

# Washington Central Unified Union School District

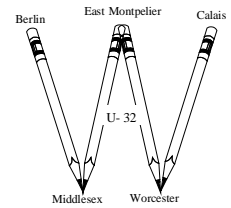
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*WCUUSD exists to nurture and inspire in all students the passion, creativity and power to contribute to their local and global communities.*

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1130 Gallison Hill Road  
Montpelier, VT 05602  
Phone (802) 229-0553  
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Debra Taylor, Ph.D.  
Interim Superintendent



## WCUUSD Policy Committee Meeting Agenda

1.6.20

5 – 7 pm

1130 Gallison Hill Road, Montpelier

1. Call to Order
2. Approve Minutes of 12.10.19 – pg. 2
3. Review Existing Policies
  - 3.1 Section A – Board
    - 3.1.1 Additional – pg. 5
  - 3.2 Section B – Personnel
    - 3.2.1 Current – pg. 7
    - 3.2.2 Additional
4. Adjourn

# Washington Central Unified Union School District

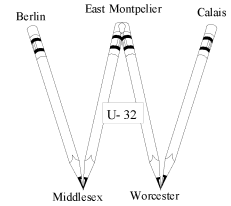
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## WCUUSD Policy Committee Meeting Unapproved Minutes 12.10.19, 5 – 7 pm

1130 Gallison Hill Road, Montpelier

**In Attendance:** Chris McVeigh, Jaiel Pulskamp, Marylynne Strachan, board members; Aaron Boynton, Berlin Principal, Jody Emerson, U-32 Assistant Principal, Debra Taylor, Interim Superintendent

1. Call to Order: Chris McVeigh called the meeting to order at 5:06 p.m.
2. Approve Minutes of 11.26.19: Jaiel Pulskamp moved to approve the minutes of November 26, 2019. Seconded by Marylynne Strachan, this motion carried unanimously.
3. Updates
  - 3.1 Hate Symbols Resolution: Committee members discussed the possible resolution that had been drafted, while considering some of the verbiage in Policy C27. Aaron Boynton stated that the more specific the definition of the symbols, lettering, insignia, the harder it is to enforce, universally. Committee members indicated that it is understood that these symbols - Confederate flag, swastika - are included in the definition; however, should we spell them out so specifically within the policy? Is it helpful to have these specific examples? Would more people understand the intent of the policy if specific examples are provided? Committee members discussed - will this be a stand alone resolution? or embedded in the policy? or both.

Some discussion followed around the Black Lives Matter flag, and around including the term: white supremacy.

Jody Emerson stated that people - parents, students - do not immediately see a response when an incident occurs and the administration deals with it - because of confidentiality. There is a big educational component in each incident.

Jaiel Pulskamp feels that we need to have a more direct conversation at the board level to get a better feel for how many are satisfied with the policies as they stand, and how many feel we need to discuss this further.

Committee members agree on having this as a separate resolution as well as including the edited verbiage that Jonas Eno-Van Fleet had suggested within the C27 policy. The wording was discussed and edited; updated language is included at the end of the minutes.

#### 4. Review Existing Policies

##### 4.1 Section A – Board:

Committee members discussed A21: Public Participation at Board Meetings. Marylynne Strachan and Jaiel Pulskamp indicated that they don't feel that board meetings have an open feeling to the public. Marylynne Strachan suggested that there be some teaching to board members and to the public, so that there is a shared understanding of how communication happens at the board meetings.

Do Robert's Rules apply to "public participation at board meetings"?

Debra Taylor reminded the committee that the WCUUSD is currently operating under rules for "small boards," but when board membership increases after Town Meeting, the small boards rules will not apply.

A21 will go to the board for first reading.

4.1.1 Additional: A22: Committee members discussed whether this policy is necessary. A22 will go to the board for first reading.

A23 will go to the board for first reading.

A24: some edits were suggested. This edited version will go to the board for first reading. (please see below; change to paragraph four)

A31: Committee members discussed this policy, including board stipends. Some discussion followed around board training opportunities. Marylynne Strachan suggested discussing with the board a more fruitful plan for board trainings/ orientations. She would like for the trainings to be more specific to the unique nature of WCUUSD.

