

SALEM PUBLIC SCHOOLS



Motto, "To the farthest port of the rich East"

STANDARD OPERATING PROCEDURES FOR ALL EMPLOYEES

TABLE OF CONTENTS

I. OVERVIEW	
Mission Statement	4
Message from Superintendent	4
Welcome Message from Human Capital	4
Human Capital Philosophy and Employment Opportunity	5
Standard Operating Procedures Disclaimer	5
II. EMPLOYEE RELATIONS	
Equal Opportunity Employment	5
Americans With Disabilities Act. (ADA)/Amendments Act Of 2008 (ADAAA)	5
Employment Process	6
Job Posting	6
Recruitment	6
Employment Paperwork	6
CORI & National Fingerprint-Based Checks	6
III. PERSONNEL PROCEDURES	
Staff Health and Safety	7
Non-School Employment by Professional Staff Members	7
Attendance and Absence Line	7
School Closings/Cancellations	8
Personnel Records	8
Changes in Personal Information	9
Resignation	9
Retirement	9
IV. EMPLOYEE ETHICS, CONDUCT AND DISCIPLINARY ACTION	
Salem Public Schools Complaint & Grievance Procedures	9
Sexual Harassment & Violence	10-11
Anti-Bullying & Cyber Bullying	12
Drug-Free Schools Act of 1988	12
Tobacco Use Policy	13
Employee Assistance Program (EAP)	13
Child Abuse & Neglect	14
Dress and Personal Appearance	14
Use of School Department Property	14
Telephone/Voice Mail Use	14
Cell Phone Use and Text Messaging Use	14
Computer Hardware and Software	15
Acceptable Use Policy	15
Confidentiality	15
Student/Staff Photographs	15
Hazing	15
V. EMPLOYMENT BENEFITS AND SERVICES	
Employee Benefits and Eligibility Requirements	16
Massachusetts Teachers Retirement System	16
City of Salem Retirement System	16
Health Insurance	16
Dental Coverage	17
Life Insurance	17
Workers' Compensation	17
Tax Sheltered Annuities-403(b)	17
Flexible Spending Accounts	17
Deferred Compensation-457 (b)	17
Health Insurance Portability Accountability Act of 1996 (HIPAA)	17
COBRA	17

Direct Deposit	17
Credit Union	17
Holidays	18
VI. LEAVES OF ABSENCE	
Family and Medical Leave Act Leave (FMLA)	18
Extended Child-Rearing Leaves	19
Small Necessities Leave Act (SNLA)	19
Personal Leave	19
VII. PROFESSIONAL GROWTH	
Professional Growth Progressions	19
Professional Development Plan for Professional Staff	19
Course Credit	19
Performance Evaluation	19
VIII. TEACHERS, PARENT AND STUDENTS RESPONSIBILITIES	
Teachers' Review of Student Files	19
Student Records	19
Staff Conduct with Students	20
Use of Physical Restraint	20
Parental Notification of Course Involving Human Sexuality	20
IX. Employee Resource Information	
X. Employee Acknowledgement of Receipt	
XI. Forms	
Salem Public Schools Complaint Form	24
Employee Request Form (MA Parental/FMLA)	25
Teacher's Personal Day (s) Request Form	26
Non-Teaching Staff Vacation/Personal Day (s) Request Form	27
XII. Appendix	
Sexual Harassment/Title IX Grievance Process	29-33

I. OVERVIEW

Mission Statement

The mission of the Salem Public Schools is to provide each student who enrolls with a sound education, which will prepare that student well for: personal growth, continuing formal and informal learning, productive work, and active, well-informed participation in self-government upon graduation. As understood by the Salem Public Schools, a sound education consists of a mastery of traditional basic skills, a higher-level learning of the ways to lead a healthy, active life, and of the required curriculum. It also includes: acquiring the fundamental traits of respect for others, self-control, and having opportunities throughout the educational process for self-expression by acquiring skill in the creative arts, athletics and other aspects of a well-rounded life.

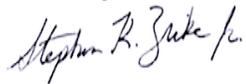
Message from the Superintendent

Dear Administrators and Staff:

We are so pleased that you are now part of the Salem Public Schools' family! Welcome to our dynamic school system where we are committed to ensuring that all of our students are locally engaged, globally connected, and fully prepared to thrive in a diverse and changing world. We are part of a world class city - rich in culture, history, and resources - that is fully invested in our schools and the success of future generations. Every employee in the Salem Public Schools is valued for their unique talents that positively benefit the lives of our students.

This Standard Operating Procedures Manual is designed to provide you with important information regarding our district procedures, policies, expectations, responsibilities, standards and personnel guidelines. Further information can be found in the collective bargaining agreements with our employees. We feel fortunate to be part of your professional journey and look forward to growing with you in the coming years. Welcome to Salem!

Sincerely,



Stephen K. Zrike, Jr., Ed.D.
Superintendent of Schools

Welcome Message from Human Capital

Salem Public Schools welcomes you as a new or returning employee and we thank you in advance for your service and dedication to Salem's children and the Salem Public School District. Whether your contribution is in the classroom as a teacher, paraprofessional, substitute teacher, tutor, or clerical/support, transportation, custodian, food service employee or whatever your position may be, you will be contributing to and sharing in the District's efforts to provide and support the highest standards in teaching and student success. Please consider this standard operating procedures manual as a replacement for all previous SOP booklets applying to all employees.

Alicia Palmer,
Director of Human Capital

Human Capital Philosophy and Employment Opportunity

The Salem Public Schools Human Capital Department is committed to superior employee services. We do this by creating a proactive department, which supports and encourages productivity, integrity, diversity of thoughts, cultural respect, and professionalism. The Human Capital Department will promote and support the District and its programs through recruiting and training that are designed to create a high performing and diverse labor force.

Each member of the Human Capital Department is individually and collectively accountable for adding value to the district by providing workplace solutions, and treating those they serve fairly, with, dignity, mutual respect and professionalism.

In compliance with state and federal laws, the Salem Public Schools maintains a nondiscrimination policy for students, employees and applicants for employment. All educational and employment determinations are based on an individual's qualifications and achievements without regard to race, color, religion, sex, sexual orientation, age, gender identity, genetic information, national origin, ancestry, physical or mental disability, veteran status, or any other basis prohibited by state and/or federal statute.

In addition, the Salem Public Schools will not tolerate sexual, ethnic, racial, sexual orientation, or any other form of harassment by employees, students, contractors, vendors, or other members of the school community. Offenses should be reported immediately to an administrator, supervisor, the Salem Public Schools Civil Rights Compliance Officer/Title IX or Human Capital.

Standard Operating Procedures Disclaimer

This guide has been prepared to acquaint employees with the standard operating procedures of the Salem Public Schools. It applies to all school employees. Its content represents a summary of the principles that the school system promotes, the benefits it provides, and the obligations individuals are expected to fulfill as employees. While it should provide the answers to many questions, it is by no means exhaustive.

Neither this booklet nor other written or oral representations are to be construed as constituting a contract between the Salem Public Schools and an employee. The Salem Public Schools reserves the right to change, suspend, revoke, terminate, or supersede current policies, practices, procedures, or benefits included in this booklet at any time. This booklet is not all inclusive. It is intended to provide relevant information regarding the District's policies and procedures to all employees.

Concerns regarding collective bargaining agreements should be referred to the Union representative in your building.

II. EMPLOYEE RELATIONS

Equal Opportunity Employment

The Salem Public School District is an equal opportunity employer and all employees are required to fully comply with all federal and state non-discrimination laws including of M.G.L. c. 76, § 5, Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; the Age Discrimination and Employment Act (ADEA); Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990/Amendments Act of 2008 (ADAAA) and the Drug-Free Schools Act of 1988.

Please see [School Committee Policy 4106](#) on Equal Opportunity Employment for a full version of this policy.

Americans With Disabilities Act 1990/ADA Amendments Act Of 2008 (ADAAA)

Pursuant to the requirements of the Americans with Disabilities Act of 1990 (ADA) and now Americans with Disabilities Act Amendment Act of 2008 (ADAAA), the District will provide reasonable accommodation for anyone who is legally entitled to such accommodations in order to perform the essential functions of a job, if the qualified

disability is without undue hardship or safety threat. The District reserves the right to obtain an independent medical opinion concerning the impairment for which an employee seeks an accommodation at District expense.

The City of Salem wishes to emphasize to all parties its belief in equal employment opportunity, affirmative action and the maintenance of a work environment that exemplifies the highest professional standards of personal conduct. Accordingly, the harassment of any representative of the City for any reason will not be tolerated. The cooperation and participation of all persons employed by or representing the City is essential to the achievement of the City's affirmative action and equal employment objectives.

