of this policy, an employee includes any person employed directly or through a contract with another company by WWSU Central Office, agents of WWSU Central Office, WWSU board members, and any intern or volunteer.*

### **What WWSU Central Office will do if it learns of possible harassment**

Mandatory reporting: In the event that WWSU Central Office receives a complaint of harassment, or otherwise has reason to believe that harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. Investigations will take place in accordance with the Investigation provisions set forth below. WWSU Central Office is committed, and required by law, to take action if it learns of potential harassment, even if the aggrieved employee does not wish to formally file a complaint. Every supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of harassment. Supervisors should report to the Superintendent or the WWSU Board Chair. Failure by a supervisor to appropriately report or address such harassment complaints or suspected acts shall be considered to be in violation of this policy and may subject the supervisor to discipline up to and including discharge.

Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. For this reason, WWSU Central Office cannot guarantee confidentiality to the complainant, the accused or any witnesses. It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action that affects the working environment of any person involved in this investigation.

If the allegation of harassment is found to be credible, this employer will take appropriate corrective action. The employer will inform the complaining person and the accused person of the results of the investigation and generally what actions will be taken to ensure that the harassment will cease and that no retaliation will occur. Such action may include, but is not limited to, education, training, counseling, transfer, suspension, and/or termination of an employee in order to ensure that further harassment does not occur. Individuals other than the accused are not entitled to information concerning the precise nature of the discipline imposed, if any. Any employee, supervisor, or agent who has been found by the employer to have harassed another employee will be subject to sanctions appropriate to the circumstances, ranging from a verbal warning up to and including dismissal.

If the allegation is not found to be credible, the person with the complaint and the accused person shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the state or federal agencies identified in this policy notice.

Appeal: A person judged to be in violation of this policy and subjected to action under it may appeal the determination and/or the action taken in accordance with procedures adopted under this policy. The procedures shall be consistent with the provisions of any applicable collective bargaining agreement.

### **What you should do if you believe you have been harassed?**

Any employee who believes that she or he has been the target of harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. If the employee does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to their supervisor, or to the Superintendent or the WWSU Board Chair, who have been designated to receive such complaints. WWSU Central Office will at least annually provide written notification to each employee of the names, telephone numbers, and addresses of the Superintendent and the WWSU Board Chair, as well as post this information along with this policy in a prominent location in the workplace. It is helpful to an investigation if the employee keeps a diary of events and the names of people who witnessed or were told of the harassment, if possible.

In all cases where a harassment complaint has been substantiated, WWSU will make reasonable and appropriate follow-up inquiries with the complainant to ensure that the harassment has not resumed or that the complainant is not the subject of retaliation.

If the complainant is dissatisfied with this employer's action, or is otherwise interested in doing so, she or he may file a complaint by writing or calling any of the following state or federal agencies:

1. Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05609, tele: (802) 828-3171 (voice/TDD). Complaints should be filed within 300 days of the adverse action.
2. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, tele: (617) 565-3200 (voice), (617) 565-3204 (TDD). Complaints must be filed within 300 days of the adverse action.
3. Vermont Human Rights Commission, 133 State Street, Montpelier, VT 05633-6301, tele: (802) 828-2480 (voice/TDD). (Only if you are employed by a Vermont state agency.) Complaints must be filed within 360 days of the adverse action.

Each of these agencies can conduct impartial investigations, facilitate conciliation, and if it finds that there is probable cause or reasonable grounds to believe sexual harassment occurred, it

may take the case to court. Although employees are encouraged to file their complaint of sexual harassment through WWSU's complaint procedure, an employee is not required to do so before filing a charge with these agencies.

In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in state court within 3 or 6 years, depending on the type of claims raised.

### **Where can I get copies of this policy?**

A copy of this policy will be provided to every employee upon employment, and extra copies will be available from the administrative assistant.

Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

### **Complaint/Investigation Procedure For All Harassment Matters:**

In the event WWSU receives a complaint of harassment, or otherwise has reason to believe that harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. During the course of any investigation, the individual designated to conduct the investigation on WWSU's behalf may interview employees who have been named as witnesses to the alleged harassment. No person who is the subject of a complaint shall conduct such an investigation. All employees interviewed in connection with a harassment investigation are expected to cooperate fully in the investigation by providing complete, accurate and truthful information. Employees (including the complainant and the accused) may also be expected to sign statements or other documents memorializing the information provided in the course of the investigation and may be asked to keep the substance of the interview confidential until such investigation is concluded. Employees are expected to comply fully with the investigator and failure to do so may subject the employee to discipline up to and including discharge.

