

# Hastings-on-Hudson Public Schools

## Office of the Superintendent

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**William S. McKersie, Ph.D.**

*Superintendent of Schools*

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To: All District Employees

From: William S. McKersie, Ph.D.

Re: BOARD POLICIES

It is important to review several Board policies that relate to your responsibilities and rights as a district employee at Hastings-on-Hudson UFSD. Please read and keep for your records the following Board policies:

Policy#0100	Equal Opportunity and Nondiscrimination
Policy#0110	Sexual Harassment
Policy#2160	Code of Ethics for all District Personnel
Policy#5300 XV	Public Conduct on School Property
Policy#6830	Expense Reimbursements for Attendance at Meetings and Conferences
Policy#8630	Acceptable Technology Use
Policy#9170	Meals and Reimbursements at District Events
Policy#9610	Alcohol, Drugs and Other Substances (School Personnel)
Policy#9620	Child Abuse in an Educational Setting
Policy#9645	Allegations of Fraud

Each employee must sign and acknowledge below that he/she has received and read the above referenced policies. If you have any questions regarding these policies, please contact Maureen Caraballo for information or clarification.

After reading the attached policies, please sign, date below, and submit to the Central Office. I have received and read the Board policies listed.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Policy 0100 EQUAL OPPORTUNITY AND NONDISCRIMINATION

(formerly 3420, 6120, 7570, and 8130)

## REQUIRED POLICY

The Board of Education, its officers and employees, shall not discriminate in its programs and activities on the basis of legally protected classes, such as, but not limited to: race, color, national origin, creed, religion, marital status, sex (including pregnancy, childbirth, or related medical condition), age, sexual orientation, disability predisposing genetic characteristic, military work or status, domestic violence victim status, or use of a guide dog, hearing dog or service dog, as applicable. The district will provide notice of this policy in accordance with federal and state law and regulation.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

Additionally, to promote the district website's accessibility to staff, students, and members of the community with disabilities, the district will maintain a website that is accessible (or contains accessible alternatives) on perceivability, operability and understandability principles. The district's Assistant Superintendent of Curriculum and Instruction is responsible for considering the following when developing or updating the district website:

- Adding the text equivalent to every image;
- Posting documents in a text-based format such as HTML or RTF in addition to PDFs;
- Avoiding dictating colors and font settings;
- Including audio descriptions and captions to videos;
- Identifying other barriers to access; and
- Making other considerations when developing the district's website.

The Board of Education, its officers and employees shall not discriminate against students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression).

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the district code of conduct, the law or applicable contract.

Nothing in this policy shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

### Annual Notification

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice shall:

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression);
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The Compliance Officer has been designated to handle inquiries regarding the district's non-discrimination policies. Contact information for the Compliance Officer is available on the district's website. Complaints of sexual harassment or discrimination are covered by policy 0110.

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref:

0110, Sexual Harassment

5030, Student Complaints and Grievances

5300, Code of Conduct

9140.1, Staff Complaints and Grievances

Ref:

Age Discrimination in Employment Act of 1967 29 U.S.C. §621 et seq.

Americans with Disabilities Act, 42 U.S.C. §12101 et seq.

Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d et seq. (nondiscrimination based on race, color, and national origin in federally assisted programs)

Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. (nondiscrimination based on race, color, and national origin in employment)

Title IX, Education Amendments of 1972, 20 U.S.C. §1681 et seq. (nondiscrimination based on sex)

§504, Rehabilitation Act of 1973, 29 U.S.C. §794

Individuals with Disabilities Education Law, 20 U.S.C §§1400 et seq.

Genetic Information Nondiscrimination Act of 2008 P.L. 110-233

34 C.F.R. §§ 100.6, 104.8, 106.9, 110.25

Executive Law §290 et seq. (New York State Human Rights Law)

Education Law §§10-18(The Dignity for All Students Act)

Education Law §§313(3), 3201, 3201-a

Adoption date: 8.10.2020

Revised: 4.28.2021

Hastings-on-Hudson Union Free School District

## Policy 0110 SEXUAL HARASSMENT

(formerly 6121 Sexual Harassment of District Personnel and 7532 Sexual Harassment of Students)

### REQUIRED POLICY

The Board of Education recognizes that harassment of students, employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and certain “non-employees” (which includes contractors, subcontractors, vendors, consultants and other persons providing services pursuant to a contract, or their employees) on the basis of sex, gender and/or sexual orientation is abusive and illegal behavior that harms subjects of such behavior and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees and “non-employees” can work productively. The Board of Education recognizes that Title IX and its regulations prohibit discrimination on the basis of sex and the Board states that it does not discriminate on the basis of sex in the education program or activities. This statement relates to a student’s access to educational program(s) and activities and in the area of employment.