Employment Process

Job Posting

The Salem Public Schools strives to fill all open positions with the most capable and experienced individuals best suited to each position. Current professional and non-professional openings will be advertised in accordance with specific union contracts and online via SchoolSpring.com when necessary. The District strongly encourages all prospective and current employees to apply online via <https://www.schoolspring.com/> It is the fastest and the most convenient way to apply. A limited paper application is available for those without computer and internet access. It may be obtained at the School Department Human Capital Office.

Recruitment

It is the policy of the Salem Public Schools to conduct a fair and equitable recruitment, interview and hiring procedure so that equal employment opportunities are provided. The District is committed to continually assessing our recruitment process and practices to reflect the community and the students that it serves, within the law and according to best practice. To this end, all persons conducting interviews, as well as those recommending and hiring, must comply with this policy and its regulations as set forth by the administration. The Human Capital Department may act in an advisory capacity to any party and/or as an independent facilitator.

Employment Paperwork

All new employees must arrange to visit the Human Capital Office to ensure that the necessary documentations are received. This is an opportunity to review employment eligibility for benefits. All employees must provide proof of eligibility to work in the US by completing the Federal Employment Eligibility and Verification Form. Depending on the position for which the employee has been hired, official college transcripts and satisfactory evidence of appropriate licensing by Massachusetts Department of Elementary and Secondary Education (DESE) may be required.

Employees must be eligible for certification by completing the appropriate application with DESE or in the process before being employed and must maintain certification during employment. Teachers/administrators, who are not certified in the area they are teaching, must obtain a waiver from the DESE for one (1) school year. This process should be initiated as soon as possible. Employees who are not certified at the time of employment and who are not on a waiver are not eligible to begin the process of achieving Professional Status. Failure to complete the certification process and obtain their certification within the first year of employment (even with a waiver) is not eligible for re-employment beyond year one.

Criminal Offender Record Information (C.O.R.I.) & National Fingerprint-Based Criminal Background Checks

All employment offers are expressly conditioned upon receipt of a satisfactory Criminal Offender Record Information (CORI) report and the National Fingerprint Background check by the FBI (M.G.L. c. 71, § 38R, as amended by H.B. 4307, § 7). The Salem Public Schools reserves the right to periodically update our CORI records for individual employees. All employees are routinely CORI every three years, in accordance to M.G.L. c. 71, § 38R, as amended by H.B. 4307, § 7 or when the employer becomes aware of the possibility of criminal activity. An unsatisfactory Criminal background checks report may constitute grounds for termination of employment.

In accordance with CORI regulations M.G.L. c. 71, § 38R, as amended by H.B. 4307, § 7; all current or prospective employees, volunteers, student teachers, subcontractors or laborers including any individual who regularly provides

school related transportation to children and who have been commissioned by the school to perform work on school grounds, who may have direct and unmonitored contact with children, will be required to pay a fee associated with conducting fingerprint-based criminal background checks.

Please see [School Committee Policy 4112 on Employee Arrest](#) and [School Committee Policy 4119 Background Checks](#) for a full version of these policies.

III. PERSONNEL PROCEDURES

Staff Health and Safety - [School Committee Policy 4103](#)

All school personnel must submit a statement of good health verifying their ability to perform the duties required in their job description from a primary health care provider within 90 days of hire. Prospective candidates for building service positions including custodians, painters, maintenance craftsman, carpenters, grounds maintenance, HVAC, and electricians will be subject to a pre-employment physical. Additional physical examinations will also be required of bus drivers and food service workers to comply with state laws and regulations.

The superintendent may require an employee to submit to a physical examination by a physician appointed by the school department whenever that employee's health appears to be a hazard to self, students, and/or others in the school department, or when a doctor's certificate is needed to verify the need for sick leave, subject to the provisions set forth in the negotiated agreements.

Non-School Employment by Professional Staff Members – [School Committee Policy 4207](#)

It is the policy of the Salem School Committee that all employees obtain prior approval of the superintendent for outside employment that might involve a conflict of interest or is of such a duration that it would conflict with the employee's normal responsibilities as defined by applicable conditions of employment. If there is any doubt in regard to potential conflict it is the responsibility of the employee(s) to obtain clarification from the superintendent prior to engaging in outside employment activities. Outside employment is defined here to include but not be limited to, performance of services by an employee(s) for another person(s) and/or organization or providing services as a self-employed person.

This policy shall not apply to employee activities during scheduled vacation periods, provided that such activity does not result in a conflict of interest.

Attendance and Absent Line

All employees are expected to be reliable and punctual in reporting to work at their scheduled time. Excessive absenteeism and/or tardiness place a burden on other employees, is disruptive, creates poor employee morale, and places an undue financial or administrative hardship on the district.

Pattern Absences: such as unscheduled absences the day before or after a scheduled holiday, vacation, personal day; unscheduled early departures, a desirable day off, a specific day of the week, or a weekend; no call no show or abuse of sick leave or other paid time off as it accrued may result in verbal and written warnings, probation, progressive disciplinary action, suspension or termination.

We all have a professional obligation to report to work at scheduled times. If you believe you are going to be late and/or an unexpected situation occurs, please call your school and supervisor to let them know that you'll be late, etc. If time off is needed, please be sure to complete the paperwork to cover your absence. *(Please try to avoid leaving a recorded message, as office personnel may not receive it in time to cover your class/duties.)*

The district requires all staff absences to be reported via **Frontline Absence Management** <https://www.aesonline.com>. Please contact Payroll if you need assistance. Members of the support staff should call the number recommended by the principal or their school directly. (Please don't send a message via a friend assuming things will be all set.) Unfortunately, your failure to comply with these guidelines may result in loss of pay and/or other related consequences.

If you are injured on the job - even if you believe that it's "no big deal", please check in with your school nurse and/or supervisor prior to leaving for the day. This is an important step in protecting your own interests and health. An employee who is absent for five (5) or more consecutive days is required to provide written medical documentation to the Human Capital Department to justify the absence. An employee may be required to provide medical documentation to support an absence at any time. An employee who is absent for three (3) or more consecutively scheduled working days and who does not properly notify his/her supervisor or Human Capital, may be considered to have left their job. This can result in loss of pay and/or loss of job.

In the event of the need for an extended absence due to surgery or other medical treatment, all employees are required to complete the appropriate paperwork. An employee may also be required to provide medical documentation to support an extended absence as required by the applicable employment contract. Please be sure to notify your direct supervisor and submit your paperwork to the Human Capital Department prior to your leave so that adequate substitute coverage can be arranged/provided.

Certain employees are required to submit individual timesheets. These timesheets must be certified by your supervisor. If timesheets are not submitted on schedule, an employee may experience a delay in receiving pay.

Whenever possible, please try to schedule routine medical appointments at the beginning or end of the workday - that is, in a manner that is least disruptive to the school and your work schedule. Any requests for modifications to your work schedule need to be approved by your supervisor in advance for the specific day/time that's needed.

Requests for Family Medical Leave Act (FMLA) need to be made in writing. Requests are to be directed to the attention of the Human Capital Department and copied to your supervisor. Whenever possible, adequate notice should be provided to insure timely processing and to avoid surprises and arrange coverage.

School Closings/Cancellations

On days that schools are closed due to inclement weather, local emergency, unscheduled reasons or a state of emergency declared by the Governor, such closings are announced on the radio, local television stations. All cancellations or delay notification are posted on the website and/or via an automated call message to the preferred phone. Certain employees may be required to report to work, even in an inclement weather; you will be advised if your position falls within this category. All full year staff is expected to report to work, unless instructed otherwise by the Superintendent of Schools. If a staff member chooses not to report to work due to safety or personal reasons, the day will be deducted from personal or vacation leave.

Personnel Records

The Director of Human Capital will maintain all employee personnel files in accordance with state and federal requirements, and appropriate Collective Bargaining Agreements, to assure efficient personnel administration. Regular performance evaluations, change of status, commendations, corrective action and educational attainment are examples of records maintained. Access to personnel files is restricted to authorized employees. Personnel files are the property of the Salem Public School Department and may not be removed from the Human Capital Office.

Authorized administrators may examine active and separated employee files on a "need-to-know" basis. The school department will cooperate with federal, state, and local government agencies investigating an employee if investigators furnish proper identification and proof of legal authorization. Personnel files may be reviewed on school premises, but no information may be removed or reproduced without consent of the Superintendent and/or the school department's attorney.

Upon request an employee may inspect his/her personnel file. Contact the Human Capital Office to make an appointment to review the file.