In all cases where a harassment complaint has been substantiated, WWSU will make reasonable and appropriate follow-up inquiries with the complainant to ensure that the harassment has not resumed or that the complainant is not the subject of retaliation.

### **Retaliation**

Retaliation is illegal and contrary to the policy of WWSU. Employees who bring complaints of discrimination (or who identify potential violations), witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct are protected from retaliatory acts.

If an employee believes that he or she is being retaliated against, a report should be made following the same procedures applicable to harassment complaints as set forth in the

preceding paragraphs, above. Those who are found to be acting in a retaliatory manner may be subject to discipline up to and including discharge.

### **False Complaint**

Any person who knowingly makes a false accusation regarding harassment will be subject to disciplinary action up to and including discharge.

### **Examples of Specific Types of Prohibited Harassment**

***Racial and Color Harassment:*** Harassment based on race or color can include unwelcome verbal, written, or physical conduct directed at the characteristics of a person's race or color such as nicknames emphasizing stereotypes, racial slurs, comments on manner of speaking, and negative references to racial customs.

***Religious or Creed Harassment:*** Harassment on the basis of religion or creed includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's religion or creed such as derogatory comments regarding surnames, religious tradition, or religious clothing, or religious slurs or graffiti.

***National Origin Harassment:*** Harassment on the basis of national origin includes unwelcome verbal, written, or physical conduct directed at the characteristics of a person's national origin such as negative comments regarding surnames, manner of speaking, customs, language or ethnic slurs.

***Marital Status Harassment:*** Harassment on the basis of marital status includes unwelcome verbal, written, or physical conduct directed at the characteristics of a person's marital status, such as comments regarding pregnancy or being an unwed mother or father.

***Sexual Orientation Harassment:*** Harassment on the basis of sexual orientation includes unwelcome verbal, written, or physical conduct directed at the characteristics of a person's sexual orientation such as negative name-calling and imitating mannerisms.

***Disability Harassment:*** Harassment on the basis of a person's disabling mental or physical condition includes any unwelcome verbal, written, or physical conduct directed at the characteristics of a person's disabling condition such as imitating manner of speech or movement, or interference with necessary equipment.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s):

Cross Reference:

## PAID LEAVE TIME

D8

The WWSU Board/Executive Committee is committed to providing paid leave time for personnel to assist with customary individual needs that occur as a result of sickness, death of a family member or close friend, personal business, religious observances, parental duties, and civic duties. All WWSU Central Office employees are covered by this policy.

*NOTE: Periods of time noted below pertain to full-time, year-round employees. Leave time will be prorated in terms of hours and/or days for part-time employees.*

**Comprehensive Leave:** All leave days are paid unless otherwise stated. Each employee is credited with ninety (90) comprehensive leave days each school year. Leave days not expended do not accumulate from year to year, but are automatically renewed to the ninety (90) day level each school year for each eligible employee. The comprehensive leave days may be used for the following purposes:

- Personal sickness, to attend to the illness of a family member, and to cover medical appointments. The Superintendent may request medical certification from an employee in the event he/she is absent from work due to illness for five (5) or more consecutive days.
- Personal business and emergency situations cumulative up to three (3) days for school-year employees and up to four (4) days for calendar-year employees. Employees will be paid for any unused days, only to the maximum to which they are entitled for this purpose, at a rate consistent with the cost of substitute staff. An employee will notify the Superintendent or his/her supervisor of the intent to take personal leave as soon as possible but not later than twenty-four (24) hours in advance of the leave, except in emergency situations.
- Bereavement following the death of a family member or close friend.
- Religious observances.
- Parental leave after the birth or adoption of a child. Paid leave for this purpose is limited to a maximum of thirty (30) workdays.

**Civic Leave:** Civic leave is for the purposes of jury duty or military service.

- Military duty: WWSU Central Office will pay the difference between per diem for military service and the employee's per diem salary for up to two (2) weeks of military service.
- Jury duty: Employees who are called to jury duty are paid their per diem salary for the length of service required by the judiciary. Any monies received from the court are turned over to the WWSU Central Office.
- Legislative office: The WWSU Board/Executive Committee, at its discretion, may grant an unpaid leave of absence for an employee elected or appointed to the Vermont Senate or House of Representatives.