Debra Taylor stated that board development could be included in each agenda, for example, 30 minutes. This policy will go to the board for first reading.

A32: will go to the board for first reading.

A33: Committee agreed that this policy is not needed (at this time).

A34: The committee discussed this policy. Chris McVeigh is going to edit this model policy; he asked Principal Boynton to provide some input in his edits. The committee will revisit this at the next meeting.

At the next meeting, the committee will begin with A34 and then move to Section B.

##### 4.2 Section B – Personnel (not addressed at tonight's meeting)

###### 4.2.1 Current

###### 4.2.2 Additional

5. Adjourn: The committee adjourned at 7:03 p.m.

Respectfully submitted,  
Lisa Stoudt

## Hate Symbols Resolution

(leave first paragraph as it is)

Washington Central Unified Union School District strives to create a learning environment conducive to student achievement, creativity and exploration. An environment in which students use their opportunities to experience their power to create and change themselves and their environment. Hate symbols indefensibly dishonor those goals. Yet, free speech values protect, but do not extol, the right to be wrong. Censorship may punish or suppress harmful speech but it does not change minds.

(second paragraph:) after "Bullying," add "and Student Self-Expression Policies"

To unwaveringly protect all students' rights to a safe educational environment, the WCUUSD School Board directs administrative officials to vigorously and promptly enforce our Prevention of Harrassment, Hazing and Bullying, and Student Self-Expression Policies, to thwart and respond to the undeniably harmful effects with which hate symbols sully our educational community.

(third paragraph:) "These policies should be enforced to combat symbol, lettering or insignia associated with organizations that promote hatred or violence or that support racial supremacy."

(new paragraph:) It is the sense of the WCUUSD Board of School Directors that symbols, lettering, or insignia associated with organizations that promote hatred or violence or that support white supremacy, such as Confederate symbolism, and the swastika, interfere with the orderly operation of our schools.

(also add this new paragraph (above, beginning with "It is the sense...." to page 2 of Policy C27, after "E.")

### **A24: fourth paragraph:**

While board members can work directly with the Superintendent and central office staff, board members may not give substantive direction to a staff member or suggest a course of action that staff perceives as substantive direction. When presented with citizen concerns, Board members refer them to appropriate levels of authority, in accordance with the district's policy on complaints.

# Section A – Board

## Additional Recommended/Optional Policies

## BOARD RELATIONS WITH SCHOOL PERSONNEL

### **Policy**

It is the policy of \_\_\_\_\_ School District to encourage school board interactions with school personnel while respecting appropriate reporting relationships.

### **At School Board Meetings**

The board will request the Superintendent to invite school personnel to school board meetings regularly to discuss student achievement relative to their programs.

### **Relations with the Principal**

The superintendent will develop guidelines for board relations with principals and other administrators. Guidelines for board relations with principals should take into account:

1. The responsibility of the superintendent to direct the administration and coordination of educational programs in the district;
2. The periodic need of board members for information most readily available from school principals; and
3. The need to maintain a distinction between the administrative role of the principal and the policy making role of the board.

### **Relations with Other School Staff**

1. Individual board members will communicate with staff members on matters of school business only at the direction of the board as a whole.
2. Staff participation in the development of educational and personnel policies will be encouraged and facilitated by the board
3. Board members will adhere to procedures required by board policy and Vermont law related to collective bargaining and teacher evaluation.

*Date Warned:*

*Date Adopted:*

*Legal Reference(s):* 16 V.S.A. §§1981 et seq. (Labor Relations)  
16 V.S.A. §§1751 et seq. (Contracts, etc.)  
16 V.S.A. §§243 et seq. (Principals)  
21 V.S.A. §§1721 et seq. (Municipal Labor Act)

*Cross Reference:* Personnel: Recruitment, Selection, Appointment and Criminal Records Checks (D1)

# Section B – Personnel

## Current Approved WCUUSD Policies

## Required

WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT

### Board of Directors' Policy

**POLICY:** B1

**WARNED:** 6/1/19

**ADOPTED:** 6/12/19

**EFFECTIVE:** 7/1/19

## SUBSTITUTE TEACHERS

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### Policy

It is the policy of the Washington Central Unified Union School District to employ substitute educators who will meet the minimum qualifications outlined by Vermont Standards Board for Professional Educators (VSBPE) Rule, as well as the additional requirements established by this policy.