Sexual harassment is a form of sex discrimination that is unlawful under federal, state and local law. Sexual harassment includes harassment on the basis of actual or perceived or self-identified sex, sexual orientation, gender identity, gender expression and transgender status. Sexual harassment of a student can deny or limit the student's ability to participate in or to receive benefits, services, or opportunities from the school's program.

Sexual harassment includes one or more of the following:

- a. Conditioning a submission to unwelcome sexual conduct, either explicitly or implicitly, as a term or condition of an individual’s employment or a student’s education where submission to or rejection of such conduct is used as the basis for decisions affecting an individual’s employment or a student’s education;
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program(s) or activit(ies)<sup>1</sup>; or
- c. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation (0110-R).

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

Sexual harassment may subject the district to liability for harm done to subjects of such behavior. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, students, employees and “non-employees” have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the references section. Additionally, local laws (e.g., county, city, town, village) may apply to the district. The district’s Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and gender.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all subjects of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. To that end, the Board will annually appoint a Title IX coordinator, and notification will be made as to who that official is on the District's website. The district will promptly investigate all complaints of sexual harassment, either formal or informal. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the district will determine if accommodations need to be made until the issue is resolved.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. Notice of the identity of the Title IX coordinator, his/her office address and telephone number, this policy, and the procedures by which an individual can file or report sexual harassment and how the District will respond, shall be made to applicants for employment; students; parents or legal guardians; unions or professional organizations that have contracts with the District. The Superintendent is directed to publish a notice of non-discrimination and the Title IX coordinator's identity and contact information on the District's website and any handbooks provided to students and/or staff.

In addition, training programs shall be established that occur annually for employees and periodically for students, to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment. Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

If, after appropriate investigation, the district finds that a student, an employee, "non-employee" or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, district policy and state law. Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation. Mandatory arbitration clauses are prohibited in all district contracts and agreements.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

This policy shall be posted in a prominent place in each district facility, on the district's website, and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

The Board shall periodically review this policy and implementing regulation.

Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*

Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*

U.S. Education Law 20 U.S.C. 1092(f)(6)(A)(v)

US Crime Control and Law Enforcement Law 34 U.S.C. 12291(a)(10)

US Crime Control and Law Enforcement Law 34 U.S.C. 12291(a)(8)

US Crime Control and Law Enforcement Law 34 U.S.C. 12291(a)(30)

Executive Law §296-d

Labor Law §201-g

Civil Practice Law and Rules §§5003-b, 7515

General Obligations Law §5-336

*Davis v. Monroe County Board of Education*, 526 U.S. 629, 652 (1999)

*Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998)

*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)

*Burlington Industries v. Ellerth*, 524 U.S. 742 (1998)

*Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)

*Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992)

*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)

Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*

Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues (2006)*

Office for Civil Rights, *Dear Colleague Letter: Bullying (October 26, 2010)*

Adoption date: 12/18/13

(policy 6121 was adopted 1/13/03 and revised 11/15/10; policy 7532 was adopted 3/14/05)

Revised: 8.10.2020

Hastings-on-Hudson Union Free School District

1. The District's obligation to address sexual harassment may be limited depending upon whether it exhibits substantial control over both the alleged harasser and the context in which the harassment occurs.

# Policy 2160 CODE OF ETHICS FOR ALL DISTRICT PERSONNEL

(formerly 6110)

## REQUIRED POLICY

The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any Board member, officer, or employee may call into question the integrity of the management or operation of the District. Officers are defined as those who hold positions within the Board (i.e., President, Vice President) and those who have an official position in the District (i.e., District Treasurer, Deputy Treasurer, District Clerk, Tax Collector, and/or Claims Auditor).

The Board recognizes that sound, ethical standards of conduct serve to increase the effectiveness of District officers and staff as educators and public employees in the community. Adherence to a code of ethics promotes public confidence in the schools and furthers the attainment of district goals.

The Board also recognizes its obligation to adopt a code of ethics setting forth the standards of conduct required of all Board members, district officers, and employees under the provisions of the General Municipal Law. Therefore, every Board member, officer, and employee of the District, whether paid or unpaid, shall adhere to the following code of ethics.