Please see [School Committee Policy 4107](#) on Personnel Records for a full version of this policy.

Changes in Personal Information

Employees are responsible for notifying the Human Capital Office of changes in address, telephone number, and/or family status (births, deaths, divorce, legal separation, etc.), as income tax status and group insurance may be affected by these changes. This responsibility also pertains to employees on lay-off status and leaves of absence.

Resignation

Employees who wish to resign from the Salem Public Schools should advise their building principal or supervisor in writing at least two weeks (or 30 days per collective bargaining) prior to the date of departure so that an orderly transition can be made. This process includes turning in school property and completing all required forms.

Retirement

If possible, an employee planning to retire during the school year should notify the building principal or supervisor prior to October 1st. This information is essential to determine budgetary and staff assignments.

IV. EMPLOYEE ETHICS, CONDUCT AND DISCIPLINARY ACTION

SALEM PUBLIC SCHOOLS COMPLAINTS AND GRIEVANCES

When workplace problems or disputes cannot be resolved informally, employees, students or parents/guardians can turn to the Salem Public School District's internal grievance process. This process addresses alleged violations of harassment, discrimination, retaliation, hazing, or inappropriate physical restraint practices, as well as denial of educational or employment opportunities, or misinterpretations or misapplications of the District's policies. A student may feel more comfortable reporting an incident to a teacher, counselor, nurse, conflict resolution coordinator, or other trusted adult. The adult must report the complaint to the principal or assistant principal. This administrator will begin the Level I Complaint Procedure. A student may choose an adult to accompany and assist him/her throughout the complaint procedure. The complaint must be sent in writing to the school building administrator within 5 school days of the event/incident.

The Salem Public Schools will comply with all state and federal statutes, including MGL C 119; §51A, and the Memorandum of Understanding with the Salem Police Department in reporting mandated and suspected incidents to the appropriate law enforcement and/or social service agency.

The Complaint Procedure consists of the following steps:

Level I

The complaint must be made to a building administrator. Within five (5) school days of the receipt of the complaint the administrator shall meet with the complainant for a discussion of the matter, and an investigation will be conducted. If the complaint is resolved satisfactorily, the administrator will complete the Administrative Follow Up Report and forward it and all supporting documentation to the Director of Human Capital. If a satisfactory resolution cannot be achieved within ten (10) school days of receipt of the complaint, the administrator will refer the complaint, the investigation summaries, and all supporting documentation to the Assistant Superintendent to initiate Level II.

If the alleged complaint involves the building administrator, the complainant shall have the right to begin the complaint at Level II.

Level II

The complainant will complete and sign a Complaint Form that documents the incident(s). Upon receipt of the complaint, the Assistant Superintendent will review the complaint, findings, and recommendations from Level I, and take appropriate action within ten (10) school days. If the complaint is resolved satisfactorily, the Assistant Superintendent will complete a written Administrative Follow Up and forward it and all supporting documentation from Levels I and II to the Civil Rights Compliance Officer. Failure to achieve a satisfactory resolution of the complaint within ten (10) school days of its receipt at this level shall result in the movement of the complaint and all supporting documentation to Level III.

Level III

The Superintendent of Schools shall review the complaint, findings and recommendations from Level II, and take appropriate action within fifteen (15) school days of receiving the complaint. If the complaint is resolved satisfactorily, the Superintendent will complete a written Administrative Follow Up and forward it and all supporting documentation from the previous levels to the Civil Rights Compliance Officer. Failure to achieve a satisfactory resolution of the complaint within fifteen (15) school days of its receipt at this level shall result in the movement of the complaint and all supporting documentation to Level IV.

Level IV

The School Committee shall review the complaint, findings and recommendations from Level III, and take appropriate action within twenty (20) school days of receiving the complaint. The Assistant Superintendent will document the complaint resolution by completing a written Administrative Follow Up and forwarding it and all supporting documentation from the previous levels to the Civil Rights Compliance Officer.

Retaliatory action taken against an individual as a result of the filing of a complaint, cooperating in an investigation, or otherwise participating in this process in any way, will not be tolerated.

Please see [School Committee Policy 4108](#) on Staff Complaints and Grievances.

SEXUAL HARASSMENT AND VIOLENCE

Sexual harassment is a violation of federal and state law and of the Salem Public Schools' policy; the District is committed to maintaining an educational and work environment free from all forms of harassment and violence. Harassment based on race, color, religion, sex, sexual orientation, age, gender identity, genetic information, national origin, ancestry, physical or mental disability, or veteran status is unlawful and prohibited in the Salem Public Schools. It shall be a violation of this policy for any individual to inflict, threaten to inflict, or attempt to inflict violence or otherwise interfere with a student's education or an employee's work through conduct or any other form of communications.

This policy applies to all school employees, students, volunteers, contracted vendors, and other members of the school community. Each member of the school community has a responsibility to ensure that harassment and violence does not occur in the schools or at school sponsored activities. The District seeks to eliminate sexual harassment through education and by encouraging all employees, students, and volunteers to report concerns or complaints to the Human Capital Department. Prompt corrective measures will be taken to stop harassment whenever it occurs. Harassment is unlawful and impedes the realization of the district's mission.

What is Sexual Harassment?

The Salem Public School District adheres to federal and state law guidelines which define sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, without regard to the gender of the parties not matter if is male to female, female to male or between people of the same sex when:

- 1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment*
- 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or*
- 3. Such conduct has the purpose or effect of substantial interfering with an individual's work performance or creating an*
- 4. Intimidating, Hostile or offensive work environment*
- 5. Quid Pro Quo*

Federal Law

Legal definition of Sexual Harassment according to the United States Equal Employment Opportunity Commission (EEOC): Harassment on the basis of sex (as well as race, religion, color, or national origin) is a violation of Title VII of the Civil Rights Act of 1964.

Sexual Harassment is also a violation of the Title IX of 1972 of the Education Amendment which prohibits discrimination on the basis of sex in any education program or activity receiving federal financial assistance. No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any education program or activity that receives Federal funds because of their sex.

The following are a few examples of behavior that may be considered sexual harassment and may also constitute a hostile work environment

- Whistling, catcalls or offensive noises;
- Stares or obscene gestures;
- Suggestive remarks, jokes about a person's appearance, or derogatory sexual terms;
- Displaying offensive photographs, illustrations, or sex-related objects;
- Blocking a person's movements;
- Touching, brushing, pinching or patting;
- Pulling or lifting of clothing;
- Pressure for dates, sex, or information about personal sexual experiences;
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation, 'Quid pro quo'
- Giving gifts or leaving objects that are sexually suggestive;
- Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace;
- Off-duty, unwelcome conduct of a sexual nature that affects the work environment

In certain circumstances, sexual harassment may constitute child abuse under Massachusetts General Laws Chapter 119, Section 51A. The Salem Public Schools will comply with Massachusetts law in reporting suspected cases of child abuse to the Department of Children and Families (DCF) services.

Certain circumstances may violate state or federal Civil Rights, Hate Crimes, or Harassment statutes. The Salem Public Schools will comply with its Memorandum of Understanding and report appropriate incidents to the Salem Police Department.

Any individual who believe that he/she has been the subject of any form of harassment or violence should report the conduct to a teacher or administrator. Staff will forward the complaint to a building administrator who will initiate an investigation.

Staff who witness or have knowledge of actual or possible harassment or violence are required to report the incident to a building administrator, even if the victim does not express disapproval or wish to file a complaint.

All verbal and written complaints will be investigated promptly and in as impartial and confidential a manner as possible, to ensure prompt and appropriate action.

Any individual, who after an appropriate investigation is found to have engaged in any form of harassment, will be subjected to disciplinary action up to and including student expulsion or staff termination.

No individual will be subject to any form of coercion, intimidation, retaliation, interference, or discrimination as a result of filing a complaint or cooperating in an investigation. Retaliation is unlawful, and the Salem Public Schools will take the appropriate disciplinary action against any individuals involved. All staff members are required to participate in a school department investigation.

Violations of this policy will be cause for disciplinary action up to and including expulsion from school, termination of employment, or revocation of school department or city contracts.

Anyone may pursue her/his rights under the law and file a complaint directly with the appropriate state and federal agencies at any time.

Any retaliatory action of any kind taken by any employee of the Salem Public Schools against another employee/applicant as a result of that person's seeking redress under the Complaint Procedure, cooperating in an investigation or otherwise participating in any proceeding under this process is prohibited and shall be regarded as a separate and distinct grievance matter under this process.

Please see [School Committee Policy 4110](#) on Harassment and Violence.