### Qualifications

No person will be placed on the qualified substitute list unless that person has graduated from high school.

### Unlicensed Persons

An unlicensed person may be employed as a substitute teacher for up to 30 consecutive calendar days in the same assignment. The Superintendent may apply to the Vermont Standards Board for Professional Educators or its designee for emergency or provisional licenses as provided in VSBPE Rules 5350 and 5360.

### Licensed Educators

A substitute teacher who is licensed but not appropriately endorsed for the position for which he or she is employed may fill a position for thirty consecutive calendar days in the same assignment. The Superintendent may apply to the Vermont Standards Board for Professional Educators or its designee for an additional thirty days for specific substitute teachers, or for provisional licenses as provided in VSBPE Rule 5350.

### Administrative Responsibilities

A list of qualified substitute teachers, organized by grade level and subject, will be developed by the Superintendent or his or her designee for all schools in the District.

The Superintendent or his or her designee will conduct an orientation session for substitute teachers each year, including information on the prevention, identification, and reporting of child sexual abuse, as required by 16 V.S.A. 563(a). Each teacher under contract will compile a packet of information containing pertinent substitute teacher information as defined by the Principal.

Substitute teachers will be paid per diem wages as determined by the Superintendent from year to year. Distinctions in pay level may be made based on the need for the substitute teacher to prepare lessons and assess and record student progress, on the length of service and on the credentials of the substitute teacher.

*Legal Reference(s):* Vt. Standards Board for Professional Educators Rules §§5381 et seq.  
16 V.S.A. §558 (Employment of school board members)  
16 V.S.A. §251 et seq. (Access to Criminal Records)



## Required

WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT

### Board of Directors' Policy

POLICY: B2

WARNED: 6/1/19

ADOPTED: 6/12/19

EFFECTIVE: 7/1/19

## VOLUNTEERS AND WORK STUDY STUDENTS POLICY

### Policy

Washington Central Unified Union School District recognizes the valuable contributions made by volunteers and work study students. It further recognizes that appropriate supervision of volunteers and work study students will enhance their contributions, as well as fulfill the responsibility that the district has for the education and safety of its students.

### Definitions

For the purposes of this policy and procedures developed pursuant to this policy:

1. **Volunteer:** A volunteer is any individual including parents not employed by the School District who works on an occasional or regular basis assisting with educational activities including coaches, chaperones, in or out of the school setting. A volunteer works without compensation or economic benefits.
2. **Work Study Student:** A work study student means a post-secondary student who receives compensation for work performed at a school operated by the district as part of a work experience program sponsored or provided by the college or university at which he or she is enrolled. A student working toward a teaching credential who may be placed at a school as a student teacher is not a work study student.

### Implementation

The Superintendent shall develop procedures to ensure that volunteers and work study students are appropriately screened prior to entering into service in the school district. The screening process utilized by the school district shall include different levels of background checks depending upon the type of contact the volunteer or work study student will have with children. All background checks shall at a minimum include use of the tools currently recommended by the State of Vermont for checking for substantiated findings of child or vulnerable adult abuse/neglect and sex offender convictions. A person who is a convicted sex offender shall not be eligible to be a work study student or volunteer. In the case of a person with a substantiated finding of child or vulnerable adult abuse/neglect, the Superintendent shall determine the person's eligibility to serve as a work study student or volunteer.

Legal Reference(s):	4 V.S.A. §1102(b)(8)(Unauthorized disclosure)
	16 V.S.A. §564 (Harassment & hazing prevention)
	16 V.S.A. §260 (Supervision policy requirement)
	20 V.S.A. §§2062, 2063 (Fees)
	20 V.S.A. §2056c (Dissemination of criminal history)
	21 V.S.A.