### Statutory Conflicts of Interest

It is a conflict of interest for a Board member, officer, or employee to benefit personally from contracts made in their official capacity.

- "*Contract*" is defined broadly to include any claim or demand against the district or account or agreement with the District, whether expressed or implied which exceeds the sum of \$750.00 in any fiscal year.
- An "*interest*" is defined as a direct or indirect benefit that runs to the employee as a result of a contract with the district.

No Board member, officer or employee shall have an "*interest*" (i.e., receive a direct or indirect benefit as the result of a contract with the District) in:

- a firm, partnership or association in which he/she is a member or employee;
- a corporation in which he/she is an officer, director or employee;
- a corporation in which he/she, directly or indirectly, owns or controls 5% or more of the stock;
- a contract between the district and his/her spouse, minor child, or dependents, except for an employment contract between the school district, a spouse, minor child, or dependent of a Board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.

### Gifts

A Board member, officer, or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of seventy-five dollars (\$75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

However, the Board welcomes and encourages the writing of letters or notes expressing gratitude or appreciation to staff members. Gifts from children that are principally sentimental in nature and of insignificant financial value may be accepted in the spirit in which they are given.

### Confidential Information

A Board member, officer, or employee shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest. This includes matters discussed in executive session. However, the Board, acting as a whole, may decide to disclose such information where disclosure is not prohibited under the law.

#### Representation Before the Board or District

A Board member, officer, or employee shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before the District.

#### Disclosure of interest in Matters Before the Board

A Board member, officer, or employee of the district, whether paid or unpaid, must publicly disclose the nature and extent of any interest they or their spouse have, will have, or may later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the District (including oral agreements), to the governing body and his or her immediate supervisor (where applicable) even if it is not a prohibited interest under applicable law. Such disclosure must be in writing and made part of the official record of the District. Disclosure is not required in the case of an interest that is exempted under Section 803(2) of the General Municipal Law. The term "interest" means a pecuniary or material benefit accruing to an officer or employee.

#### Investments in Conflict with Official Duties

A Board member, officer, or employee shall not invest or hold any investment directly in any financial, business, commercial or other private transaction that creates a conflict with his or her official duties. Exceptions to the conflict of interest law can be found in Section 802 of the General Municipal Law (see 2160-E.1).

#### Private Employment

A Board member, officer, or employee shall not engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

#### Future Employment

A Board member, officer, or employee shall not, after the termination of service or employment with the District, appear before the Board in relation to any action, proceeding, or application in which he or she personally participated during the period of his or her service or employment or that was under his or her active consideration.

#### Involvement with Charitable Organizations

A Board member, officer, or employee may be involved as a volunteer, officer, or employee in a charitable organization that has a relationship with the District. If a Board member is a board member, officer or employee of the charitable organization, the Board member must disclose such relationship in writing to the District, and the Board member must recuse himself or herself from any discussions or votes relating to the charitable organization that may come before the Board. When participating in the activities of the charitable organization, the Board member, officer or employee shall not disclose any confidential information learned in the course of his or her official duties or use such information to further personal interests. Additionally, the Board member, officer or employee shall not make representations on behalf of the District unless specifically authorized to do so by the Board.

#### Distribution of Code of Ethics

The Superintendent of Schools shall cause a copy of this Code of Ethics to be distributed to every Board member, officer, and employee of the District. Each Board member, officer, and employee elected or appointed

thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. In addition, the Superintendent shall ensure that a copy of Article 18 of the General Municipal Law be posted in each building in the District in a place conspicuous to Board members, officers, and employees.

### Penalties

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates any of the provisions of this code of ethics may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

### Ref:

General Municipal Law §§806-808

Opn. St. Comp. 2008-01

*Application of the Board of Education*, 57 EDR Dec. No. 17,147 (2017)

*Application of Nett and Raby*, 45 EDR 259 (2005)

Adopted: 1/13/03

Revised: 5/23/11

Revised: 2/5/14

Revised: 3/19/18

Hastings-on-Hudson Union Free School District

## **XV. Public Conduct on School Property**

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property, in remote learning, and at school functions. For purposes of this section of the code, “public” shall mean all persons when on school property, in remote learning, or attending a school function including students, teachers and District personnel. The restrictions on public conduct on school property, in remote learning, and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The District recognizes that free inquiry and free expression are indispensable to the objectives of the District. The purpose of this code is to maintain public order and prevent abuse of the rights of others. All persons on school property, in remote learning, or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property, in remote learning, or attending a school function are expected to be properly attired for the purpose they are on school property.

### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
44. Distribute or wear materials on school grounds, in remote learning, or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate or harass any student or discriminate against any student on the basis of actual or perceived race, color, weight, creed, national origin, ethnic group, religion, age, religious practice, gender (identity or expression), sex, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property, in remote learning, or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school District.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school District officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this code.

16. Violate any federal or state statute, local ordinance or Board policy while on school property, in remote learning, or while at a school function.

## **B. Consequences**

Persons who violate this code shall be subject to the following consequences:

1. Visitors. Their authorization, if any, to remain on school grounds, in remote learning, or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020a or any other legal rights that they may have, and as prescribed by the applicable collective bargaining agreement.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75 and as prescribed by the applicable collective bargaining agreement. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have as prescribed by the applicable collective bargaining agreement.

## **C. Enforcement**

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code. When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property, in remote learning, or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The District shall initiate disciplinary action against any student or staff member, as appropriate, with the "Consequences" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the code.

Hastings-on-Hudson Union Free School District

## **Policy 6830 EXPENSE REIMBURSEMENTS FOR ATTENDANCE AT MEETINGS AND CONFERENCES**

(formerly 5810)

### Expense Reimbursement for Cost of Attending Meetings and Conferences

District employees, officials and Board of Education members will be reimbursed for reasonable out-of-pocket expenses incurred for attending approved meetings and conferences. Approval shall be the responsibility of the Superintendent of Schools or, in the case of a Board member, the Board of Education.

Reimbursement shall be only for actual and necessary expenses. Detailed, original providers' receipts must be provided to obtain reimbursement, with the exception(s) noted below. The Assistant Superintendent for Business may at his or her discretion accept a signed statement if an original receipt cannot be located.

Reimbursable expenses include transportation to and from the event, travel essential to the event (at mealtime, e.g.), registration, room and board.

The IRS mileage rate shall be used to reimburse the use of personal vehicles.

Gratuities for meals or taxi fare shall not exceed 20% of cost.

The District may pay the full cost of registration for approved attendance at a conference, convention, or meeting.

The District does not reimburse personal expenses including, but not limited to, alcoholic beverages, loss of or damage to personal property, tobacco, child care, personal telephone calls.

### Expense Reimbursement for Cost of Traveling to School Related Activities

District employees, officials, and members of the Board of Education will be reimbursed for reasonable out-of-pocket expenses incurred while traveling for approved school-related activities. The Superintendent shall determine whether attendance by District staff at any conference or professional meeting is in the best interest of the District and eligible for reimbursement of expenses under this policy.

Only expenses necessary to the purpose of the travel shall be reimbursable. Transportation costs such as taxi cabs are allowable only for essential transportation. Mileage will be paid at the rate fixed annually by the Board. Tax exemption certificates shall be issued and utilized as feasible.

To obtain reimbursement, the claimant must complete and sign an expense statement, attach all original receipts for which reimbursement is claimed, and the original approved conference attendance request form and submit this documentation to the appropriate administrator.

Board members shall submit requests for reimbursement to the Board President, who shall approve or disapprove with the consent of the Board. Reimbursement for travel expenses incurred by the Superintendent of Schools shall be approved by the president of the Board of Education. The Superintendent shall approve reimbursement of expenses for attendance at meetings and conferences by central office administrators and building principals. The building principals and/or the Treasurer shall approve reimbursement of expenses for all other personnel.

### Expense Reimbursement for Meals

When an employee's incurs the cost of a meal as part of authorized professional activities, reasonable expense will be reimbursed by the District.

Authorized activities include dining with a consultant employed by the District, committee work that extends through a regular mealtime, meetings that cannot reasonably be scheduled at a time other than mealtime, and other activities that occur at mealtime because it is advantageous to the District for employees to work at that time.

Meal costs may be reimbursed to an employee who is required to remain in the District beyond normal working hours to attend evening meetings or study sessions of the Board of Education, or other meetings at the request of

the Superintendent, or attending approved meetings and conferences, on per diem, based on the M&IE breakdown (meals and incidental expenses) established by the federal government in [gsa.gov/perdiem](http://gsa.gov/perdiem).

