

# REGULATION

## COMMERCIAL TOWNSHIP BOARD OF EDUCATION

SUPPORT STAFF MEMBERS  
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### R 4000 SUPPORT STAFF MEMBERS

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R 4146 NONRENEWAL OF NONTENURED SUPPORT STAFF MEMBER

A. Evaluations

1. Each nontenured support staff member shall be evaluated at least one time each school year.
2. Evaluations shall set forth both the strengths and weaknesses of the nontenured support staff member in order to provide an accurate assessment of his/her performance and to encourage the improvement of that performance.
3. Supervisors shall constructively point out performance deficiencies and offer assistance to nontenured support staff members in the improvement of professional skills.

B. Nonrenewal Recommendation

1. When a nontenured support staff member's performance does not meet the standards of the district, the support staff member's immediate supervisor shall recommend to the Superintendent, no later than April 1, that the support staff member should not be reemployed in the following school year.
2. The nontenured support staff member shall be informed by the Superintendent, in writing, that employment for the next succeeding school year will not be offered. This written notice shall be provided to the nontenured support staff member in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties.
3. A recommendation by the Superintendent for nonrenewal may be based upon the nontenured support staff member's evaluations, job performance, or any factor affecting his/her employment in this district.
4. A nontenured support staff member contract can only be renewed upon the Superintendent's recommendation and a majority vote of the full Board. The Board may not withhold its approval for arbitrary and capricious reasons.

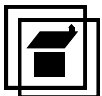


### C. Nonrenewal Action

1. The Superintendent will notify the Board members of the recommendation not to renew a nontenured support staff member's contract before notifying the support staff member of the recommendation to not renew. The Superintendent may notify the Board members of the recommendation not to renew the nontenured support staff member's contract and the reasons for the recommendation in a written notice to the Board. In the alternative, the Superintendent may notify the Board members of the recommendation not to renew a nontenured support staff member in executive session. Using this option, the Board will meet in executive session to review the Superintendent's recommendation(s) for nonrenewal of nontenured support staff members. Notice of the executive session shall be given in accordance with N.J.S.A. 10:4-13 and individual notice shall be given, not less than forty-eight hours in advance of the meeting, to those nontenured support staff members whose possible nonrenewal will be discussed at the meeting. If any such employee requests the discussion take place in public, the recommendation for his/her nonrenewal will be severed from any other nonrenewal recommendation and will be scheduled for discussion at a public meeting.
2. A nontenured support staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board vote is not required on the Superintendent's recommendation(s) to not renew a nontenured support staff member's contract.

### D. Notice of Nonrenewal

1. Notice of the Superintendent's decision not to renew shall be given to each nontenured support staff member not recommended for renewal in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties. The Board may delegate the Superintendent or the Board Secretary to give the written notice of nonrenewal.
2. The nonrenewal notice shall be in writing and provided to the nontenured support staff member not recommended for renewal in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties. If hand delivered, a record shall be made of the date on which delivery was made. If sent by mail, the notice shall be sent registered mail, return receipt requested, to the nontenured support staff member's address of record.



E. Request for Statement of Reasons

1. A nonrenewed support staff member will be given a written statement of the reasons for which he/she was not renewed provided the support staff member's request for a statement of reasons has been received by the Superintendent within fifteen calendar days after the support staff member has received written notice of his/her nonrenewal.
2. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the precise reasons for the nonrenewal. Where the nonrenewal is based on performance deficiencies recorded in the employee's evaluations and the employee has been given a copy of those evaluations, the statement of reasons may incorporate the evaluations by reference.
3. The statement of reasons may be prepared by the Superintendent or the Board Secretary and shall be delivered to the employee who requested it within thirty calendar days after the receipt of the employee's request.