<sup>[1]</sup>  
**Required**

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

<b>POLICY:</b>	<u><b>B3</b></u>
<b>WARNED:</b>	<u><b>6/1/19</b></u>
<b>ADOPTED:</b>	<u><b>6/12/19</b></u>
<b>EFFECTIVE:</b>	<u><b>7/1/19</b></u>

## <sup>[2]</sup> **ALCOHOL and DRUG-FREE WORKPLACE**

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### **Policy<sup>[3]</sup>**

It is the policy of the Washington Central Unified Union School District to maintain a workplace free of alcohol and drugs. No employee, volunteer or work study student <sup>[4]</sup> will unlawfully manufacture, distribute, dispense, possess or use alcohol or any drug on or in the workplace. Nor shall any employee, volunteer or work study student be in the workplace while under the influence of illegal drugs or alcohol. If there are reasonable grounds to believe that an employee, volunteer or work study student is under the influence of illegal drugs or alcohol while on or in the workplace, the person will be immediately removed from the performance of his or her duties.

### **Definitions**

**Drug** means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by state or federal statute or regulation.<sup>[5]</sup>

**Workplace** means the site for the performance of work for the School District, including 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.<sup>[6]</sup>

**Employee** means all persons directly or indirectly compensated by the school district for providing services to the district and all employees of independent contractors who provide services to the district.<sup>[7]</sup>

**Volunteer** means an individual not employed by the School District who works on an occasional or regular basis in the school setting to assist the staff. A volunteer works without compensation or economic benefits provided by the school district.

**Work Study Student** means a student who receives compensation for work performed at the school as part of a college work experience program. For purposes of this policy, an intern, working without pay, will be considered as a work study student. A student working toward a teaching credential who may be placed at a school as a student teacher is not a work study student.

### **Employee Responsibilities**

As a condition of employment, each employee will notify the Superintendent in writing of his or 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 10 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.<sup>[8]</sup>

An employee, volunteer or work study student who violates the terms of this policy may be asked to satisfactorily complete an alcohol or drug abuse assistance or rehabilitation program approved by the Superintendent. In addition, an employee who violates the terms of this policy will be subject to disciplinary action, including but not limited to non-renewal, suspension or termination at the discretion of the Superintendent or, if required, the Board.<sup>[9]</sup>

#### **D8 Alcohol and Drug Free Workplace Notes and References:**

- <sup>[1]</sup> Alcohol is not considered a “controlled substance” under federal law. The Drug Free Workplace Act therefore does not require that alcohol be included in an employer’s prohibition of drugs in the workplace. Vermont law does authorize employers to prohibit alcohol possession and/or use of alcohol in the workplace. The Vermont drug testing law defines “drug” broadly, and includes alcohol as a “drug.” 21 V.S.A. §511(3).
- <sup>[2]</sup> The Drug Free Workplace Act of 1988 applies to all individuals or organizations that receive federal grants and any individuals or organizations that are federal contractors whose contracts exceed \$100,000. The Act does not explicitly require a Drug Free Workplace policy, but it does require covered entities to “...establish a drug-free awareness program to inform employees about...the *grantee’s policy of maintaining a drug free workplace...*”. 41 U.S.C. §702(1)(b)(ii).
- <sup>[3]</sup> The Drug Free Workplace Act requires specific actions on the part of employers including publication of a statement notifying employees of the prohibition against illegal drugs in the workplace, the establishment of a drug-free awareness program with specific elements, the notification to employees that compliance with the prohibition against drugs is a requirement for employment and imposing specific sanctions on any employee who is convicted of violations occurring in the workplace. *See* 41 U.S.C. §701.
- <sup>[4]</sup> The inclusion of volunteers and work study students as “employees” for purposes of this policy is optional. *See endnote 7 below.*
- <sup>[5]</sup> The Drug Free Workplace Act uses the term “controlled substance” as synonymous with the term “drug.” Controlled substances are listed in the federal law at 21 U.S.C. 812.
- <sup>[6]</sup> Definition derived from 41 U.S.C. §706(1).
- <sup>[7]</sup> 41 U.S.C. §706(2). *See also* U.S. Department of Labor *Drug –Free Workplace Advisor*, <http://www.dol.gov/elaws/asp/drugfree/policy.htm>. Note that the federal law defines “employee” as one “..directly engaged in the performance of work pursuant to a federal grant or contract, whether or not the employee is paid through grant or contract funds. An employer may expand the coverage of this policy to include all employees, whether or not they are engaged in work pursuant to federal grants.
- <sup>[8]</sup> *See* 41 U.S.C. §702(a)(1)(D).
- <sup>[9]</sup> *See* 16 V.S.A. §242(3)(C) for authority of superintendent to dismiss employees subject to due process and other legal requirements.