Anti-Bullying & Cyber Bullying

To protect the rights of all students and staff for a safe and secure learning and work environment, the Salem Public School District prohibits all acts of bullying, harassment, and other forms of aggression and violence. Bullying is a behavior that is usually malicious, humiliating, repeated, that is inappropriate, unreasonable and possibly aggressive and it can create a risk of physical and/or psychological harm. All reports of workplace bullying/cyber bullying will be taken seriously and investigated in a confidential, impartial and prompt manner.

Bullying and cyberbullying is as persistent, malicious, unwelcome, severe and pervasive mistreatment that harm, intimidates, offends, degrades or humiliates a student or an employee, whether verbal, physical or otherwise, at school or in the course of employment. The district is committed to eliminating all forms of bullying and will ensure that procedures exist to allow complaints to be dealt with and resolved in timely manner, without limiting any person's entitlement to pursue resolution of their complaint with the relevant statutory authority.

Emerging technologies and increased reliance on digital communication has seen an increase in the instances of cyberbullying in school and the workplace. Gossip about a co-worker/fellow student can be shared instantly across the web to a large audience. Rumors posted on the internet about a co-worker on social media websites like Facebook, Twitter, Myspace, blogs or similar accounts can seriously affect one's reputation and future career of the person being bullied. Cyberbullying doesn't just happen during work or school hours; the increased prevalence of portable communications devices such as iPads, and iPhones make cyberbullying a problem outside of the traditional working hours and location. Anyone can post a rumor online or otherwise and once something is on the internet it is very hard if not impossible to remove or dispute it.

Please note that the same type of procedures used to respond to sexual harassment complaints will apply to all types of bullying.

Please see [School Committee Policy 5401.01](#) on Prohibition of Bullying and Cyber-Bullying for a full version of this policy.

Drug-Free Schools Act of 1988

Salem Public Schools recognizes that it has an obligation to maintain a healthy and safe working environment by promoting a workplace that is drug free. In compliance with the Drug-Free Work-Place Act of 1988 the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance by its employees is prohibited. All employees are prohibited from possessing, using or distributing illicit drugs or alcohol in school during the school day, on school premises or at any school-sponsored activity. Illicit drugs are defined as controlled substances under M.G.L. Ch. 94C and include narcotics, cannabis, stimulants, depressants and hallucinogens. Alcohol is defined as alcoholic beverages including beer, wine and distilled spirits.

Employees may obtain information on a confidential basis regarding public and private drug counseling and rehabilitation services that are available. The Student Assistance Program provides the same services to students in need.

Please see [School Committee Policy 4102](#) on Drug-Free Workplace for a full version of this policy.

Tobacco Use Policy

The following statement of policy applies to the use of tobacco products at all times within school buildings, school facilities, on the school grounds and school buses, and at any school sponsored event on or off school grounds by any individual in accordance with MGL Chapter 71, Section 37H. The prohibition applies to all employees, students, visitors, and any property owned, used, leased, or rented by or from the Salem Public Schools. All Salem Public School employees, individuals, groups or agencies using a school facility receiving payment for services from the school department, are responsible for compliance and assistance in the enforcement of the Tobacco Use Policy.

Please see [School Committee Policy 5402 on Tobacco Use](#) for a full version of this policy.

Employee Assistance Program (EAP)

The City of Salem recognizes that its employees are its most important resource. In order to help employees deal with their problems, we have established an Employee Assistance Program (EAP). The program provides free confidential assessment, counseling, consultation and referral services to employees and their family members whose problems have begun to negatively impact their work performance.

The EAP services will be delivered by a qualified EAP provider who shall have on staff licensed psychiatrists, psychologists, social workers, lawyers, financial advisors, vocational rehabilitation specialists and other mental health professionals who are qualified to provide an initial assessment, short-term counseling, referral and follow-up. All records and communication between the employee or their family members and EAP are strictly confidential in accordance with HIPAA and state and federal privacy laws.

There are two ways an employee may gain access to the services of the EAP: 1) Self-referral and 2) Supervisory or Human Capital referral.

1. Self-referral is a voluntary referral initiated by the employee to obtain assistance for personal and/or medical problems. The employee may contact the EAP directly 24 hours a day and select a convenient time and place to meet for further evaluation. There will be no charge to the employee for the initial assessment. If the EAP Representative recommends further professional help, he/she will work with the employee to locate services that are totally or partially covered by health insurance.
2. The supervisory or HC referral method is voluntary. The supervisor or HC is under no obligation to refer an employee to the EAP and the employee is under no obligation to go. If and when a supervisor/HC initiates an EPA referral, the supervisor/HC will only receive confirmation of the employee's attendance at the initial appointment.

The following is the policy in instances where a job performance or attendance problem has already developed.

- A. When an employee's performance or attendance is unsatisfactory, it will be called to the employee's attention by the supervisor and documented.
- B. If it appears that the employee cannot or will not improve performance or attendance, he or she may be referred to the EAP representative. During the initial contact, the EAP representative will try to help the employee develop ways to address problem issues. If the difficulties are not resolved through counseling with the EAP, the representative may refer the employee to other resources for further assistance.
- C. Employees must give their consent for any communication between the City and their therapist/caregiver. Only when an employee is considered at risk of harming themselves or others would this policy be overridden.
- D. Confidentiality of the referral of an employee into the EAP is paramount. Only the supervisor will know the reason for the referral; the supervisor's manager may simply be aware that a referral and/or involvement has been initiated. An informal memorandum of understanding may be used by the supervisor to clearly state and document to the employee the areas of work performance requiring improvement and encouraging a referral through the EAP process. This memorandum will not become part of the employee's personnel folder, nor will a referral and/or involvement in the EAP process reflect negatively on an employee's work record.
- E. It is solely up to the employee to accept the offer of assistance or not. If job performance or attendance problems improve to a satisfactory level, no further action will be taken.
- F. Referral to the EAP may not suspend normal disciplinary procedures.

Child Abuse and Neglect

Pursuant to Massachusetts General Laws Chapter 119, Section 51A, mandates any Salem Public School teacher or other school department employee who has reasonable cause to believe that a child under the age of 18 is suffering from physical or emotional injury as a result of abuse or neglect shall report his/her concern to the in-house Salem Child Abuse & Neglect (SCAN) Team established by each school principal. Reasonable cause is defined as sensible rationale supporting a belief that a child is suffering from physical or emotional abuse or neglect. When physical abuse is suspected, the teacher or other reporter will refer the child to the school nurse who will evaluate and record the nature of the injury.

Please see [School Committee Policy 5705](#) on [Child Abuse and Neglect](#) for a full version of this policy.

Dress and Personal Appearance

Employees should maintain an appropriate appearance that is professional, neat and clean as determined by the requirements of the area in which an individual works. All clothing and footwear should be in good repair. Ripped or torn clothing is inappropriate. All employees are expected to groom, dress, and adorn themselves in a manner that is not offensive to another person, disruptive to the operation of the school, or distracting to the learning environment. Building principals will determine if an individual's personal appearance disrupts the educational process or threatens the health or safety of students or staff. In such cases, an employee will be asked to leave the area and change or remove the inappropriate or distracting attire.

Use of School Department Property

All employees shall properly care and account for the school property consigned to them or within their control. Such property shall not be used for personal task or gain.

The Salem Public Schools maintains the right to inspect desks, computers, lockers, closets, filing cabinets, and any other property owned by the school department or housed on school property. Routine inspections may be conducted to manage, care for, or monitor school property. School property may not be used in any way that violates or is inconsistent with the law or school rules. If school authorities have a reasonable suspicion that school property contains materials or has been used in any way that poses a threat to the health, welfare, or safety of the school environment, or violates the law or school rules, such property may be searched without prior warning.

Telephone/Voice Mail Use

Proper use of telephones and voice mail systems is essential to effective school department operation. These are for school business purposes. Personal use should be limited in frequency and length. An employee should use his/her credit card or a pay phone for personal toll calls. Both telephones and voice mail are school equipment that can be monitored. Privacy cannot be guaranteed.

Cell Phone Use and Text Messaging Use

The use of cell phones and texting have become a routine part of everyday life. In order to maintain a safe work environment and to ensure employee productivity and to eliminate additional distraction to others, especially while driving and in the classroom, the District has established the parameters of cell use and text messaging guidelines.