F. Nonrenewal Appearance

1. A support staff member who has requested a statement of reasons for his/her nonrenewal will be granted an informal appearance before the Board to discuss those reasons, provided that he/she had submitted to the Superintendent a written request for such an appearance no later than ten calendar days after the support staff member's receipt of the written statement of reasons.
2. A date for the informal appearance shall be scheduled within thirty calendar days from the support staff member's receipt of the Board's statement of reasons. The appearance shall be conducted at an executive session for which notice has been given in accordance with N.J.S.A. 10:4-13. The Board will determine a reasonable length of time to be devoted to the appearance, depending upon each instance's specific circumstances. The proceeding of an informal appearance before the Board may be conducted pursuant to N.J.A.C. 10:4-12(b)(8).
3. The support staff member requesting the appearance shall be given written notice, no later than forty-eight hours in advance of the meeting at which it is scheduled, of the date, time, place, and duration of the appearance.



4. The purpose of the appearance shall be to permit the nonrenewed support staff member to convince the members of the Board to offer reemployment. To those ends, the appearance shall be informally conducted. This appearance provides a mechanism by which the nontenured support staff member, whose renewal has not been recommended by the Superintendent, can appeal to the Board, on which the Superintendent sits as a non-voting member pursuant to N.J.S.A. 18A:17-20. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding and the appearance shall not be an adversary proceeding.
  5. The support staff member may be represented by an attorney or by one individual of his/her choosing. He/She may present witnesses to testify on his/her behalf. Witnesses do not need to present testimony under oath, and their statements may be recorded. The Board will hear witnesses and shall not cross-examine them. Witnesses will be called into the meeting to address the Board one at a time and shall be excused from the meeting after making their statements.
- G. Final Determination
1. A nontenured support staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board vote is not required on the Superintendent's recommendation(s) to not renew a nontenured support staff member. However, after an informal appearance before the Board, the Superintendent may make a recommendation for reemployment to the voting members of the Board. The voting members of the Board, by a majority vote of the full Board in public session, must approve the reemployment based on the Superintendent's recommendation.
  2. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the nontenured support staff member reemployment after the informal appearance before the Board.
  3. The final determination will be delivered to the nontenured support staff member, in writing, no later than three days following the informal appearance. The Board may delegate the Superintendent or the Board Secretary to deliver the final determination.

Issued: 08 December 2020



## R 4160 PHYSICAL EXAMINATION

### A. Definitions

1. “Employee” or “staff member” means the holder of any full-time or part-time position of employment.
2. “Health history” means the record of a person’s past health events obtained in writing, completed by the individual or their physician.
3. “Health screening” means the use of one or more diagnostic tools to test a person for the presence or precursors of a particular disease.
4. “Physical examination” means the assessment of an individual’s health by a professional licensed to practice medicine or osteopathy, or by an advanced practice nurse or physician assistant.
5. “Physician assistant” means a health care professional licensed to practice medicine with physician supervision.

### B. Physical Examinations – Candidates for Employment Who Have Received a Conditional Offer of Employment

1. Candidates for employment who have received a conditional offer of employment shall be required to undergo a physical examination. The physical examination shall include, but is not limited to, a health history and health screenings to determine whether the candidate is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990 (ADA). The candidate for employment will be provided the Board’s requirements for the physical examination.
  - a. A health history shall include, but is not limited to, the candidate’s:
    - (1) Past serious illnesses and injuries;
    - (2) Current health problems;
    - (3) Allergies; and
    - (4) A record of immunizations.



b. A health screening shall include, but is not limited to:

- (1) Height;
- (2) Weight;
- (3) Pulse and respiratory rate;
- (4) Hearing screening;
- (5) Blood pressure; and
- (6) Vision screening.

C. Medical Requirements Upon Employment

1. A Mantoux tuberculosis test shall be given upon employment of all newly hired staff members (full-time and part-time), and to all student teachers, school bus drivers on contract with the district, and to contractors or volunteers who have contact with students. Tuberculosis testing is not required for volunteers working with students less than twenty hours per month.

a. Tuberculosis testing is not required:

- (1) For new staff members, student teachers, and contractors of the school district with a documented negative tuberculosis test result in the last six months or a documented positive tuberculosis test, regardless of when this test was done; or
- (2) For a school district staff member transferring between school districts or from a non-public school within New Jersey with a documented tuberculosis test result upon his/her initial employment by a New Jersey school.

b. Staff members, student teachers, contractors or volunteers who have contact with students and claim a religious exemption cannot be compelled to submit to tuberculosis testing. In these instances, a symptom assessment must be done (TB-8 Form). If TB-like symptoms are reported, a physician must document that the staff member, student teacher, contractor, or volunteer does not have an active disease.