**Required**

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

**POLICY:** **B4**

**WARNED:** **6/1/19**

**ADOPTED:** **6/12/19**

**EFFECTIVE:** **7/1/19**

**MANDATORY DRUG & ALCOHOL  
TESTING: TRANSPORTATION EMPLOYEES**

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**MANDATORY DRUG & ALCOHOL TESTING:  
TRANSPORTATION EMPLOYEES**

**Policy**

The Washington Central Unified Union School District will comply with the Alcohol and Drug Testing Policy that its transportation company has adopted, which must follow the Omnibus Transportation Employee Testing Act of 1991.

*Legal Reference(s): 49 U.S.C. §§ 5331, 31306 (Omnibus Transportation Employee Testing Act of 1991)*

*Legal Reference(s): 49 C.F.R. Parts 40, 382, 391, 392, 395 and 653*

## Required

WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT

Board of Directors' Policy

<b>POLICY:</b>	<u><b>B5</b></u>
<b>WARNED:</b>	<u><b>6/1/19</b></u>
<b>ADOPTED:</b>	<u><b>6/12/19</b></u>
<b>EFFECTIVE:</b>	<u><b>7/1/19</b></u>

## PREVENTION OF EMPLOYEE HARASSMENT

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Harassment is a form of unlawful discrimination that will not be tolerated in Washington Central Unified Union School District. Unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct constituting harassment as defined herein and by state and federal law violate this policy. Retaliation against any person raising good faith allegations of unlawful harassment or against any witness cooperating in an investigation pursuant to this policy is prohibited.

### A. Definitions

1. **Employee:** For purposes of this policy, any person employed by and subject to the direct supervision of the district or supervisory union.
2. **Unlawful Harassment:** Verbal, written or physical conduct based on an employee's race, religion, color, national origin, marital status, sex (including pregnancy), sexual orientation, gender identity, age, political affiliation, ancestry, place of birth, genetic information or disability which has the purpose or effect of substantially interfering with an employee's work or creating an intimidating, hostile or offensive environment.
3. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  - b. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting such individual; or
  - c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
4. **Retaliation.** Retaliation is adverse action taken against a person for making a complaint of unlawful harassment or for participating in or cooperating with an investigation.

### B. Examples

Unlawful harassment can include any unwelcome verbal, written or physical conduct which offends, denigrates, or belittles an employee because of the employee's race, religion, color, national origin, marital status, sex (including pregnancy), sexual orientation, gender identity, age, ancestry, place of birth, genetic information or disability. Such conduct includes, but is not limited to: unsolicited derogatory remarks, jokes, demeaning comments or behavior, slur,

mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting or the display or circulation of written materials or pictures.

### **Sex**

Sexual harassment may include unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities.

### **Race and Color**

Racial or color harassment may 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, and negative references to racial customs.

### **Religion**

Harassment on the basis of religion 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.

### **National Origin and Place of Birth**

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

### **Age**

Age harassment includes unwelcome verbal, written or physical conduct directed at someone (an applicant or employee) age 40 or older, such as offensive remarks about a person's ability to perform certain tasks because of his or her age.

### **Marital Status**

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 on the basis of sexual orientation includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's sexual orientation.

### **Gender Identity**

Harassment on the basis of gender identity includes unwelcome verbal, written or physical conduct directed at an individual's actual or perceived gender identity, or gender-related characteristics intrinsically related to an individual's gender or gender identity, regardless of the individual's assigned sex at birth.

### **Disability**

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

## Genetic Information

Genetic information harassment can include, for example, making offensive or derogatory remarks about an applicant or employee's genetic information, or about the genetic information of a relative of the applicant or employee. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about family medical history.