While at work, all employees are expected to use the same discretion in using personal cell phones as they would when using school phones. The District recognizes that employees may occasionally need to make or take personal phone calls or text messages for personal business. However, it should be used only during breaks and lunch periods unless it is an emergency. Under no circumstance should instructional staff (teachers, paraprofessionals, substitute teachers, student teachers and tutors) be texting during class, interfering with students' learning and the employee's job performance. While operating any piece of the schools' equipment or while driving, keep your cell phone on vibrate or on silent at all time. In all circumstances, official and personal cell phone use must be conducted in a courteous, safe and professional manner. Please kindly note that the District will not be liable for the loss or damage to personal cell phones or other communication devices brought to the school.

Please see [School Committee Policy 4118](#) on [Cellular Phone Use by Employees](#).

Computer Hardware and Software

School computer equipment and software are valuable tools provided to improve employee efficiency and effectiveness. Contracts with vendors regarding the purchase and/or lease of equipment and software clearly define the limits of their use. Employees are expected to abide by the provisions of any contracts. Unauthorized use of these assets may result in disciplinary action, up to and including immediate termination.

Acceptable Use Policy

The Salem Public School District provides technology to support teaching, enhance learning, and improve productivity. This policy is intended to delineate the roles and responsibilities of all technology users in the school district. All Salem Public Schools employees are required to comply with the provisions herein.

The use of Salem Public School District technology is a privilege, not a right. Staff must supervise student use of technology at all times. Staff is responsible for their conduct when using Salem Public Schools' technology.

Please see [School Committee Policy 4120 on Staff Acceptable Use of Technology/Internet](#) for a full version of this policy.

Confidentiality

Salem Public School employees may have access to sensitive personal, educational or otherwise confidential employee and/or student information or conduct. An employee privy to any information resulting from their job assignment must hold it in strict confidence and may not discuss it with other employees or students, or outside of the workplace.

The Family Rights and Privacy Act (FERPA), the Protection of Pupils Rights Amendment Act (PPRA), and Massachusetts Department of Elementary and Secondary Education Regulations (603 CMR 23:00) protect the privacy of students and families. A student's educational record is considered any information maintained by the school and includes all identifiable information directly related to a student. Most information a school maintains on a particular student is considered part of the educational record for that student and cannot be disclosed to a third party without the written consent of the parents or student. This includes but is not limited to attendance, grades, education plans, discipline, and parent information.

In accordance with student record regulations, the Salem Public Schools considers the following to be *Directory Information*, which will be released without the consent of eligible students or parents: *a student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, photograph, class, degrees, honors and awards, and post-high school plans*. In addition, the Armed Forces Recruiter Access to Students and Student Recruiting Information Act requires that schools make student names, addresses, and telephone numbers available to military recruiters and institutions of higher learning.

Parents and eligible students, not wishing to have some or all of the information listed above released without their consent should notify their building principal in writing. Employees should confirm that no prohibition has been placed on specific Directory Information prior to the release of information on any student. This includes athletics, extra-curricular activities, honors, and awards. Improper disclosure of information regarding employees or students can result in disciplinary action up to and including termination.

Student/Staff Photographs

Staff may be photographed from time to time in the performance of their duties on behalf of the Salem Public Schools. Students are not to be photographed without a prior release obtained by parents/guardian. It is the policy of the Salem School Department to make this information routinely available unless parents have requested in writing, in advance, that they do not wish to have this information published.

Hazing

The Salem Public Schools, pursuant to Massachusetts General Laws Chapter 269, Sections 17, 18, and 19, prohibits any form of hazing by school sponsored student activities/teams, and all unaffiliated student activities/teams utilizing the school name or its facilities.

Hazing is defined as any conduct or method of, initiation into any student organization, whether on public or private property, which willfully or recklessly, endangers the mental or physical health of a student or other person, regardless of the individual's willingness to participate.

Implied or expressed consent of a person or persons to hazing shall not be a defense to discipline under this policy.

Anyone that witnesses, has knowledge of or suspects hazing shall report it immediately to a building administrator, faculty/staff member or the Salem Police Department. All reports of hazing will be forwarded to and investigated by the building principal.

A violation of the Hazing Policy may also be a violation of civil or criminal law. Hazing is a mandatory reportable act included in the Memorandum of Understanding with the Salem Police Department and principal organizers and participants will be reported. Where school policy and civil law overlap, or where criminal prosecution is pending or foreseen, the school will initiate disciplinary action of its own on the same infraction and impose penalties in accordance with due process and discipline procedures, independent of civil and/or criminal authorities.

Please see [School Committee Policy 5401 on Hazing](#) for a full version of this policy.

V. EMPLOYMENT BENEFITS AND SERVICES

Employee Benefits and Eligibility Requirements

The Salem School District offers an attractive salary and fringe benefits to its employees. All City of Salem employees who are holding full-time, permanent positions are eligible for benefits provided through the City. (Exceptions are: seasonal, part-time, independent contractors, youth opportunity, and temporary employees.)

All Health, Dental and Life Insurance deductions are taken on a pre-tax basis

Massachusetts Teachers' Retirement System

All full-time, teaching permanent employees working 20 hours or more per week must join the Mass Teachers' Retirement System. This is a "pre-tax" deduction and therefore reduces the employee's gross income for federal income tax purposes.

City of Salem Retirement System

Non-teaching employees who work 20 or more hours per week must join the City of Salem Retirement System. For more detailed information regarding retirement benefits, please contact the Payroll Office.

New staff members must complete and return the retirement forms to the Payroll Office. Appropriate attachments should be stapled to the required forms.

Upon retirement, all qualified employees may continue health insurance coverage and some of the available life insurance coverage. When nearing retirement (at least 45 days prior to), employees should visit the Payroll Office for the appropriate forms.

Health Insurance

Salem Public Schools provides eligible employees and their spouses/dependents access to health insurance through the Commonwealth of Massachusetts' Group Insurance Commission (GIC). The employee will contribute, through payroll deduction, twenty-five percent, thirty percent or thirty-five percent (25%, 30% or 35%) of the premiums with the City of Salem contributing seventy-five percent, seventy percent or sixty-five percent (75%, 70% or 65%) of the insurance premiums, depending on the Insurance Carrier chosen. Individual or Family coverage is available. When both spouses are employed by the City, they may **not** both carry a family plan and they may **not** carry a family and individual plan combination. Each spouse may carry individual coverage, or one spouse may carry a family plan.

Dental Coverage

Dental Coverage is provided through the Guardian Life Insurance Company. Premiums are paid totally by the employee.

Life Insurance

The City of Salem shall provide sixty-five percent (65%) of the cost of a ten thousand dollar (\$10,000.00) life insurance policy as adopted by the City under Chapter 32B of the General Laws of the Commonwealth.

Workers' Compensation

In accordance to Massachusetts Workers' Compensation Act, General Laws of the Commonwealth, Chapter 152, all employees must report all work-related injuries to their immediate supervisor or the Human Capital Office immediately and no later than twenty-four (24) hours by using the appropriate form. No matter how minor an on-the-job injury may appear, it is important that it be reported as promptly as possible. This will enable the eligible employee to qualify for coverage as quickly as possible. The employee's immediate supervisor or building administrators must review, sign and make any necessary comments (where applicable) and forward the form to the Human Capital Office at City Hall or the School Human Capital Office. Failure by an employee to promptly report the injury or accident may result in delays and/or denial of the claim.

Tax-Sheltered Annuities – 403(b)

This is a voluntary benefit that allows employees to set aside a portion of their gross income in a tax-sheltered annuity. The Benefits Office maintains a list of investment companies from which employees may choose. Employees who are interested should contact the Benefits Office.

Flexible Spending Accounts

Enrollment in a Flexible Spending Account allows employees to pay for childcare (and elder care) and uncovered Medical and Dental expenses on a pre-tax basis. Enrollment is open during the month of April.

Deferred Compensation – 457(b)

This is a voluntary benefit that annually allows employees to set aside a maximum amount of their gross income in a tax deferred savings program. The deduction is also federal and state tax exempt.

Health Insurance Portability Accountability Act of 1996 – HIPAA

The Health Insurance Portability Act of 1996 (HIPAA) may affect your eligibility to enroll in health/dental that excludes coverage for pre-existing medical conditions, typically with a limit of no more than 12 months or 18 months. You are entitled to a certificate that will show evidence of your prior health coverage. If you buy health insurance other than through an employer group health plan, a certificate of prior coverage may help you obtain coverage without a pre-existing condition exclusion.

COBRA

Under the federal law known as the Consolidated Omnibus Reconciliation Act of 1985 (COBRA) eligible employees and their qualified dependents have the opportunity to continue health insurance coverage under the District's health plan under certain circumstances when a "qualifying event" would normally result in the loss of eligibility. Further information is available through the benefits department at City Hall.