2. The physician or institution completing the examination may be provided the fitness requirements for each position.
  3. Comprehensive fitness for duty examinations may be required for all candidates for employment who receive a conditional offer of employment.
- G. Review of Examinations and Assessments
1. The results of the physical examination of a candidate for employment who has received a conditional offer of employment will be reviewed by the school physician, who, in consultation with the Superintendent, will determine the candidate's physical and mental fitness to function with reasonable accommodation in the position for which he/she has made application. That determination will be made a part of the candidate's application.
- H. Rescinding a Conditional Offer of Employment – Notice to Candidates for Employment Who Receive a Conditional Offer of Employment
1. All candidates for employment who receive a conditional offer of employment shall be informed by the district that:
    - a. An offer of employment by the Superintendent or designee is conditional upon completion of the Board's required physical examinations and assessments;
    - b. The required examinations and assessments will be used to determine the candidate's ability to perform with reasonable accommodations job-related functions pursuant to ADA; and
    - c. If it is determined upon completing the examination(s) or assessment(s) the candidate is unable to perform with reasonable accommodations job-related functions pursuant to the provisions of the ADA, the conditional offer of employment will be rescinded either by the Superintendent if the Board has not yet approved the appointment or by the Board, if the Board had approved the appointment at a Board meeting.

Adopted: 08 December 2020



### R 4211.3 CONSULTING OUTSIDE THE DISTRICT

The Board of Education recognizes that support staff members will have expertise and knowledge in areas that other school districts, agencies, private business organizations and other entities may desire. Recognizing that the school district will request the expertise from support staff members from other school districts, agencies, private business organizations and other entities the Board supports sharing of its support staff members with other school districts and agencies to the extent it does not interfere with the efficient operation of the school district.

#### A. Definitions

1. Agency - A public or private agency requesting the services of the school district's support staff member.
2. Other school districts - A school district other than the school district that employs the support staff member, including all supervisory and administrative personnel.
3. Out-of-pocket expenses - Expenses that provide reimbursement for such items as travel, lodging, meal expenses, parking, copy costs, and supply costs.
4. Remuneration - Any compensation, including, but not limited to, a paid stipend, an hourly fee, a per day fee, and/or any benefit conferred upon the support staff member, except out-of-pocket expenses.
5. Staff member - A contracted member of the school district's support staff, including all supervisory and administrative personnel.

#### B. Procedure - Consulting For No Additional Remuneration

1. The support staff member or the agency requesting the expertise and knowledge of the support staff member must submit a written request to the Superintendent or designee. The written request must include the following:
  - a. The date(s) the support staff member will be away from the district;
  - b. The time of day the support staff member will be away from the school district;
  - c. Any out-of-pocket costs to the school district;
  - d. Any reimbursements that the support staff member is entitled to from the other school district or agency;
  - e. The specific services requested of the support staff member; and
  - f. The location where the services will be provided.



# REGULATION

## COMMERCIAL TOWNSHIP BOARD OF EDUCATION

SUPPORT STAFF MEMBERS

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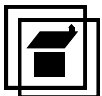
Consulting Outside the District

2. The Superintendent or designee will evaluate the request for a recommendation to be approved by the Board based on the criteria above along with any existing or potential relationships with the other school district for reciprocal services, a reduction in the future or existing cost of services to the school district, the support staff member's attendance record and the impact of the support staff member being out of the school district for the requested time.
3. The Superintendent or designee will determine and recommend each request on a case by case basis and the decision is final. The Superintendent may require the other district or agency to pay the cost of any substitute personnel related to the request.
4. If deemed to be in the best interest of the school district, the Superintendent's recommendation will be submitted to the Board for approval.
5. The Board's approval of the Superintendent's recommendation will permit the support staff member's consulting activity attendance and the support staff member will receive credit as a regular workday. There shall be no overtime, extra-pay or additional time-off granted to the support staff member if the request is approved by the Board.
6. The support staff member must normally complete any paid consulting activities on his/her own time which would include vacation days, evenings, weekends, and/or school holidays. The support staff member may be granted an unpaid leave of absence to perform the consulting activity when such leave is recommended by the Superintendent and approved by the Board.