## **D. Procedure**

1. **Duty to Investigate.** In the event the district or supervisory union receives a complaint of unlawful harassment of an employee, or otherwise has reason to believe that unlawful harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. Washington Central Unified Union School District is committed to take action if information regarding potential unlawful harassment is learned, even if the aggrieved employee does not wish to file a formal complaint.
2. **Designated Persons.** Every employee is encouraged to report any complaint of or suspected acts of unlawful harassment. Unlawful harassment should be reported to the non-discrimination coordinators or to the principal at the following address and telephone number:

Non-Discrimination Coordinators: Address:  
Telephone number:

Principal: Address:  
Telephone number:

3. **Investigation.** Allegations of unlawful harassment will be promptly investigated by a non-discrimination coordinator or his/her designee. At the outset of the investigation, the complainant shall be provided with a copy of this policy. If the allegations are found to have been substantiated by the investigator, the school or WCUUSD will take appropriate disciplinary and/or corrective action. The non-discrimination coordinator or his/her designee will inform the complainant(s) and the accused(s) whether the allegations were substantiated. The accused(s), the complainant(s) and any witness(es) shall be warned against any retaliation. If, after investigation, the allegation is found not to have been substantiated, the complainant(s) shall be informed of the right to contact any of the state or federal agencies identified in this policy.
4. **Filing a Complaint.** Employees are encouraged to report the alleged unlawful harassment as soon as possible to the non-discrimination coordinators or the principal.
5. **Alternative Complaint Processes.** Employees may file complaints with both the district or supervisory union and with state and federal agencies. If employees are dissatisfied with the results of an investigation, they may file a complaint with state and federal agencies. The agencies are:
  - a. Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, tel: (802) 828-3171. Complaints should be filed within 300 days of any unlawful harassment.

- b. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, tel: (617)565-3200 (voice), (617)565-3204 (TDD). Complaints should be filed within 300 days of any unlawful harassment.

**Confidentiality.** Witnesses, complainant and the accused shall keep confidential matters related to the charge of unlawful harassment.

*Legal Reference(s):* 9 V.S.A. §§4502 et seq. (Public accommodations)  
16 V.S.A. 11(a)(26) (Definitions)  
21 V.S.A. §§495 et seq. (Unlawful employment practice, sexual harassment)  
42 U.S.C. §§2000e et seq. (Title VII of the Civil Rights Act of 1964)  
29 C.F.R. 1604.11 (Equal Opportunity Employment Commission)

*Cross Reference:* C10 Prevention of Harassment, Hazing & Bullying of Students



**Required****WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT****Board of Directors' Policy****HEALTH INSURANCE PORTABILITY  
AND ACCOUNTABILITY ACT  
COMPLAINT (HIPAA)****POLICY: B6****WARNED: 6/1/19****ADOPTED: 6/12/19****EFFECTIVE: 7/1/19**

The Washington Central Unified Union School District shall comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) with regard to any employee benefit or group health plan provided by the district that is subject to the requirements of the Act. The superintendent or his or her designee shall develop and implement procedures necessary to ensure continuing compliance with the requirements of HIPAA.

*Legal References:**42 U.S.C. 1320d-2 and 1320d-4  
45 C.F.R. Subpart C*

## Required

WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT

### Board of Directors' Policy

## TOBACCO PROHIBITION

**POLICY:** B7

**WARNED:** 6/1/19

**ADOPTED:** 6/12/19

**EFFECTIVE:** 7/1/19

### Policy

In accordance with state law, it is the policy of the Washington Central Unified Union School District to prohibit the use of tobacco or tobacco substitutes on district or school grounds or at school sponsored functions. This ban extends to any student, employee or visitor to the school, and applies at all times, whether or not school is in session. Students are, furthermore, prohibited from possessing tobacco products, tobacco substitutes or tobacco paraphernalia at all times while under the supervision of school staff or at school-sponsored activities. The Superintendent or his or her designee shall develop procedures, rules and regulations that are necessary to implement this policy and, at a minimum, will include provisions ensuring that tobacco products, tobacco substitutes or tobacco paraphernalia are confiscated when found in the possession of students.

