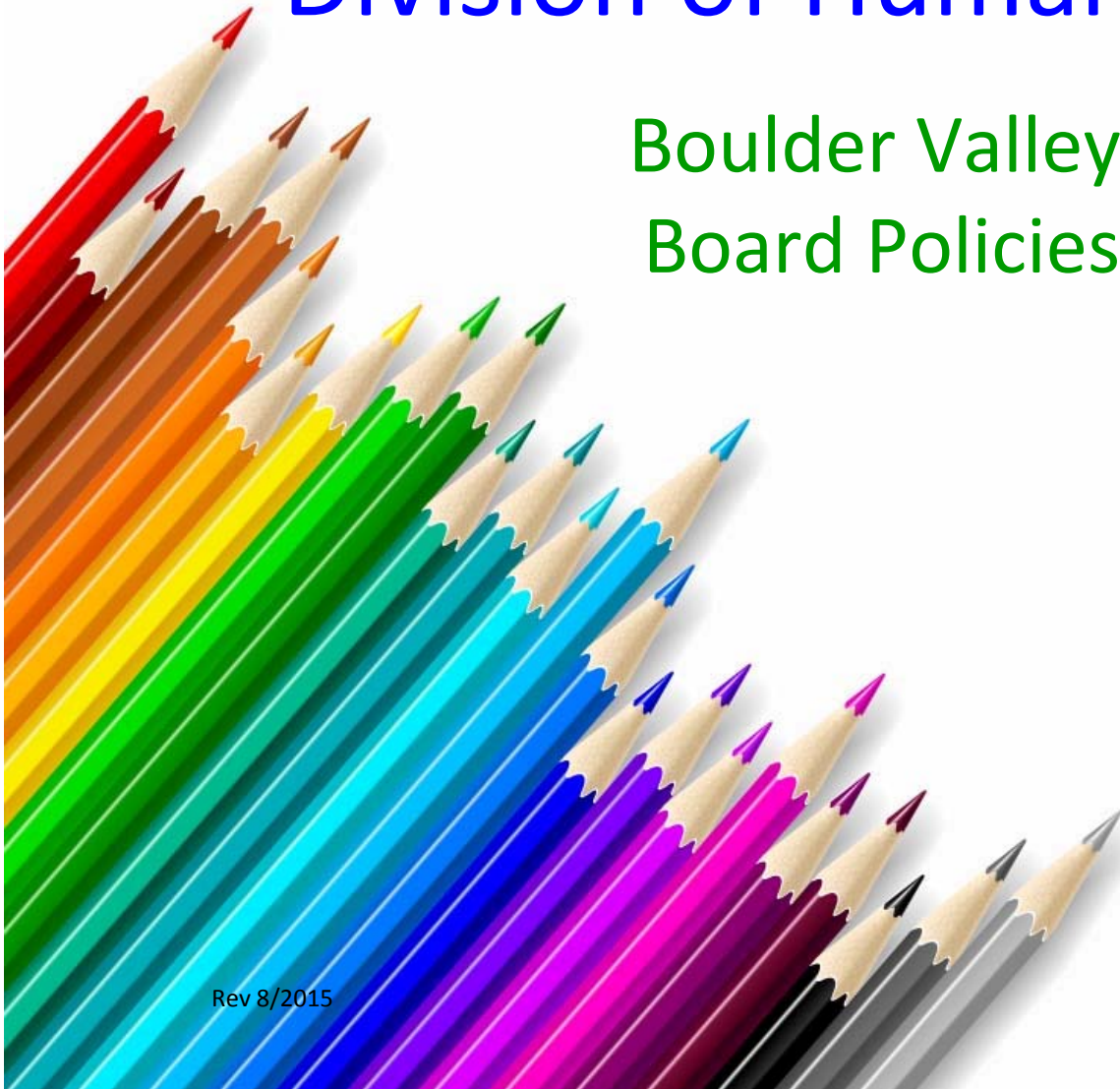


Division of Human Resources

Boulder Valley School District Board Policies & Regulations




Rev 8/2015



Every Employee's Responsibility to Address Bullying & Harassment

- Be on the lookout for bullying, including cyberbullying (recognize signs of bullying)
- Intervene by:
 - Say “stop that” or “we don’t do that”
 - Separate students involved
 - Avoid physical intervention
 - Let students know you are aware of behavior
 - Don’t immediately discuss reason(s)
 - Help bystanders understand what happened (after resolution) to prevent future incidents
- Report the incident to the principal
- Help promote a district culture of acceptance and respect

Non-discrimination

- 
- Policy AC
 - Regulation AC-R
 - Provides employee protection
 - Includes protection for gender identity/expression
 - No retaliation for good faith reporting
 - Outlines district commitment
 - Provides procedures to resolve conflicts
 - AC-E2 Report Form



Non-discrimination Laws (federal)

Civil Rights Act of 1964 & 1991

Age Discrimination in Employment Act of 1967

Americans with Disabilities Act of 1990, revised ADAAA 2008

Pregnancy Discrimination Act of 1978

Rehabilitation Act of 1973

Immigration Reform & Control Act of 1986

Genetic Information Nondiscrimination Act of 2008

Sexual Orientation Included in Title VII Sex Discrimination 2015

- Many state and city laws/ordinances also affect employment



Discrimination Prevention

Avoid behavior that could be perceived as offensive:

