



Pembroke Public Schools

School Committee Policy Manual

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POLICY GBA: EQUAL EMPLOYMENT OPPORTUNITY

The School Committee subscribes to the fullest extent to the principle of the dignity of all people and of their labors and will take action to ensure that any individual within the District who is responsible for hiring and/or personnel supervision understands that applicants are employed, assigned, and promoted without regard to their *race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law. Every available opportunity will be taken in order to assure that each applicant for a position is selected on the basis of qualifications, merit and ability.

SOURCE: MASC August 2022 LEGAL REF.: M.G.L. 151B:4;

BESE Regulations 603 CMR 26:00

Acts of 2022, Chapter 117 (*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.)

Revised and ADOPTED: 10/4/22

POLICY GBAA: SEXUAL HARASSMENT



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

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

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

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

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

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

Because the District takes allegations of harassment, including sexual harassment, seriously, we will respond promptly to complaints of harassment including sexual harassment, and following an investigation where it is determined that such inappropriate



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conduct has occurred, we will act promptly to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

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

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

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

Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools report cases of suspected child abuse, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals these offences and any other serious matters shall be referred to local law enforcement. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted above. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

NOTICE OF SEXUAL HARASSMENT

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

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



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remedies designed to restore or preserve access to the school's education program or activity.

DUE PROCESS PROTECTIONS

Due process protections include the following:

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

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

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



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

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

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the Pembroke Public Schools to its students and employees and each parent or guardian.

The District's website and building based student handbooks will list the name and contact information for the District's Title IX Coordinator (s).

The Complainant may also file a complaint with:

- The Mass. Commission Against Discrimination, 1 Ashburton Place, Room 601
Boston, MA 02108.
Phone: 617-994-6000.
- Office for Civil Rights (U.S. Department of Education)
5 Post Office Square, 8th Floor
Boston, MA 02109.
Phone: 617-289-0111.
- The United States Equal Employment Opportunity Commission,
John F. Kennedy Bldg.
475 Government Center
Boston, MA 02203.

LEGAL REF.: M.G.L. 151B:3A

Title IX of the Education Amendments of 1972

BESE 603 CMR 26:00

34 CFR 106.44 (a), (a)-(b)

34 CFR 106.45 (a)-(b) (1)

34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020



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Pembroke Public Schools Grievance Procedures

1st Reading: November 1, 2022

2nd Reading: November 15, 2022

ADOPTED: November 15, 2022



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POLICY GBEA - STAFF ETHICS / CONFLICT OF INTEREST

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

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

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

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

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

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

LEGAL REFS.: M.G.L. [71:52](#); [268A:1](#) et seq.

ADOPTED: March 6, 2007

Recoded from 3.38

Recode 1st Read: January 2, 2024

Recode 2nd Read & Adoption: February 15, 2024



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POLICY GBEC: EMPLOYEE GIFTS

Gifts

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

In keeping with this policy, no employee of the school district will accept a gift worth \$50 or more that is given because of the employee's public position, or anything that the employee could do or has done in his or her public position. Gifts worth less than \$50 may be accepted, but a written disclosure to the employee's appointing authority must be made if the gift and the circumstances in which it was given could cause a reasonable person to think that the employee could be improperly influenced. The value of personal gifts accepted is aggregated over a calendar year (4 gifts of \$20 value is the same as 1 gift of \$80 if given in the same calendar year).

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

Class Gifts

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

Gifts for School Use

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

Solicitations

In spirit, the School Committee supports the many worthwhile charitable drives that take place in the community and is gratified when school employees give them their



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support. However, the solicitation of funds from staff members through the use of school personnel and school time is prohibited by the conflict of interest law. Therefore, no solicitations of funds for charitable purposes should be made among staff members. Staff members of course remain free to support charitable causes of their own selection.