### Definitions

For purposes of this policy and administrative rules and procedures developed pursuant to this policy:

1. **School grounds** means any property and facilities owned or leased by the school and used at any time for school related activities, including but not limited to school buildings, school buses, areas adjacent to school buildings, athletic fields and parking lots.
2. **School sponsored activity** means activities including but not limited to field trips, project graduation events, sporting events, work internships and dances.
3. **Tobacco product** has the same meaning as set forth in 7 V.S.A. 1001(3), as amended from time to time.
4. **Tobacco paraphernalia** has the same meaning as set forth in 7 V.S.A. 1001(7), as amended from time to time.
5. **Tobacco substitutes** has the same meaning as set forth in 7 V.S.A. 1001(8), as amended from time to time.

*Legal Reference(s):* 16 V.S.A. §140 (Tobacco on school grounds)  
18 V.S.A. §§1421 et seq. (Smoking in the workplace)  
7 V.S.A. 1001 et seq.

## Recommended

WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT

### Board of Directors' Policy

POLICY: B20

WARNED: 6/7/19

ADOPTED: 6/26/19

EFFECTIVE: 7/1/19

## PERSONNEL RECRUITMENT, SELECTION, APPOINTMENT AND BACKGROUND CHECKS

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### Policy

It is the policy of the Washington Central Unified Union School District to select for employment only persons of good character who have the skills and other qualifications necessary to fulfill job requirements while complying with the provisions of state law regarding the recruitment, selection and employment of school district employees and contractors.

Persons subject to criminal record checks and abuse registry checks under this policy include all those recommended for full-time, part-time or temporary employment in the school district, including student teachers, and those contractors and employees of contractors who may have unsupervised contact with students and are subject by law to criminal record and abuse registry checks prior to or in the course of employment.

The superintendent may request a name and date of birth or fingerprint-supported check of the criminal record of any current employee who has previously undergone a check at any time during the course of the record subject's employment in the capacity for which the original check was required.

The district shall ensure that adults employed in the schools maintained by the district receive orientation, information or instruction on the prevention, identification and reporting of child abuse as required by state law. The district will also provide opportunities for parents, guardians, and other interested persons to receive the same information.

### Definitions

1. The term "criminal record" as used in this policy shall have the same meaning as defined in 16 V.S.A. § 252(1).
2. The term "unsupervised" as used in this policy shall have the same meaning as defined in 16 V.S.A. § 252(4).
3. The term "abuse registry" as used in this policy shall include the Vermont Child Protection Registry maintained by the Vermont Department for Children and Families and the Vulnerable Adult Abuse Registry maintained by the Vermont Department of Disabilities, Aging and Independent Living.
4. The terms "employ" or "employment" as used in this policy shall, as the context requires, apply to individuals who are, or are being considered for, full-time, part-time or temporary

employment in the school district, including student teachers and those contractors and employees of contractors who may have unsupervised contact with students.

### **Recruitment**

1. The board is committed to securing the services of the best personnel available. Only individuals who meet applicable state licensing requirements will be employed.
2. The board seeks minority applicants in accordance with its policy pertaining to non-discrimination. The district will attempt to provide an educational experience enhanced by the professional contributions of representatives of different races, physical conditions, sexes, ethnic backgrounds and age groups.
3. All personnel will be recruited by the district's administrative staff under the immediate direction of the superintendent.
4. Written or electronic applications will be required of candidates for employment. The application will include a statement to be signed by the candidate listing the dates, locations and dispositions of any convictions, including findings of guilt, pleas of nolo contendere or guilty, for criminal violations. The application will also include a warning to the applicant that falsification of information on the application or during the application process will be grounds for dismissal if the applicant is hired.