Requests for reimbursement and original receipts shall be submitted for approval to the Principal and Business Office. The Business Office shall make final determinations about request approvals.

Exceptions to these guidelines for employees may be granted only by advance request to the Superintendent, the Director of Finance, or an individual delegated by the Superintendent. As appropriate, the Superintendent shall establish regulations to implement this policy.

Ref.:

Education Law Sec 1604(27); 1709(30); 1804; 2118; 3023; 3028

General Municipal Law 77-b

Adopted: 11-21-05

Revised: 12-11-06

Revised: 2/5/14

Hastings-on-Hudson Union Free School District

## Policy 8630 ACCEPTABLE TECHNOLOGY USE

(formerly 6470)

The intent of the Hastings-on-Hudson Union Free School District is to make access to technology available to further the district's educational goals and objectives. To this end, the use of a technology account and/or access must be consistent with the educational objectives of the Hastings-on-Hudson Union Free School District.

### Staff Responsibilities

Technology users agree to follow the District Acceptable Use Policy when using Technology provided by the Hastings-on-Hudson Public Schools. Staff and other users of District technology agree to abide by the following regulations:

- 1) Use of the District computer network must be in support of education and research.
- 2) Staff use of the District's computer system ("DCS") is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to insure acceptable use of the DCS. All such agreements shall be kept on file in the District office.
- 3) To transmit, load, or knowingly receive any materials in violation of any United States or state laws and/or regulations is prohibited. This includes, but is not limited to, the following: copyrighted material, threatening, harassing, pornographic or obscene material, material protected by trade secret, or copyright and other intellectual property laws.
- 4) Network accounts are to be used only by the authorized owner of the account. Users shall not seek to learn or change or share other users' passwords, modify other users' files or data, or otherwise impersonate other users of the network.
- 5) Each user will be responsible for any action performed under his or her login name, regardless of whether he or she performed the action.
- 6) Users shall not intentionally disrupt the use of the network or devices attached to the network.
- 7) Users agree that hardware, software, or other network devices or resources shall not be destroyed, modified, damaged, or abused in any way.
- 8) Malicious use of network or the Internet to harass other users, infiltrate a computer or computer system, damage the software components of a computer or computer system (e.g., to create viruses) is prohibited.
- 9) The use of electronic resources is a privilege, not a right, and inappropriate use will result in cancellation of network privileges. Users are required to follow District policy and network procedures. The supervising staff member will determine what is appropriate, and the user may have his or use denied, revoked or suspended.
- 10) Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The computer coordinator may access all such files and communications to insure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should NOT expect that information stored on the DCS will be private.
- 11) Software is protected by copyright and other laws: therefore users will not make unauthorized copies of software or media found on school computers, nor give, lend, or sell copies of software to others unless they have the written permission of the copyright owner or the original software is clearly identified as "shareware" or in the public domain.

12) Users shall not download or install software on District computers without written authorization from the Director of Technology or persons authorized to manage the network.

13) Users should follow the copyright and fair use guidelines when utilizing information from the Internet. These guidelines include proper citation and attribution when referring to download text, images, and other media.

14) Users information is confidential. Users should not reveal any identifying personal information such as their name or email address to others.

15) Posting by any District employee of any photographs or video featuring students, with or without identifying the student by name, on the District website, newsletters and emails will only be allowed if the parent or person in parental relation has not signed the District's "opt out" form. This form is included in the information packet mailed to families prior to each school year. Signing it signifies that a child's image may not be used in any of the above formats. Regardless of the parent's opt-out choice, no use of student photos and videos is permitted on social media by any employee of the district.

16) Users may not access or participate in chat rooms, blogs, online discussion groups or social networking site unless prior approval from appropriate personnel/staff is received.

17) The use of district technology for commercial purposes is prohibited.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

Demonstrated intent to violate policy will be considered the same as an actual policy violation. Demonstrated intent means evidence such as actions that if successful or if carried out as intended, would result in a policy violation. Failure to abide by the above policy will result in suspension of technology access privileges, financial liability for damages, other disciplinary action, and in some circumstances, may result in criminal liability.