**PAID LEAVE TIME (continued)**

**D8**

**Occupational Injury:** All employees will be covered by workers' compensation insurance as a protection against personal injury while on duty. Whenever an employee is absent from work due to an occupational injury for which he/she receives workers' compensation benefits from the WWSU Central Office or its insurance carrier, the WWSU Board/Executive Committee shall pay the employee for the period during which the employee receives disability benefits, the difference between such benefits (including dependency allowance) and the employee's salary for a period not to exceed ninety (90) days each school year.

An employee who is absent due to an occupational injury for which he/she receives workers' compensation benefits from the WWSU Central Office or its insurance carrier, and who has exhausted comprehensive leave benefits, is entitled to an unpaid leave of absence for the entire period during which he/she receives disability benefits.

**Leave of Absence:** A leave of absence, with or without pay, may be granted to employees at the discretion of the WWSU Board/Executive Committee. An employee granted a leave of absence shall be entitled to maintain the same position he/she held at the time the leave commenced, if available, or to a substantially equivalent employment position.

**Professional Leave:** Professional leave may be granted at the discretion of the Superintendent for the purpose of further developing the individual's professional goals as they relate to the WWSU Central Office.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s):

Cross Reference:

The Human Immunodeficiency Virus (HIV) is not transmitted through casual contact and, therefore, is not reason in itself to treat individuals having or perceived as having HIV differently from other members of the school community. Accordingly, with respect to HIV disease, including acquired immune deficiency syndrome (AIDS), the WWSU Central Office recognizes

- the rights of employees with HIV,
- the importance of maintaining confidentiality regarding the medical condition of individual,
- the importance of an educational environment free of significant risks to health, and
- the necessity for HIV education and training for the central office.

The WWSU Central Office will not discriminate against or tolerate discrimination against any individual who has or is perceived as having HIV.

No applicant shall be denied employment and no employee shall be prevented from continued employment on the basis of having or being perceived as having HIV. Such an employee is entitled to the rights, privileges, and services accorded to employees generally, including benefits provided school employees with long-term diseases or disabling conditions.

**Confidentiality, Disclosure, and Testing:** An applicant or employee, may, but is not required to, report HIV status to any WWSU Central Office personnel.

Except as otherwise permitted by law, no WWSU Central Office personnel shall disclose any HIV-related information, as it relates to prospective or current personnel, to anyone except in accordance with the terms of a written consent. The Superintendent shall develop a written consent form, which details the information the signatory permits to be disclosed, to whom it may be disclosed, its specified time limitation, and the specific purpose for the disclosure. The WWSU Central Office shall not discriminate against any individual who does not provide written consent.

No WWSU Central Office official shall require any applicant or employee to have any HIV-related test.

The Superintendent shall develop procedures which ensure confidentiality in the maintenance and, where authorized, dissemination of all medically related documents.

**Enforcement:** A person who violates this policy may be subject to remedial and/or disciplinary action in accordance with applicable laws.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): (See Appendix C for Annotated Legal References)

1 VSA § 317(c)(7) and (11)

Section 504 of the Rehabilitation Act of 1973

18 VSA § 1127

Individuals with Disabilities Education Act (IDEA)

Title VI, Civil Rights Act of 1964, and as amended by the Equal

Employment Act of 1972

Americans with Disabilities Act, P.L. 101-335 (1990)

16 VSA § 131 et seq., § 906

Occupational Safety and Health Act of 1970

Occupational Exposure to Bloodborne Pathogens Standard (29 C.F.R.