Direct Deposit

As of January 2, 2014, direct deposit is the required method of payroll payments for Salem Public Schools employees. All employees are required to enroll in direct deposit within thirty (30) days of hire or rehire and remain enrolled in direct deposit for the remainder of their employment with the Salem Public School District.

Credit Union

All city employees are eligible to join the Greater Salem Employees' Federal Credit Union. Saving, Checking, Money Market, and IRA accounts are available; as well as personal, auto and home loans.

Premiums for any optional coverage are paid totally by the employee.

Holidays

The district recognizes the following holidays:

New Year's Day	January 1 st
Martin Luther King Day	Third Monday in January
Presidents Day	Third Monday in February
Good Friday	The Friday before Easter Sunday
Patriots Day	Third Monday in April
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Indigenous Peoples' Day	Second Monday in October
Veterans Day	November 11 th
Thanksgiving Day	Usually the fourth Thursday in November
Day After Thanksgiving	Friday after Thanksgiving
Christmas	December 25 th

** Under Massachusetts State Law, all holidays falling on Sunday must be observed on Monday. Saturday holidays are observed on Saturday.*

Please note that paid holidays are specified in various union contracts; teachers and certain other salaried staff who work on a school calendar basis do not receive separate paid holidays. Other employees may be eligible for paid holidays; employees should refer to their individual contract or their collective bargaining agreement for specific details. Employees who are on unpaid leave of absence or are otherwise absent without pay are not eligible to be paid for holidays.

VI. LEAVES OF ABSENCE

Family and Medical Leave (FMLA)

In accordance with the provisions of the Family and Medical Leave Act of 1993 (FMLA) and the Amendments of 2008, full and regular part-time eligible school department employees who 1) have been employed for at least twelve (12) months or 2) have worked at least 1,250 hours over the past twelve (12) months, may apply for an unpaid family medical leave. Military Personnel; the 2008 Amendments paid a way to support family members of military personnel to be eligible for up to 26 weeks of job-protected leave in a twelve (12) month period to care for a covered service member with a serious illness or injury incurred in the line of active duty. This leave may be taken intermittently when medically necessary. Family medical leave is:

- To care for the employee's child within one year of birth, adoption or the initiation of foster care;
- To care for a child (who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability), a spouse, or a parent with a serious health condition;
- The employee's own serious health condition that makes the employee unable to perform his/her job;
- Qualifying exigencies may arise when the employee's spouse, son, daughter, or parent who is a member of the Armed Forces (including the National Guard and Reserves) and who is on covered active duty or has been notified of an impending call or order to covered active duty. For purposes of qualifying exigency leave, an employee's son or daughter on covered active duty refers to a child of any age;
- Military caregiver family leave is to care for the spouse, parent, child, or next of kin of a service member who suffered a serious injury or illness while on active duty.

A serious health condition is an illness, injury, impairment, or physical or psychological condition that involves either inpatient care at a health care facility or continuing treatment by a health care provider.

Please see [School Committee Policy 4109 on Family and Maternity Leave](#).

Extended Child-Rearing Leaves

In the event a teacher desires a leave longer than the above statutory periods, please refer to the appropriate collective bargaining agreement.

Small Necessities Leave Act (SNLA)

In accordance with Massachusetts law, (Gen. Laws c. 149, § 52D) the district provides twenty-four (24) hours of "small necessities" leave during any 12-month period to all eligible employees to meet certain family obligations (e.g., to attend parent-teacher conferences; to accompany immediate family members to routine medical appointments, nursing homes visits, etc.). Just like the Family and Medical Leave Act (FMLA), the NSLA leave applies to employees with at least one year of service, who have worked at least 1250 hours in the past year. When the SNLA is foreseeable, the eligible employee must provide a written notice of seven (7) days to HC or direct supervisor. When the need for leave is not foreseeable, the employee must provide as much notice along with an explanation of the emergency nature of the leave.

Personal Leave Request

The Personal Leave request form is available online [here](#). This form is to be used when requesting personal leave.

VII. PROFESSIONAL GROWTH

Professional Growth Progressions

The Assistant Superintendent for Curriculum and Instruction must approve graduate level courses taken for professional advancement on the salary schedule or in-service courses offered by the Salem School Department in advance if they are to be recognized for reimbursement and/or progression on the salary schedule.

Professional Development Plan for Professional Staff - [School Committee Policy 4205](#)

The Salem Public Schools shall adopt and implement a professional development plan for all principals, teachers, and other professional staff employed by the district, to include professional support teams established pursuant to MGL Chapter 71, Section 38G. Plans will be updated annually, and a budget set forth for professional development within the parameters of the budget. Training activities shall be consistent with the district and school goals, pursuant to MGL Chapter 71, Section 59c.

Course Credit

Course credit for advancement on the salary schedule must be approved in advance by the Superintendent of Schools or his/her designee. Changes in salary through the attainment of additional professional credits shall be made in September and February of each year.

Performance Evaluations

Employees will receive performance evaluations in accordance with collective bargaining agreements. An evaluation allows the building principal or supervisor to discuss an individual's overall performance, review strengths and provide strategies to improve performance. These evaluations are part of the employee's personnel file.

VIII. TEACHER, PARENT AND STUDENT RESPONSIBILITIES

Teachers' Review of Student Files - [School Committee Policy 4203](#)

Administrators are expected to make available to teachers Individual Education Plans (I.E.P.s), Title 1 Reports, and any other pertinent correspondence relating to the academic, emotional and medical concerns of each student in their classes.

Student Records - [School Committee Policy 5215](#)

State law provides that the schools furnish any student or former student with a transcript of his/her record as a student; the original to be furnished without charge and copies furnished at limited charges established by the law.

Records are maintained in the best interest of the student, and with a concern for the school's right to collect certain

information in order to carry out the educational function in the most effective and best possible manner. The school department will make every effort, within reason and consistent with state regulations, to inform parents and students about the kinds of information collected or that will be collected and their rights under said regulations.

For further information, refer to the appropriate student handbook.

Please see Massachusetts Department of Elementary and Secondary Education Student Record Regulations (603 CMR 23.00).

Staff Conduct with Students

INTRODUCTION

The purpose of this policy statement is to provide all employees with guidance and direction with respect to physical contact between employees and students at school and during school sponsored functions. It is an area of educational policy, judgment, and law, which is fraught with uncertainties and changing standards. What constitutes appropriate physical contact in one circumstance may be totally inappropriate in another. At the outset, the decision of whether or not to touch a student must be made by the employee involved. Once it occurs, its appropriateness will depend on a variety of factors, not the least of which will be the student's reaction and responses of other adults. The School Committee believes that its employees individually and collectively possess the wisdom and expertise necessary to conduct themselves in a manner, which is educationally sound and acceptable both within the professional community and the community at large.

Please see [School Committee Policy 4105](#) on Staff Conduct with Students for a full version of this policy.

Use of Physical Restraint

The following statement of policy applies to the Salem Public Schools, pursuant to Massachusetts Department of Elementary and Secondary Education Regulations 603 CMR 46:00, which designates that physical restraint shall be used only in emergency situations, and with extreme caution. This policy shall not limit the protection afforded students under other state or federal laws, nor preclude any teacher, employee, or agent of the Salem Public Schools from using reasonable force to protect students, other persons, or themselves from assault or imminent harm. Physical restraint is defined as the use of bodily force to limit a student's freedom of movement and shall only be used as a behavior management tool when other less intrusive alternatives have failed or been deemed inappropriate. The use of physical restraint shall be limited to the force necessary to protect a student, staff, or other persons from assault or serious physical harm.

Physical restraint may be used:

- To protect a student, staff, and/or others from imminent, serious physical harm;
- To prevent or minimize any harm to a student;
- When less intrusive or non-physical alternatives have failed or been deemed inappropriate.

Physical restraint shall be discontinued when it is determined that the student is no longer at risk of causing imminent physical harm to themselves or others. All program staff will receive training regarding the school's restraint policy at the start of each school year, and on a regular basis thereafter, employees hired after the school year begins will receive training within a reasonable time after starting their employment.

Please see [School Committee Policy 5416](#) on Use of Physical Restraint for a full version of this policy

Parental Notification of Courses Involving Human Sexuality

The following statement of policy applies to the Salem Public Schools, pursuant to Massachusetts General Laws Chapter 71, Section 32A, which designates that parents and guardians will be notified of any curriculum which primarily involves human sexual education or human sexuality issues. This prior notice is intended to allow parents/guardians to exempt their children from any portion of said curriculum (written notification to the school principal is required) and makes instructional materials for said curricula reasonably accessible to parents, guardians, and others for inspection and review.