LEGAL REFS.: M.G.L. 268A:3; 268A:23 930 CMR 5.00

CROSS REFS.: KHA, Public Solicitations in the Schools
GBEBD, Online Fundraising and Solicitations - Crowdfunding
KCD, Public Gifts to Schools

Recoded from 3.6

1st Read: March 12, 2013

2nd Read & Adoption: March 26, 2013

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Revised 2nd Read & Adoption: February 15, 2024



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POLICY GBEBD - ONLINE FUNDRAISING AND SOLICITATIONS - CROWDFUNDING

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

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

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

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

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

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

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



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

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

LEGAL REFS: MGL 44:53A; 71:37A; 268A:3; 268A:23;
Ethics Commission Advisory Opinion EC-COI-12-1;

CROSS REFS: GBEA, Staff Ethics/Conflict of Interest; GBEBC, Gifts To and Solicitations by Staff;
KCD, Public Gifts to Schools

1st Read: January 2, 2024

2nd Read & Adoption: February 15, 2024



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POLICY GBEC - DRUG-FREE WORKPLACE POLICY

The School District will provide a drug-free workplace and certifies that it will:

1. Notify all employees in writing that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, is prohibited in the District's workplace, and specify the actions that will be taken against employees for violation of such prohibitions.
2. Establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the District's policy of maintaining a drug-free workplace; and available drug counseling, rehabilitation, and employee assistance programs; and the penalty that may be imposed on employees for drug abuse violations occurring in the workplace.
3. Make it a requirement that each employee whose employment is funded by a federal grant be given a copy of the statement as required.
4. Notify the employee in the required statement that as a condition of employment under the grant, the employee will abide by the terms of the statement, and will notify the District of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
5. Notify the federal agency within ten days after receiving notice from an employee or otherwise receiving notice of such conviction.
6. Take one of the following actions within 30 days of receiving notice with respect to any employee who is so convicted; take appropriate personnel action against such an employee, up to and including termination; or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health law enforcement, or other appropriate agency.
7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of this policy.

LEGAL REFS.: 41 USC 81

CROSS REFS.: IHAMB, Teaching about Drugs, Alcohol, and Tobacco; JICH, Drug and Alcohol Use by Students

1st Read: January 2, 2024

2nd Read & Adoption: February 15, 2024



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POLICY GBGB - STAFF PERSONAL SECURITY AND SAFETY

Through its overall safety program and various policies pertaining to school personnel, the Committee will seek to assure the safety of employees during their working hours and assist them in the maintenance of good health.

The Superintendent may require an employee to submit to a physical examination by a physician appointed by the school district whenever that employee's health appears to be a hazard to children or others in the school district or when a doctor's certificate is legally required to verify need for sick leave.

School employees, their families and members of their household are eligible to use the confidential services provided by the municipality's employee assistance program.

LEGAL REFS.: M.G.L. 71:54; 71:55C

1st Read: January 2, 2024

2nd Read & Adoption: February 15, 2024



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POLICY GBGE: DOMESTIC VIOLENCE LEAVE POLICY

It shall be the policy of the Pembroke Public Schools to permit an employee to take up to 15 days of domestic violence leave from work in any 12 month period. In order to be eligible for said leave:

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

An employee shall exhaust all available paid leave prior to requesting or taking domestic violence leave. After the employee's available paid leave is exhausted, any domestic violence leave granted will be unpaid leave.

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

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



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(1) a protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member;

(2) a document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the employee or family member;

(3) A police report or statement of a victim or witness provided to police documenting the abusive behavior;

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

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

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

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

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

(i) requested or consented to, in writing, by the employee;

(ii) ordered to be released by a court of competent jurisdiction;

(iii) otherwise required by applicable federal or state law;

(iv) required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the Attorney General; or

(v) necessary to protect the safety of the employee or others employed at the Pembroke Public Schools.

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

The Pembroke Public Schools shall not coerce, interfere with, restrain or deny the exercise of, or any attempt to exercise, any rights provided herein or to make leave requested or taken contingent upon whether or not the victim maintains contact with the alleged abuser. The Pembroke Public Schools shall not discharge, or in any other manner discriminate against, an employee for exercising the employee's rights under the law. The taking of domestic violence leave shall not result in the loss of any employment benefit accrued prior to the date of such leave. Upon the employee's return from such



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leave, he/she shall be entitled to restoration of the employee's original job or to an equivalent position. Definitions of "abuse", "abusive behavior", "domestic violence", "employees" and "family members" may be found in the laws referenced below.

Legal Reference: M.G.L. 149:52E; Section 10 Chapter 260 of the Acts of 2014

1st Reading: 6/29/15

2nd Reading & Adoption: 7/15/15

Recode from GCCD

Recode 1st Read: January 2, 2024

Recode 2nd Read & Adoption: February 15, 2024



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POLICY GBGF - FAMILY AND MEDICAL LEAVE

The School District shall comply with the mandatory provisions of the Family and Medical Leave Act of 1993. The Superintendent shall issue, and from time to time amend, procedures setting forth the rights and procedures granted by the Act, and shall ensure compliance with those procedures either personally or by delegation, or by some combination of personal oversight and delegation.