### **Selection**

1. It is the policy of the board to select employees solely on the basis of character, professional qualifications, and critical job requirements. Employees will be selected in a manner that does not unlawfully discriminate. The superintendent shall require that all applicants, as a condition of employment consideration, cooperate fully with background investigations, supplying references and releases so the district can contact previous employers. Applicants the superintendent is prepared to recommend for employment will be expected to provide fingerprints, releases and other information necessary to conduct criminal record background investigations. The costs of such checks will be borne by the (prospective employee) (the school district). All offers of employment will be conditioned upon completion of the background investigation and a finding that the information provided by the application during the pre-employment process was accurate, complete and truthful.
2. The superintendent shall request a criminal record check through the Vermont Criminal Information Center (VCIC) on any candidate he or she intends to appoint or is prepared to recommend for appointment. Requests will be made for fingerprint-supported criminal records from the FBI as well as criminal records from the state of Vermont and any state in which the superintendent knows the applicant has resided or been employed. The superintendent shall maintain such records in accordance with state law.
3. The superintendent shall also request information through any available abuse registry to determine whether there are any substantiated abuse/neglect charges or sex offense convictions against an applicant before appointing or nominating a candidate for employment. The superintendent shall maintain such records in accordance with state law.

4. Employment conditioned on the completion of a background check may be terminated if it is determined that the employee failed to respond truthfully to questions about criminal activity or prior employment. In any event the Superintendent shall forward the information received from VCIC to the person about whom the request was made and inform the person of their rights to challenge the accuracy of the record and to determine the disposition of the record under 16 V.S.A. §§255(f), (g).
5. Providing a safe learning environment for students is a primary consideration in district employment decisions. The district will base such decisions on all relevant information, qualifications, and circumstances. Unfavorable background check information is not an automatic bar to employment, nor is a background check with no unfavorable information a guarantee of employment. However, no person convicted of a sexual offense requiring registration on the Vermont comprehensive sex offender registry shall be employed by the school district or supervisory union.

### **Appointment**

1. The appointment of licensed employees will be made by the board subject to the nomination of candidates by the superintendent of schools.
2. Subject to any pre-employment screening processes approved by the board, the superintendent shall appoint all non-licensed employees to be employed by the school district or supervisory union.
3. Contracts of employment or other notification of employment will be conditional pending receipt of criminal records check information and evaluation of that information.
4. Upon completion of a criminal records check, the superintendent shall:
  - notify the person subject to the check about the district's protocol for maintenance of criminal history files, and
  - ask the person subject to the check to indicate if his or her record should be maintained or destroyed after the retention period specified in the District's user agreement with VCIC.
5. Employees who have been employed for fewer than two years in Vermont public schools are considered probationary teachers and may be offered a probationary contract.
6. All offers of employment may be withdrawn based on the criminal records check report or upon a finding that the information provided by the applicant during the pre-employment process was inaccurate, incomplete or untruthful.

*Legal Reference(s):*     16 V.S.A. §§251 et seq. (Criminal record checks)  
                              16 V.S.A. §242(3) and 563 (12) (Responsibility for hiring)  
                              Act 1 of 2009 (Adjourned Sess.)  
                              Act 108 of 2010

## Recommended

WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT

### Board of Directors' Policy

POLICY: B22

WARNED: 6/7/19

ADOPTED: 6/26/19

EFFECTIVE: 7/1/19

## PUBLIC COMPLAINTS ABOUT PERSONNEL

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### Policy

It is the policy of the Washington Central Unified Union School District to see that complaints about school personnel are considered in a timely manner that is fair to all parties. The district 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.

### Resolving Complaints

The complainant shall be encouraged first to bring a 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 principal for his or her review and decision. In the event the principal's review does not lead to a satisfactory resolution, the complainant may submit the issue to the superintendent for review and decision.

In cases of alleged discrimination, the complainant should follow the procedures accompanying anti-discrimination policy.

### Appeal to the Board

If the above steps do not resolve the concern of the complainant, he/she may request a session of the board for the purpose of reviewing the superintendent's decision. If the school board decides to hear the request of the complainant, it shall invite all parties involved including the appropriate school and supervisory union administrators to attend a meeting for purposes of presenting facts, making further explanations, and clarifying the issue. The board shall conduct such meetings in a fair and just manner and shall render a decision.

It is the intent of the board that the rights of employees under collective bargaining agreements and Vermont law be protected through the administration of this policy.

*Legal Reference(s): 16 V.S.A. §1752 (Suspension, dismissal)  
1 V.S.A. §§310 et seq. (Open meetings)*