Please see [School Committee Policy 5222](#) on Parental Notification of Courses Involving Human Sexuality for a full version of this policy.

IX. Employee Resource Information

Topic	Contact	Phone Number
Absence Link	https://app.frontlineeducation.com	800-942-3767
Attendance and Absent Reporting	Your Immediate Supervisor and Frontline	
Certification/Licensure	Human Capital	978-740-1115
Deferred Compensation-457 (b)	Payroll	978-740-1226
Direct Deposit	Payroll	978-740-1224
District Civil Rights Compliance Officer	Human Capital	978-740-1115
District Policies/Procedures	Human Capital	978-740-1115
Employee Assistance Program (EAP)	Confidential	800.451.1834
Employment Process	Human Capital	978-740-1115
Family and Medical Leave Act (FMLA)	Human Capital	978-740-1115
Flexible Spending	Payroll	978-740-1226
Health Insurance	Benefits	978-740-1243
Massachusetts Teachers' Retirement System	Payroll	978-740-1224
Salem Public Schools Complaints & Grievances	Human Capital	978-740-1115
School Committee Policies (Policy Manual)	Link	
Section 504 Compliance	Pupil Personnel Services	978-740-1249
Sexual Harassment & Violence	Human Capital	978-740-1115
Tax-Sheltered Annuities-403 (b)	Payroll	978-740-1226
Title IX Compliance	Human Capital	978-740-1115

Salem Public Schools Civil Rights Compliance Officers

<p>Title IX Officer Alicia Palmer Director of Human Capital (978) 740-1115 Collins Middle School 29 Highland Avenue Salem, MA 01970</p>	<p>Section 504 Officer Deborah Connerty Executive Director of Pupil Personnel Services (978) 740-1248 Collins Middle School 29 Highland Avenue Salem, MA 01970</p>
---	--

State & Federal Offices

<p>Massachusetts Commission Against Discrimination (MCAD) 1 Ashburton Place, Room 601 Boston, MA 02108 Phone (617) 994-6000 Fax (617) 994-6024 http://www.mass.gov/mcad</p>	<p>Office U.S. Department of Education Phone (800) 872-5327 http://www2.ed.gov</p>
<p>Equal Employment Opportunity Commission (EEOC) John F. Kennedy Federal Building 15 New Sudbury Street, Room 475 Boston, MA 02203 Phone (800) 669-4000 Fax (617) 565-3196 https://www.eeoc.gov/field-office/boston/location</p>	<p>Massachusetts Department of Elementary & Secondary Education (DESE) 75 Pleasant Street Malden, MA 02148 Phone (781) 338-3000 http://www.doe.mass.edu</p>

X. Employee Acknowledgement of Receipt

I hereby acknowledge that my signature below indicates that I have received a copy of the Salem Public Schools Standard Operating Procedures and I have been made aware of the Salem School Committee Policies. I understand that it is my responsibility to read and comply with these policies. It is also important to know that information on additional regulations, policies and laws are also available online in the School Committee Policy Manual.

Salem Public Schools reserves the right to modify, eliminate and/or revoke, any and all portions of the policies and procedures as described at any time, with or without notice. I understand that a change in the district policies or the School Committee Policies supersedes and replaces any and all previous employee handbooks, standard operating procedures and statements issued by the District, whether written or oral. As the district provides updated policy information, I accept the responsibility for reading and abiding by the changes.

I further understand that any questions that I have regarding this handbook/standard operating procedures may be directed to my supervisor, the district website and/or the Human Capital for guidance.

Name of Employee: _____ Signature of Employee: _____
(Please Print)

Date Signed: _____ Building Assignment: _____

XI. Forms



EMPLOYEE COMPLAINT FORM

This Complaint is based on:

Discriminatory, Sexual Harassment, Bullying, Violence or Threats of Violence
 Other Complaint, please specify: _____

NAME: _____ DATE: _____

ADDRESS: _____ PHONE: _____

Is this a complaint regarding a supervisor? (Indicate yes or no) _____

Accused employee name & title: _____ School/Location: _____

Date of incident: _____ Time of incident: _____

Place/Location where incident occurred: _____ Witnesses: _____

What did this person do?: _____

When did this happen (over what time if continuing or more than once): _____

Please state specific facts of which you are aware to support your complaint (list in detail):

(Attach additional paper, if needed.)

Have you reported this incident to an administrator? Yes No If yes, please list name: _____

It may become necessary to disclose your identity and/or complaint, as well as to conduct a formal investigation. Should such a disclosure become necessary, it will be only to the person(s) with a need to know your identity or the details and nature of the complaint.

By signing this form, I acknowledge that I have read this document and understand my obligation to provide information as needed and to cooperate fully and completely with any investigation of this complaint. I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date Signed _____

EMPLOYEE REQUEST
MA Parental Leave/Family and Medical Leave Act

Employees must provide 30 days advance notice of the need to take leave when the need is foreseeable. When a 30 day notice is not possible, the employee must provide notice as soon as possible and generally must comply with normal call-in procedures.

Employee's Name: _____

School: _____ Position: _____ Date of Hire: _____

Reason for Requested Leave (certification and/or documentation may be required):

___ Birth of your child and the care of such newborn child. Expected Delivery Date: _____

___ Placement of a child with you for adoption or foster care. Date of Placement: _____

___ Your own serious health condition (including pregnancy and prenatal care)

___ A serious health condition affecting your spouse, parent or child. Relationship to the Employee: _____

___ Qualifying exigency (necessity to address personal issues) due to the military active duty status or call to active duty status of a spouse, son/daughter or parent. Relationship to the Employee: _____

___ You are caring for a spouse, son/daughter, parent or next of kin who is a covered service member with a serious injury or illness obtained in the line of duty. Relationship to the Employee: _____

Type of Leave Requested (Continuous, Intermittent, Reduced Hours): _____

Would you like to take the leave paid (**applying accrued sick days**) or unpaid: _____

Anticipated start date: _____ **Anticipated return to work:** _____

Please describe the intermittent, flexible, or reduced work schedule request in detail and/or describe any workplace accommodations requested. If you meet the work requirements to be eligible for FMLA, you may be required to provide medical or qualifying exigency certification.

Have you previously taken FMLA leave with the Salem Public Schools (Yes or No)?: _____

If Yes when and why: _____

I have reviewed this document and verify that the information provided or attached is correct. I have read and understand the FMLA policy.

Employee Signature: _____ **Date:** _____

Please submit your request to the Office of Human Capital.



Teacher's Personal Day Notification Form

Although according to Contract, teachers no longer need to request a personal day, please use this form to notify your principal/supervisor that you will be out, with, except in the case of emergency, 72 hours' notice. As a reminder personal leave shall not be granted for successive days nor on the school day before or after a holiday or vacation period, except with prior approval of the Superintendent. Thank you for your cooperation.

Teacher's Name _____ Date Submitted _____

Date(s) Requested: _____ School _____

Paid – applying accrued days or Unpaid

Reason for request of leave: _____

Teacher's Signature: _____ Date: _____

Principal's Signature: _____ Date: _____

Personnel Use Only

Approved _____ Paid – applying accrued days or Unpaid

Not Approved _____

Superintendent's/Designee's Signature: _____

Cc: Employee
Payroll Department
Principal

Please forward the completed form to payroll @ salemk12.org



***Vacation Day/Personal Day Request Form
For
Non-Teaching Staff Only***

Employee's Name: _____ Date Submitted: _____
(Please Print)

Position: _____ School/Department: _____

Type of Leave Requested:

Personal Vacation Other (Please Specify): _____

() Paid- applying accrued days *or* () Unpaid

Date(s) Requested: _____

Vacation Begin Date: _____ Vacation End Date: _____

Employee's Signature: _____ Date: _____

Personnel Use Only

Approved _____ () Paid – applying accrued days () Unpaid

Not Approved _____

Supervisor's Signature: _____ Date: _____

Cc: Employee
 Payroll Department
 Principal

Please forward the completed form to payroll @ salemk12.org

XII. Appendix

SALEM PUBLIC SCHOOLS SEXUAL HARASSMENT / TITLE IX GRIEVANCE PROCESS

While all forms of Harassment are prohibited by Salem Public School District, Sexual Harassment requires particular attention. Salem Public School District will promptly respond to all reports alleging Sexual Harassment as defined by Title IX regulations to ensure a fair and equitable resolution to the report, provide support to the victim, eliminate harassment, and impose discipline if necessary.

Pursuant to Title IX of the Education Amendments of 1972, Salem Public School District has a Grievance Process for investigating and resolving Formal Complaints of Sexual Harassment.