LEGAL REFS.: P.L. 103-3

Recode from 3.26

1st Read: January 2, 2024

2nd Read & Adoption: February 15, 2024



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POLICY GBI: STAFF PARTICIPATION IN POLITICAL ACTIVITIES

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

In connection with campaigning, an Employee will NOT:

1. Use school facilities, equipment or supplies
2. Discuss his/her campaign during the work day with other school employees, students, parents caregivers, guardians and /or anyone involved in the educational process.
3. Use of any time during the work day for campaigning purposes.

Under no circumstances will students be solicited into campaigning for any staff member.

(MGL Ch.71, Sec.44)

ADOPTED: March 6. 2007

Recode from 3.30

Recode 1st Read: January 2, 2024

Recode 2nd Read & Adoption: February 15, 2024



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POLICY GBJ - PERSONNEL RECORDS

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

1. A personnel folder for each present and former employee will be accurately maintained in the central administrative office. In addition to the application for employment and references, the folders will contain records and information relative to compensation, payroll deductions, evaluations, and any other pertinent information.
2. The Superintendent will be the official custodian for personnel files and will have overall responsibility for maintaining and preserving the confidentiality of the files within the provisions of the law.
3. Personnel records are considered confidential under the law and will not be open to public inspection. Access to personnel files will be limited to persons authorized by the Superintendent to use the files for the reasons cited above.
4. Each employee will have the right, upon written request, to review the contents of their own personnel file.
5. Employees may make written objections to any information contained in the file. Any written objection must be signed by the staff member and will become part of the employee's personnel file. Further, no negative comment will be placed in a staff member's file unless it is signed by the person making the comment and the staff member is informed of the comment and afforded the opportunity to include their written response in the file.
6. Lists of school district employees' names and home addresses will be released only to governmental agencies as required for official reports or by law.

SOURCE: MASC - Updated 2022

LEGAL REFS.: Family Educational Rights and Privacy Act, Sec. 438, P.L. 90-247

Title IV, as amended

88 Stat. 571-574 (20 U.S.C. 1232g) and regulations

M.G.L. [4:7](#); [71:42C](#)

Teachers' Agreement

CONTRACT REF.: All Agreements

CROSS REF.: [KDB](#), Public's Right to Know

1st Read: January 2, 2024

2nd Read & Approval: February 15, 2024



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POLICY GBK - STAFF COMPLAINTS AND GRIEVANCES

The School Committee will encourage the administration to develop effective means of resolving differences that may arise among employees and between employees and administrators; reduce potential areas of grievances; and establish and maintain recognized channels of communication between the staff, administration, and School Committee.

It is the Committee's desire that grievance procedures provide for prompt and equitable adjustment of differences at the lowest possible administrative level, and that each employee be assured opportunity for an orderly presentation and review of complaints and concerns.

Channels established will provide for the following:

1. That teachers and other school employees may appeal a ruling of a Principal or other administrator to the Superintendent.
2. That all school employees may appeal a ruling of the Superintendent to the Committee, except in those areas where the law has specifically assigned authority to the Principal and/or the Superintendent and Committee action would be in conflict with that law.
3. That all hearings of complaints before the Superintendent or Committee be conducted in the presence of the administrator who made the ruling that is the subject of the grievance.

The process established for the resolution of grievances in contracts negotiated with recognized employee bargaining units will apply only to "grievances" as defined in the particular contract.

SOURCE: MASC - Reviewed 2022

LEGAL REFS.: M.G.L. 150E:5 and 8

CONTRACT REFS.: All Contract Agreements

1st Read: January 2, 2024

2nd Read & Approval: February 15, 2024



Pembroke Public Schools

School Committee Policy Manual

POLICY GCA: PROFESSIONAL PERSONNEL

It is the Pembroke School Committee's intent to activate a sufficient number of positions to accomplish the school system's goals and objectives and to provide for the equitable staffing of each school building.

Each time a new position is established by the Pembroke School Committee, the Superintendent will present for approval a job description for the position. The Superintendent will maintain a comprehensive set of job descriptions for all positions.

The General Laws of the Commonwealth define the status of teacher contracts, the procedures for reviewing or terminating contracts, the rights and responsibilities of teachers and school committees in the area of contracts and procedures for dismissal, suspension, or termination of a teacher.