- Criticizing, hostility or aversion toward someone based on any characteristic protected by law, that
 - has the purpose or effect of creating an intimidating, hostile or offensive work environment
 - has the purpose or effect of unreasonably interfering with an individual's work performance
 - otherwise adversely affects an individual's employment opportunities
- Avoid grouping students or employees by gender or other protected group
- Using epithets, slurs or negative stereotyping
- Threatening, intimidating or hostile acts
- Making discriminatory jokes
- Placing written or graphic material that belittles or shows hostility or aversion toward an individual or group on walls or elsewhere on BVSD premises, or circulating in the workplace (includes email)
- Proselytizing in the workplace
- Discriminating against caregivers or parents with young children

Sexual Harassment

- Policy GBCC
 - Defines sexual harassment
 - Quid pro quo
 - Hostile environment
 - Outlines complaint process
 - Provides protection for all employees



Sexual Harassment

- Sexual harassment is a form of sex discrimination that violates Title VII of the 1964 Civil Rights Act as amended in 1972
- Sexual harassment consists of behavior that has the effect of unreasonably interfering with a person's work performance
 - Unwanted, unwelcome sexual advances or sexual conduct in the workplace when submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions
 - An intimidating, hostile, humiliating or sexually offensive work environment
 - Does not have to impact a tangible job benefit



Sexual Harassment Prevention

Avoid behavior that has sexual overtones, including:


- Unwelcome hugging, touching, kissing, patting, stroking, grabbing, pinching
- Invading a person's space or blocking someone's path
- Complimenting a person's body
- Staring, sizing up a person's body
- Suggestive expressions or sounds (winking, licking lips, whistling)
- Making derogatory remarks of a sexual nature or based on gender
- Asking questions about a person's sex life
- Asking to date someone who has previously said *no*
- Decorating work area inappropriately - posters, cartoons, pictures or other items that someone could find offensive
- Sexual humor, including sexual jokes, using puns
- Spreading rumors about someone's personal or sex life
- Discussing sexual topics in the workplace





Reporting Child Abuse/Neglect


- Be aware of signs of child abuse
- Policy JHG
 - Defines child abuse
 - Gives direction for employees
 - Mandatory reporting for reasonable cause to know or suspect or have observed a child being subjected
 - Outlines procedures for reporting
 - Explains investigations
- Colorado Child Protection Act of 1987
 - Failure to report is a punishable misdemeanor
 - Confidentiality requirement
- Report immediately (same day) to supervisor and school administrator; call police or social services personally
 - It is ultimately **your** duty to report



To Whom Do You Report Abuse/Neglect?

- Department of **Social Services** (intrafamilial or child to child abuse)
- Local **law enforcement** agency (third party abuse or if the abuse is in progress)
- Your **building principal and/or supervisor, who (ONLY in the case of suspected third party abuse) will notify the parent or legal guardian**
- If the suspected **perpetrator is a BVSD employee**, also contact a **Director of Human Resources**
 - **Do not discuss with alleged perpetrator**

Student Discipline

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- Policy JG
 - Discourages physical contact with students
 - Outlines reasonable and appropriate physical intervention in certain circumstances
 - Sets reporting expectations
 - Regulation JKA-R, Use of Physical Intervention and Restraint
 - Ask for assistance when needed



Employee Suspension & Dismissal

- Policy GDPD
 - Outlines process
 - Provides reasons for “just cause” (not all inclusive)
 - Provides guidance to employees and supervisors

Staff Conduct/Ethics/ Conflict of Interest

- Policies GBCB, GBC, GBEA
 - Outline ethical principles
 - Set employee expectations
 - Provide specific direction re: various issues







Smoke Free/Drug Free/Alcohol Free Workplace

- Policy GBEB
 - An explicit condition of employment
 - Explains what is meant by “Drug-Free” Workplace
 - Gives direction regarding discipline

Staff Protection

- 
- Policy GBEA-R
 - Identifies types of incidents
 - Assault, disorderly conduct, harassment , false child abuse allegation, alleged CO Criminal Code offense toward school employee by student
 - Student damages to school employee’s personal property
 - Outlines procedures
 - Report incident to building principal or immediate supervisor
 - Governmental Immunity
 - Governmental Immunity does not protect from criminal charges



District Technology and Staff Use of Electronic Mail


- **Policy GBEE**

- Defines technology
- Sets appropriate and acceptable use and modeling expectations
- Ties use of technology to conduct and employee responsibility


- **Policy EGAEA**

- Employees required to sign Acceptable Use Agreement
- Annual notification via email of terms and agreement