§ 1910.1030)

Cross Reference:

## FISCAL MANAGEMENT

E1

With the advice and consent of the Auditor of Accounts and the Commissioner of Education, the Superintendent shall establish and maintain an accrual system of accounting for the proper control and reporting of WWSU finances, including all state, federal and local grants, and for stating the financial condition of the WWSU.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 16 VSA § 563(9)  
VT State Board of Education Manual of Rules & Practices  
§ 3250

Cross Reference: Financial Accountability (E3)  
Financial Reports and Statements (E4)

## **BUDGETING**

**E2**

The Superintendent will develop an annual calendar for budget development. The calendar will provide sufficient time for:

- establishing budget priorities based on WWSU goals and grant opportunities;
- budget proposal presentation by the Superintendent to the WWSU Board/Executive Committee;
- Executive Committee will recommend the budget to the WWSU Board;
- a public hearing/informational meeting prior to formal adoption of a budget by the WWSU Board.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 16 VSA § 563

Cross Reference: Financial Accountability (E3)  
Financial Reports and Statements (E4)

## **FINANCIAL ACCOUNTABILITY, GENERAL**

**E3**

The approved budget will be the spending plan for the year. The Superintendent is authorized to make commitments in accordance with the budget appropriations in amounts not to exceed \$10,000. The WWSU Executive Committee must approve expenditures in excess of that amount, or expenditures of over \$5,000 not planned for in the budget.

The Superintendent shall have authority to transfer funds for planned expenses between two line items in the budget.

The Supervisory Union Business Manager shall arrange an annual audit of accounts by a certified public accountant.

Employees who routinely handle large sums of money as identified by the Superintendent will be properly bonded annually.

The WWSU Board/Executive Committee and its designees will follow the bidding requirements of 16 VSA § 559.

Inventories of property, buildings, and equipment will be maintained and reviewed on an annual basis in accordance with GASB 34.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 16 VSA § 563, 559, and 1756

24 VSA § 832

Cross Reference: Budgeting (E2)

Financial Reports and Statements (E4)

## FINANCIAL REPORTS AND STATEMENTS

E4

The Business Manager shall receive the monthly bank statements and prepare a report, including:

- Cash on hand at the beginning of the month
- Receipts by service
- Disbursements during the month
- Cash balance on hand at the end of the month
- Reconciliation with bank statements

The Superintendent, Business Manager, and/or designee shall be responsible for submitting financial reports to the Board. The financial report will be made periodically to the WWSU Board/Executive Committee and include:

- Revenue Accounts
  - Estimated revenues
  - Amounts received to date
  - Revenues estimated to be received during the balance of the fiscal year

### Appropriation Accounts

- Original appropriations
- Revised appropriations
- Expenditures to date
- Outstanding encumbrances
- Unencumbered balances

Date of Draft: 5/12/03  
Date Warned:  
Date Adopted:  
Legal Reference(s): 16 VSA § 563  
Cross Reference: Budgeting (E2)  
Financial Accountability (E3)

## **RISK MANAGEMENT**

**E5**

The Board recognizes its responsibility for properly managing the resources of the WWSU Central Office. This responsibility includes concern for the safety of students, employees, and the public, as well as concern for protecting the system's property from loss. No new policy or procedure will be adopted or approved by the Board without first giving careful consideration to the WWSU Central Office's risk exposure.

The Board charges the Superintendent and/or the Business Manager with the responsibility of preparing a risk management audit report at 2-4 year intervals for review by the Board. The report shall include a description of the WWSU Central Office's current risk management program and a summary of the existing insurance coverage.

The Board authorizes the Superintendent to seek professional risk management advice, within budget constraints, in order to develop, implement, maintain, and audit an effective risk management program for the system.

The Superintendent or his/her designee shall be responsible for establishing a risk management and insurance program covering all property and program risks related to the performance of the educational and service missions of the WWSU Central Office. This risk management and insurance program shall include means for identifying, eliminating, reducing, retaining, or transferring risk. Only when in the judgment of the Superintendent or designee a particular risk cannot be eliminated or feasibly retained by the WWSU Central Office shall it be transferred by the purchase of insurance.

The Board realizes that the assumption of some predictable risks is the most economically feasible method of treating certain exposures. When it is in the apparent best interest of the system, the Board may budget for and retain limited and predictable risks of financial loss, through the use of contingency funds, deductibles, or other strategies.

When the purchase of insurance is deemed necessary, such purchase will be made on the basis of service offered by the insurer, the reliability and financial stability of the insurer, and price of the insurance as competitively determined.

The Board does not recognize any obligation to purchase insurance from a particular agent, broker, or insurer representative or from any group of agents, brokers, or insurer representatives other than an obligation based on the above stated considerations.

Date of Draft: 5/12/03

Date Warned:

Date Adopted:

Legal Reference(s): 12 VSA § 5781

16 VSA § 1756

Cross Reference: Policy Adoption (A2)