#### District Responsibility

The Hastings-on-Hudson Union Free Public Schools will allocate resources in an effort to provide a safe internet experience for all users. This Acceptable Use Policy is adopted and enforced in furtherance of that goal. However, it is important to note that, even though the District may use technical or manual means to regulate access and information including internet filters to help prevent users from accessing inappropriate information on the internet in accordance with the Children's Internet Protection Act [Pub. L. 106-554 and 47 USC 254(h)], these methods do not provide a fool proof means of enforcing the provisions of this policy and its goals. In accordance with the CIPA legislation, filtering may be disabled by staff for purposes of bona fide research when prior written approval is provided by the Director of Technology and/or an authorized network administrator.

Adopted: 01-13-03

Revised: 06-18-07

Renumbered: 2/5/14

Revised: 1/22/18

Hastings-on-Hudson Union Free School District

## **Policy 9170 MEALS AND REFRESHMENTS AT DISTRICT EVENTS**

(formerly 5810)

The Superintendent and his delegate(s) are authorized to provide meals and/or refreshments at District and school meetings and/or other school events that have an educational purpose. Vendors shall be selected considering quality of service and price and district personnel shall make an effort to patronize local establishments where feasible.

Any expenditure for such meals and/or refreshments must be approved in advance by the appropriate building administrator and shall be documented with a receipt, itemized whenever possible, and submitted to the District Business Office for audit and possible reimbursement.

Examples of authorized expenditures include but are not limited to refreshments at teacher convocation at the start of the year, staff recognitions, Superintendent's Conference Day, community/district meetings, test grading sessions, back-to-school nights, receptions for volunteers, Board of Education meetings, and other meetings at which authorized school business is conducted.

As appropriate, the Superintendent shall establish regulations to implement this policy.

Ref:

Education Law Sec 1604(27); 1709(30); 1804; 2118; 3023; 3028

General Municipal Law 77-b

Adopted: 11-21-05

Revised: 12-11-06

Renumbered: 2/5/14

Hastings-on-Hudson Union Free School District

## Policy 9610 ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

(formerly 6150)

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board, therefore, prohibits the consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit and designer drugs or alcoholic beverages in the workplace, or when the effects of such drugs may impair an employee's job performance. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

Information about any drug and alcohol counseling and/or rehabilitation programs shall be made available to employees. Data will also include the range of penalties, (consistent with local, state and federal law), up to and including termination of employment and referral for prosecution that will be imposed on employees who have transgressed the terms of this policy

Additionally, confidentiality shall be insured as required by state and federal law.

The Superintendent shall periodically review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Ref:

Education Law Sections 913, 1711(2)(e), and 3020-a

Civil Service Law Section 75

Safe and Drug-Free Schools and Communities Act as reauthorized by the No Child Left Behind Law of 2001  
20 United States Code (USC) Section 7101 et seq.

NOTE: Refer also to Policies

#5300 -- Code of Conduct on School Property

#9340 -- Employee Assistance Program

#5440 -- Alcohol, Tobacco, Drugs and Other Substances (Students)

District Code of Conduct on School Property

Adopted: 1/13/03

Renumbered: 2/5/14

Hastings-on-Hudson Union Free School District

## Policy 9620 CHILD ABUSE IN AN EDUCATIONAL SETTING

(formerly 7531)

The Board of Education recognizes that children have the right to an educational setting that does not threaten their physical and emotional health and development. Child abuse by school personnel and school volunteers violates this right and therefore is strictly prohibited.

Allegations of child abuse by school personnel and school volunteers shall be reported in accordance with the requirements of Article 23-B of the Education Law.

### Required Reporters

Any person holding any of the following positions shall be required to promptly report written and oral allegations of child abuse in an educational setting:

- school administrator
- teacher
- school nurse
- school guidance counselor
- school psychologist
- school social worker
- other school personnel required to hold a teaching or administrative license or certificate
- school board member
- licensed and registered physical therapist
- licensed and registered occupational therapist
- licensed and registered speech-language pathologist
- teacher aide
- school resource officer
- any staff whose duties involve direct student contact and who is paid either by a school district or contracted to provide transportation services to children; or
- who is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law.

For purposes of this policy, persons holding these positions shall be referred to as "required reporters."

### Definitions

"Educational setting" means the buildings and grounds of the district, the vehicles provided by the district to transport students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee and volunteer and a child has allegedly occurred.

"Administrator" or "school administrator" shall mean a principal of, or the equivalent title, in a public school, charter school or board of cooperative educational services, or other chief school officer.