The contracts of all teachers in the school system shall be subject to the policies, rules, and regulations of the school district not in conflict with State laws or collective bargaining agreements between the Teachers Association and the School Committee.

LEGAL REFS: MGL 71:38-41

Replaces Policy 3.1

Revised and Adopted: July 18, 2017

Adopted May 19, 2004



Pembroke Public Schools

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POLICY GCE: PROFESSIONAL STAFF HIRING / POSTING OF POSITIONS

Through its employment policies and practices, the School Committee will endeavor to attract, secure, and hold the highest qualified personnel for all professional positions.

It is the responsibility of the Superintendent and other district administrators to determine District personnel needs and to recruit suitable candidate for employment. Through effective administrative procedures, the Superintendent and other district administrators, will employ personnel who possess the capability and motivation to do their best work and to be creative from their own inner resources.

All applications for employment either on a permanent or temporary basis shall be in writing, on the standard application provided, and shall be addressed to the Superintendent.

To be eligible for a teaching position, an applicant shall meet the certification requirements imposed by law and shall furnish satisfactory evidence of citizenship and/or legal right to work within the United States and previous relevant work experience, as required.

All employees must complete a satisfactory CORI check and provide required medical proof of a satisfactory physical within the past six months of employment. Evidence of a satisfactory completion of a CORI check must be provided every three years of all school employees in accordance with Massachusetts General Law.

Posting for professional staff positions which are not included in a negotiated agreement will be similar to the posting of vacancies for teachers and administrators.

Adopted March 6, 2007

Recoded from 3.35

1st Read: January 2, 2024

2nd Read & Adoption: February 15, 2024



Pembroke Public Schools

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POLICY GCG: SUBSTITUTE TEACHERS

The Pembroke Public Schools will employ as substitute teachers, to the extent possible, persons who meet the requirements for teacher appointments and will assign teachers substitute-teaching positions on the basis of their areas of competence. Preference shall be given to those who have full-time teaching experience and meet the certification requirements of the Department of Elementary and Secondary Education (DESE). When the supply of potential substitutes in a particular subject area is too limited to meet school needs, there will be active recruitment for substitutes in those areas. All substitute teachers will be expected to provide educational services, rather than to assume merely a student-supervisory role. They will be provided with as much support as possible by building administrators and teachers.

The Pembroke School Committee will set the daily rate for substitute teachers, including extended-term substitutes.

Replaces Policy 3.9

Revised and Adopted: July 18, 2017

Adopted: May 19, 2004



Pembroke Public Schools

School Committee Policy Manual

POLICY GCQF - SUSPENSION AND DISMISSAL OF PROFESSIONAL STAFF MEMBERS

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

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

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

LEGAL REFS.: M.G.L. [71:42](#); [71:42D](#)

Adopted March 6, 2007

Recoded from 3.5

1st Read: January 2, 2024

2nd Read & Adoption: February 15, 2024



Pembroke Public Schools

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POLICY GCRD: TUTORING OF STUDENTS BY PEMBROKE PUBLIC SCHOOLS STAFF

The Pembroke School Committee consistent with the Massachusetts Conflict of Interest Law prohibits the practice of staff members being paid to tutor or provide specialized services to their current students or students for whom they may become direct service providers in the following year. The policy in conjunction with the law also prohibits the tutoring or provision of services to students during the implementation of an Individualized Education Program the educator participated in drafting or implementing. Additionally, staff is prohibited from tutoring or providing services during a school year in which the staff member has participated in an evaluation process for special education or other student services for the student for which the student was found not eligible. Staff are prohibited from providing tutoring services in conflict with those proposed or not proposed with the school district.

Staff members may provide tutoring or specialized services only for students for whom they have no direct professional responsibilities towards. These services may not be in conflict with the staff member's role in the district or in conflict with the services provided by the district. Additionally, use of school facilities or school materials for tutoring or specialized services by staff members employed by the school department, or by any other outside agencies or persons, except as approved by the Superintendent in writing, is prohibited.

In order to eliminate any appearance of conflict staff members are required to notify their administration in writing of any services being provided at a fee to a student or their family, if there is a student enrolled in the building at which the staff member works.

For further information on Staff Conflict of Interest see Policy GBEA and Massachusetts Conflict of Interest Law.

Adopted March 6, 2004

Revised October, 2013

1st Reading: 4/29/2014

2nd Reading & Adoption: 5/27/2014

Recoded from GCQAB

1st Read: January 2, 2024

2nd Read & Adoption: February 15, 2024