According to Title IX, sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

1. An employee of Salem Public School District conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Salem Public School District's education programs or activities; or
3. "Sexual Assault" or, an offense classified as a forcible or nonforcible sex crime; "dating violence" or, violence committed by a person who (a) is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship; or "stalking" or engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

While it is not possible to list all circumstances that may constitute sexual harassment, the following are examples of prohibited conduct between students, employees, and obviously employees and students:

- 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
- Taking or posting of photographs, videos or images of a sexual nature without consent

TITLE IX COORDINATOR

The Title IX Coordinator is responsible for ensuring Salem Public School District's compliance with Title IX and this Grievance Process. Salem Public School District's **student** Title IX Coordinator is Deborah Connerty. The Title IX Coordinator for **staff** is Alicia Palmer. Their contact information is provided below.

Deborah Connerty
Executive Director of Pupil Personnel Services
Salem Public Schools
Phone: (978) 740-1249 Email: DConnerty@salemk12.org

Alicia Palmer
Director of Human Capital
Salem Public Schools
Phone: (978) 740-1115 Email: APalmer@salemk12.org

RESPONSE TO SEXUAL HARASSMENT

A student wishing to report sexual harassment, may inform the Title IX Coordinator, or any other employee. Any District employee with knowledge of an allegation of sexual harassment, must report it, whether they personally witness the sexual harassment, learn of it from a third party or the alleged victim themselves.

Once the Title IX Coordinator learns of an allegation of sexual harassment, they will contact the alleged victim, or "the Complainant," to gather preliminary information, offer "Supportive Measures," and inform that person of the right to file a "Formal Complaint" against the alleged perpetrator, or "the Respondent," that initiates the Title IX "Grievance Process."

A "Formal Complaint" is a document filed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Salem Public School District investigate the allegation of sexual harassment and initiate the Grievance Process. Formal Complaints may be filed with the Title IX Coordinator in person, by mail, or electronic mail. To file a Formal Complaint, the alleged sexual harassment must have occurred in the school's district educational programming or activity, and within the United States.

In some circumstances, the District will dismiss a Formal Complaint. The District has discretion to dismiss a Formal complaint where the passage of time would result in an inability to gather sufficient evidence for a determination of responsibility, the district lost responsibility over the Respondent. The District must dismiss the Formal complaint if it does not constitute sexual harassment as complicated by Title IX. However, the school may investigate the conduct as it pertains to other school policies.

"Supportive Measures" are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has filed. Such Measures are designed to restore or preserve equal access to the Salem Public School District education and activities, including measures designed to protect the safety of all or the educational environment, or deter sexual harassment.

Salem Public School District will maintain the confidentiality of any Supportive Measures to the extent possible and document the supportive measures offered by the Title IX Coordinator to the Complainant and

Respondent. Examples of supportive measures include, but are not limited to the following: counseling, deadline extensions, course adjustments, work or schedule modifications, and increased security.

RETALIATION:

Salem Public School District strictly prohibits retaliation in any form against persons seeking protection under this policy, reporting sexual harassment, or participating in the Grievance Process. As such, the District will investigate any reports of retaliation and take separate disciplinary action against those found to have retaliated against another.

GRIEVANCE PROCESS:

Once the Formal Complaint is filed, the “Grievance Process” commences. Salem Public School District is committed to treating all parties equitably during the Grievance Process. Salem Public School District is committed to completing the Grievance Process as soon as possible with the goal of completion within 60 days. However, if required, by good cause, such as the absence of a party, a party’s advisor, or a witness; law enforcement or DCF involvement; or the need for accommodations, the parties will be notified of the need for delay.

Salem Public School District will provide the Complainant and Respondent with written notice of the allegations and the Grievance Process. This notice will include details of the specific allegations against the Respondent. The parties will be informed at this time of their right to have an advisor of their choice, who may be, but is not required to be, an attorney, and may accompany them at any point during the process. They will also be informed of their right to inspect and review evidence. The parties will also be reminded of the school’s prohibition against knowingly making false statements during this process. The Respondent is presumed not responsible for the alleged conduct until a determination of responsibility has been made. Supportive measures are available to all parties during the Grievance Process.

The Title IX Grievance Process requires the involvement of several different employees that fulfill separate roles. The assignment of these roles is not predetermined to ensure that the Grievance Process for each Formal Complaint is free of conflicts. As noted earlier, the Title IX Coordinator oversees Title IX compliance and the Grievance Process. Additionally, each Formal Complaint will be assigned an “Investigator,” who could be a Principal, Vice-Principal, or other employee that is properly trained in investigations. Each Title IX investigation will be assigned a “Decision-Maker,” which similarly could be a Principal, Vice-Principal, or other employee that is properly trained. All appeals will be reviewed by someone who was involved in the underlying Title IX investigation

Salem Public School District will ensure that Title IX coordinators, investigators, Decision-makers, and any person who facilitates an informal resolution process, receives training on this process and his or her respective role.

INFORMAL RESOLUTION:

If appropriate, the Title IX Coordinator will offer the parties the option of an informal resolution process, but, pursuant to Title IX, not until a Formal Complaint has been filed and the parties have been fully advised of their Title IX rights. Before beginning an informal resolution process, Salem Public School District will obtain written consent from the Complainant and Respondent. At any time, the parties can withdraw from the informal resolution and the Grievance Process will resume. Informal Resolution shall not be offered in the event the Respondent is an employee of Salem Public School District.

INVESTIGATION:

A properly trained Investigator will complete an investigation into the Formal Complaint. Both, the Respondent and Complainant, will have an equal opportunity to present witnesses and other evidence. Prior to any interviews with a witness, Salem Public School District will provide the witness with notice of the date, time, location, participants, and sufficient time to prepare for that interview. Both parties will have an equal opportunity to examine and inspect evidence. Unless waived by one of the parties, the investigation will not intrude on any information legally protected as privileged. Questions and evidence about a person's sexual predisposition or prior sexual behavior are not relevant, unless it is offered to prove that someone other than the Respondent committed the alleged act, or the questions and evidence concern specific incidents of sexual behavior between the parties and it is offered to prove consent. At the conclusion of the investigation, the Investigator will create an Investigative Report that summarizes the relevant evidence and send it to each party and the party's advisor.

The parties will have 10 days before any hearing or determination of responsibility to review and respond to the report if they so choose. Time periods may be extended or delayed for good cause, including the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodations of disabilities.

The designated Decision-Maker will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions. The Decision-Maker, who will first evaluate the relevancy of each question. In the event that the Decision-Maker decides to exclude a question, they will provide a written decision explaining their reasoning.

HEARINGS:

Though it is not required, Salem Public School District reserves the right to conduct a full-live hearing as part of the Grievance Process. At such hearing, the Decision-maker will permit each party's Advisor to ask the other party and any witnesses relevant questions. If a party does not have an advisor, Salem Public School District will provide one at no cost. Upon the request of the Complainant or Respondent, Salem Public School District will utilize technology to separate the parties during the hearing process. If a party or witness does not submit to cross-examination at the live hearing, the Decision-Maker will not consider any statement of that party or witness in determining responsibility.

FINDING OF RESPONSIBILITY:

Any Respondent found, by a preponderance of the evidence, to have committed Sexual Harassment shall be subject to a range of discipline, including, but not limited to: detention, exclusion of extracurricular activities, suspension, and expulsion, or in the case of an employee termination of employment.

The Decision-Maker will simultaneously issue a written determination of responsibility that includes a description of the allegations, the procedural steps of the grievance process, the findings of facts, the conclusions reached, and a statement and rationale of responsibility and related discipline. If applicable, it will also include remedies designed to restore or preserve equal access to education and activities at Salem Public School District.

APPEAL:

Both the Complainant and Respondent shall have the right to appeal the decision of the Grievance Process by notifying the Title IX coordinator in writing within 10 business days of receiving the decision. The grounds for appeal are limited to: procedural irregularity, new evidence that was not reasonably available at the time of the determination or dismissal, or an alleged a conflict of interest. Both parties shall have an opportunity to provide a written statement supporting their position on Appeal. The Appeal shall be reviewed by a person who is not the original decision-maker, investigator, or Title IX Coordinator. That person shall issue a written decision and rationale simultaneously to the parties.

CONTACT INFORMATION FOR STATE AND FEDERAL ENFORCEMENT AGENCIES

The Office for Civil Rights, US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

The Massachusetts Commission Against Discrimination
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone 617-994-6000, TIY: 617-994-6196

The Equal Employment Opportunities Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000

Revised & Updated – August 26, 2020