"Employee" means any person who is receiving compensation from a school district. Additionally, for the purpose of this policy, one whose duties involve direct student contact and is receiving compensation from any person or entity that contracts with a school to provide transportation services to children or is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, whereby such services performed by such person involve direct student contact.

"Law enforcement authorities" means any officer or office of municipal, sheriffs, or division of the state police department.

"Parent" means either both of a child's parents or other persons legally responsible for the child.

"School" generally means any school district, public school, charter school, non-public school board of cooperative educational series or special act school district and additional entities as defined by section 1125(10) of Education Law.

"Volunteer" means any person, other than an employee, who has direct student contact and provides services to a school or school district which involve direct student contact and who provides services to any person or entity which contracts with a school to provide transportation services to children.

"Child" means a person under the age of 21 enrolled in a New York State school district,

"Child abuse" means any one of the following acts committed in an educational setting by an employee or volunteer against a child:

- intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- intentionally or recklessly engaging in conduct that creates a substantial risk of physical injury, serious physical injury or death; or
- any child sexual abuse as prohibited by sections 130 or 235 of the Penal Law; or
- the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

### Reporting Requirements

In any case where a written or oral allegation of child abuse by an employee or volunteer in an educational setting is made to a required reporter, the required reporter shall:

1. promptly complete the required State Education Department report form; and
2. personally deliver it to the Principal of the school in which the child abuse allegedly occurred.

If the allegation involves a child who was allegedly abused by an employee or a volunteer of a school in another school district, the required reporter must promptly forward the report form to the Superintendent of the district of attendance and the Superintendent of the school district where the abuse allegedly occurred (if different).

If an allegation is made to a school bus driver employed by a person or entity that contracts with a school to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, such driver shall promptly report to his or her supervisor.

If an allegation is made to a supervisor of a school bus driver employed by a person or entity that contracts with a school to provide transportation services to children, that a child has been subjected to child abuse by an employee or volunteer in an educational setting, such supervisor shall promptly complete a written report on the attached form (9620-E.1) and shall personally deliver it to the school district superintendent employed by the school district where the child abuse occurred.

If an allegation is made which involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate superintendent of schools, shall be notified of the allegation.

Upon receiving a written report, the Principal shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. In those circumstances where the Superintendent receives the written report directly, he or she will be responsible for making the reasonable suspicion determination.

In any case where the employee the allegation is being made against is the superintendent or the administrator, the report of such allegations shall be made to the district board of education president or vice president.

If the Principal/Superintendent determines there is reasonable suspicion to believe that an act of child abuse has occurred, he or she shall promptly notify the parent of the alleged child victim (assuming that the parent is not the person who originally reported the alleged abuse) that an allegation of child abuse in an educational setting has been made and promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Regulations of the Commissioner of Education.

If the person making the allegation of abuse is someone other than the child or the child's parent, the Principal/Superintendent shall contact the person making the report to learn the source and basis for the allegation.

The Principal shall also promptly provide a copy of the written report to the Superintendent and send a copy to the appropriate law enforcement authorities. In no event shall the Principal delay in sending the report to law enforcement because of an inability to contact the Superintendent.

The Superintendent shall send to the Commissioner of Education any written report forwarded to the local law enforcement authorities where the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the department.

### Rights of Employees and Volunteers

Any employee or volunteer against whom an allegation of child abuse has been made and against whom the district intends to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations. In addition, such persons are entitled to seek disclosure of reports involving them under the Freedom of Information Law.

### Confidentiality

All reports, photographs, and other written material submitted pursuant to this policy and Article 23-B of the Education Law shall be confidential and may not be redisclosed except to law enforcement authorities involved in investigating the alleged abuse or except as expressly authorized by law or pursuant to a court-ordered subpoena. The Principal and Superintendent shall exercise reasonable care to prevent unauthorized disclosure.

Willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review such record is a class A misdemeanor.

### Penalties

Willful failure of an employee to prepare and submit a written report of alleged child abuse required by Article 23-B of the Education Law shall be a class A misdemeanor.

Willful failure of any Principal or Superintendent to submit a written report of alleged child abuse to an appropriate law enforcement authority, as required by Article 23-B of the Education Law, shall be a class A misdemeanor. In addition, the Commissioner of Education may, following an administrative determination, impose a civil penalty of up to five thousand dollars on any administrator who fails to submit a report of child abuse to an appropriate law enforcement authority.

The law further prohibits any Principal or Superintendent from agreeing to withhold from the appropriate law enforcement authorities, a superintendent or the Commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to \$20,000.