### C. Reporting Activities

The support staff member must comply with the New Jersey School Ethics Act N.J.S.A. 18A:12-21 et seq. and, if required, must comply with financial disclosure requirements of N.J.S.A. 18A:12-24 and 12-25.

Issued: 08 December 2020



### R 4218 USE, POSSESSION, OR DISTRIBUTION OF SUBSTANCES

#### A. Definition

1. “Board physician” means a physician currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy and appointed by the Board of Directors.
2. “Substance” or “substances” as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a) means alcoholic beverages; any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2; any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4; and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
3. “Substance test” means a test conducted by a Board-approved laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument’s manufacturer.
4. “Support staff member’s supervisor” or “supervisor” means the building or school administrative staff member who is responsible for supervising the support staff member. For the purposes of this Policy and Regulation, the support staff member’s supervisor shall be the support staff member’s Principal or any other administrative staff member responsible at the time of the alleged violation or as designated by the Superintendent.
5. “Under the influence” means the presence of a substance as defined in Policy 4218 and this Regulation as confirmed in a medical examination and substance test.



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## COMMERCIAL TOWNSHIP BOARD OF EDUCATION

SUPPORT STAFF MEMBERS

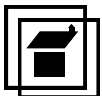
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Use, Possession, or Distribution of Substances

- B. Procedures to be Followed When a Staff Member has Unlawfully Possessed or has been Involved in the Distribution of a Controlled Dangerous Substance
1. Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of their employment, has reason to believe a staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall report the matter as soon as possible to the staff member's supervisor in accordance with the provisions of Policy 4218 and N.J.A.C. 6A:16-6.3(a).
    - a. In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)1, upon receiving a report, the supervisor shall notify the Superintendent who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.
    - b. In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)2, the Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter including the identity of the staff member involved.
    - c. A staff member who unlawfully possessed or in any way has been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall be subject to appropriate discipline, which may include, but not be limited to, termination of a non-tenured support staff member or the filing of tenure charges for a tenured support staff member in accordance with law.
- C. Procedures to be Followed When a Support Staff Member is Suspected to be Under the Influence of a Substance
1. The following procedures shall be used when a support staff member is suspected of being under the influence of a substance during work hours or at a school-sponsored function where the support staff member has been assigned job responsibilities.
    - a. The support staff member's supervisor, upon receiving a report or information a support staff member may be under the influence of a substance during work hours or at a school-sponsored function where the support staff member has been assigned job responsibilities will:



- (1) Immediately notify the Superintendent;
- (2) Immediately meet with the support staff member;
  - (a) The support staff member's supervisor may include another staff member in this meeting; and
  - (b) The support staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.
- b. The support staff member's supervisor shall present to the support staff member the report or information supporting the suspicion the support staff member may be under the influence of a substance.
- c. The support staff member shall be provided an opportunity to respond to the report or information presented by the supervisor.
- d. In the event the supervisor or designee believes the support staff member may be under the influence of a substance after meeting with the support staff member, the supervisor will arrange for an immediate medical examination by the Board physician. The medical examination shall include a substance test administered by the Board physician or a Board-approved laboratory.
- e. The support staff member shall be transported to the examination and testing location by means of transportation approved by the Superintendent or designee and shall be accompanied by the support staff member's supervisor or designee.
- f. The support staff member, prior to the medical examination and substance test, will be informed by the Board physician or designee on the type of testing to be completed and the substances that will be tested.
- g. The support staff member may, prior to being examined or tested, disclose to the Board physician or designee any prescription medicine, over-the-counter medicine or supplements, or any other reason why the support staff member's test results may be positive.