Technology Cautions

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- No expectation of privacy
 - Email communication often subject to Open Records request
 - Use student initials in emails; call or meet in person with sensitive issues
 - Log in to computer using personal password and lock computer or log out if stepping away from computer
 - Hint: Hold down Windows flag button (next to Ctrl button) and press L button
 - Double check to: and cc: list before sending email
 - Messages might be forwarded by others (and edited before forwarding)
 - Personal business may not be conducted via district computer
 - Check district assigned email daily for district and parent emails – expectation they're read
 - Do not communicate with students using
 - Text messaging
 - IM (instant messaging)
 - Social networking
 - Personal/home email account
 - Avoid sending pictures
 - Use BVSD sanctioned blogs
 - Parameters & filters in place
 - Direct serious student issues to counselor or interventionist

FERPA

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- Family Educational Rights and Privacy Act
 - Federal law protects privacy of student education records
 - When in doubt, ask first!
 - Only discuss student information with those who have need to know
 - Secure confidential documents
 - All student records, including grades, are confidential

Document Security Dos and Don'ts

DO:

- Keep personnel records locked with access limited to employee's supervisor.
- Log in to computer using personal password and lock computer or log out if stepping away from computer. Hint: Hold down Windows flag button (next to Ctrl button) and press L button.
- Double-check To: and cc: list before sending email. Messages might be forwarded by others (and possibly even edited before forwarding).
- Place recyclable but sensitive documents in locked shredder bins.





Document Security Dos and Don'ts

DON'T:


- Don't release student information to those who do not have legitimate need to know. Use of student names and information in e-mail does not violate FERPA if communication is to district staff who have specific and legitimate need to know such information. For added protection, when corresponding by email use student initials.
- Don't keep student educational records at home. Other than personal notes, the district is legally obligated to maintain student educational records and may be called upon to provide those records to parents or law enforcement on short notice.
- Don't use vendor or contractor (ex. school photographer) that might have access to student information or records without a written agreement to maintain confidentiality.

Election Guidelines

- Colorado Fair Campaign Practices Act and Colorado Constitution
 - Prohibit use of District resources to urge a vote in favor of or against any candidate or ballot issue (even when reimbursed)
 - Students may wear pins or badges promoting an issue or candidate; staff may not do so during work time
 - Staff is “free to endorse” a political or ballot issue on personal time outside of working hours; keep records
 - May respond to questions factually without urging vote in any direction
 - Discussion of political arena not appropriate unless part of curriculum



Staff Dress


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- Policy GBCD
 - Expects that staff attire is appropriate
 - Role model for students
 - Dress appropriately for job, including safety preparedness




Access to Buildings & Key Control

- Policy ECAA-R
 - Key copying justification for dismissal
 - May not loan without admin approval
 - Report loss immediately to Security
 - Pay for re-keying affected locks if necessary

FLSA

- 
- Policy GDBB
 - Supervisor approval required prior to working time above normal work schedule
 - Follow negotiated agreement
 - Fair Labor Standards Act
 - Keep accurate time records
 - When conflict between federal and state law, law most generous to employee prevails
 - Overtime/compensatory time (public employees)
 - Exempt vs. Non Exempt employees
 - *Exempt employees work until the job is done*
 - *Non-exempt employees receive compensation for all hours worked*
 - *Non-exempt employees take lunch break (away from desk)*
 - *Don't confuse salaried non-exempt with exempt!*
 - Covers child labor laws

FMLA

- 
- Family Medical Leave Act
 - Up to 12 weeks of unpaid, job-protected leave for eligible employees for certain family and medical reasons
 - Coverage for employees after 12 months with BVSD (worked 1,250 hours over the previous 12 months)
 - Medical certification required from physician
 - Notify supervisor and HR before any extended absence potentially covered by FMLA
 - The employee must provide 30 days advance notice when leave is foreseeable
 - BVSD may require second or third opinions (at employer's expense) and fitness for duty report to return to work

FMLA Continued

- FMLA may be used
 - To care for the employee's child after birth, or placement for adoption or foster care
 - To care for the employee's spouse, son, daughter, or parent who has a serious health condition
 - For a serious health condition that makes the employee unable to perform their job
 - At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave
 - Amended to include up to 12 workweeks of leave when spouse, son, daughter or parent has been called to active duty
 - Amended to include up to 26 workweeks of leave to care for spouse, son, daughter, parent or next of kin who incurred serious injury while on active duty



Workers Compensation

- **What to do in case you sustain a work-related injury**

- Immediate response needed
- If medical emergency, call 911
- If non-emergency, report to supervisor immediately
- Supervisor/Injured Worker - contact HRD immediately at x5936
- Complete accident report online through BVSD website
- Notify supervisor and HR of any safety concerns

- **During office hours:**

- Complete accident report online on the BVSD website
- Contact district designated provider:
 - Arbor Occupational Medicine – Boulder, Broomfield, Longmont
 - Concentra – Boulder
 - Boulder Community Hospital – Lafayette or Boulder
 - WorkWell Occupational Medicine – Boulder or Longmont

- **After hours:**

- Go to the nearest urgent care facility or emergency department
- Follow-up care must be arranged through Human Resources with a district designated medical provider

Resources

- Visit the District's website:
www.bvsd.org
- Link to Board Policies:
<http://bvsd.org/policies/Pages/default.aspx>
- Call Human Resources:
[720-561-5031](tel:720-561-5031)