### Record Retention

Any report of child abuse by an employee or volunteer that does not result in a criminal conviction shall be expunged from the records kept by the district with respect to the subject of the report after five years from the date the report was made.

### Training

The Superintendent shall be responsible for establishing and implementing on an ongoing basis a training program for all current and new required reporters on the procedures required under Article 23-B. The program shall include at a minimum information regarding the physical and behavioral indicators of child abuse and maltreatment, reporting requirements including but not limited to, when and how a report must be made, what other actions the reporter is can and should take, the legal protections afforded reporters, and the consequences for failing to report, and any other elements as specified in Commissioner's regulations.

Further, all persons employed on or after July 1, 2019 as a school bus driver employed by any person or entity that contracts with a school to provide transportation services to children shall be required to complete two hours of coursework or training (from an approved provider) regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment, reporting requirements including but not limited to, when and how a report must be made, what other actions the reporter is can and should take, the legal protections afforded reporters, and the consequences for failing to report. Each employee in such titles shall provide the school administrator of the school with documentation showing that he or she completed the required training. In addition, each school bus driver shall provide such contracting person or entity with documentation showing that he or she completed the required training. The department shall be authorized to request such records on a periodic basis and may publish a list of any persons or schools who are not in compliance with this subdivision on its website.

The coursework or training required by this section shall not apply to those persons already required to undergo coursework or training regarding the identification and reporting of child abuse and maltreatment pursuant to sections three thousand three and three thousand four of this chapter.

### Ref:

Education Law §§1125-1133

Penal Law §§130, 235, 263

8 NYCRR §100.2(hh) (Reporting of Child Abuse in an Educational Setting)

*Appeal of S.S.*, 42 EDR 273 (2003)

Adoption date 6/6/11

Renumbered: 2/5/14

Revised: 1/13/2020

Hastings-on-Hudson Union Free School District

## **Policy 9645 ALLEGATIONS OF FRAUD**

(formerly 5571)

### **Reporting and Investigations of Allegations of Fraud**

All Board members and officers, District employees and third party consultants are required to abide by the District's policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of District operations and practices. Any individual who has reason to believe that financial improprieties or wrongful conduct is occurring within the School System is to disclose such information according to the reporting procedures established by the District. The reporting procedures will follow the chain of command as established within the department or school building or as enumerated in the District's Organizational Chart. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the investigating official, the report shall be made to the next level of supervisory authority. If the chain of supervisory command is not sufficient to ensure impartial, independent investigation, allegations of financial improprieties/fraud and/or wrongful conduct will be reported as applicable, to the Internal Auditor (if available), or the Independent (External) Auditor, or the School Attorney, or the Board of Education. The District's prohibition of wrongful conduct, including fraud, will be publicized within the District as deemed appropriate; and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board or designated employee(s) will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected wrongful conduct, if the District has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.

Based upon the results of this investigation, if the District determines that a school official has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, District policy and regulation, and any applicable collective bargaining agreement. Third parties who are found to have engaged in financial improprieties/fraud and/or wrongful conduct will be subject to appropriate sanctions as warranted and in compliance with law. *The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted. Rather, when school officials receive a complaint or report of alleged financial improprieties/fraud and/or wrongful conduct that may be criminal in nature, law authorities should be immediately notified.*

An appeal procedure will also be provided, as applicable, to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable investigating officer(s).

### **Protection of School Employees who Report Information Regarding Illegal or Inappropriate Financial Practices**

Any employee of the School District who has reasonable cause to believe that the fiscal practices or actions of an employee or officer of the District violates any local, state, federal law or rule and regulation relating to the financial practices of the District, and who in good faith reports such information to an official of the District, or to the Office of the State Comptroller, the Commissioner of Education, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Further, neither the School District, nor employee or officer thereof, shall take, request, or cause a retaliatory action against any such employee who makes such a report.

The Board prohibits any retaliatory behavior directed against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practices or actions. Follow-up

inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

**Knowingly Makes False Accusations**

Any individual who *knowingly* makes false accusations against another individual as to allegations of financial improprieties/fraud may also face appropriate disciplinary action.

Education Law Section 3028-d

Adopted: 03-13-06

Revised: 01/12/09

Renumbered: 2/5/14

Revised & Adopted: 9/8/15

Hastings-on-Hudson Union Free School District