- b. Provide the support staff member an opportunity to have the substance test results confirmed by a laboratory selected by the support staff member and approved by the Board physician and Superintendent.
  - (1) The Board physician will schedule and coordinate the confirmation test procedures, including the acceptable time period for the confirmation test to be conducted based on the existing test results, and the time in which a confirmation test result would be valid. This confirmation test shall be paid for by the support staff member.
  - (2) The confirmation test results must be provided to the Board physician and Superintendent within the time period required by the Board physician.
  - (3) Any confirmation test results provided to the Board physician and Superintendent not within the time period required by the Board physician shall not be accepted and the support staff member shall be determined to have waived their right to have the results of a confirmation test considered.
  
- c. After completing the requirements in 5. a. and b. above, the Board physician shall make a final determination whether the support staff member was under the influence of a substance during work hours or at a school-sponsored function where the support staff member was assigned job responsibilities.
  - (1) If the Board physician makes a final determination the support staff member was not under the influence during work hours or at a school-sponsored function where the support staff member was assigned job responsibilities, the Board physician will report a final determination to the Superintendent and the support staff member shall return to their position in the school unless the Superintendent has a reason the support staff member should not be returned to their position. Any records or documentation regarding a negative medical examination or substance test shall not be included in the support staff member's personnel file.





- (2) If the Board physician makes a final determination the support staff member was under the influence during work hours or at a school-sponsored function where the support staff member was assigned job responsibilities, the Board physician will report a final determination to the Superintendent.
- D. Procedures to be Followed When a Support Staff Member is Determined to be Under the Influence of a Substance
  1. Any support staff member determined by the Board physician to be under the influence of a substance during work hours or at a school-sponsored function where the support staff member was assigned job responsibilities shall be required to meet with the Superintendent.
    - a. The support staff member may include a staff member or a representative of their choice in this meeting.
  2. The Superintendent will provide the support staff member an opportunity to respond to the Board physician's determination.
  3. A support staff member determined to be under the influence of a substance during work hours or at a school-sponsored function where the support staff member was assigned job responsibilities will be subject to appropriate discipline which may include, but not be limited to:
    - a. Withholding an increment;
    - b. Terminating a non-tenured support staff member; and/or
    - c. Filing tenure charges for a tenured support staff member.

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### R 4220 EVALUATION OF SUPPORT STAFF MEMBERS

#### A. Evaluator

The observation and evaluation of support staff members will be conducted by the employee's immediate supervisor or the Principal, as specified by the Superintendent.

#### B. Evaluation Criteria

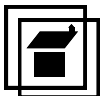
1. Evaluation criteria for each position will derive from the job description for the position and relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:
  - a. Briefly stated and focused on major responsibilities of the position as well as the employee's attitude towards the job and his/her interpersonal relations on the job;
  - b. Based on observable information rather than on factors requiring subjective judgment;
  - c. Generic, covering a number of specific positions;
  - d. Designed to make note of an employee's strengths as well as weaknesses; and
  - e. Written in the same format and in a direct, simple style.
2. Maintenance of job evaluation criteria will be the responsibility of the Superintendent. Evaluation criteria will be reviewed, and
  - a. Whenever the corresponding job description is revised, or
  - b. On the request of a majority of persons holding a particular job.
3. Each support staff member will be sent a copy of the current evaluation criteria for his/her position by the immediate supervisor. Any revisions will be provided to each holder of that job within thirty working days of its adoption.



4. Suggested revisions to evaluation criteria by job holders will be referred initially to the job holder's immediate supervisor for review.
- C. Collection of Evaluation Data
- Data will be gathered by any one or more of the following evaluation methods:
1. Direct observation of the support staff member in the course of performing an assigned duty;
  2. Review of a product from the support staff member that results from the performance of his/her assigned duties;
  3. Interviews of the support staff member regarding his/her knowledge of assigned duties;
  4. Paper and pencil instruments such as competency tests;
  5. Audio visual monitoring of the support staff member in the performance of his/her assigned duties; and
  6. Reference to previous performance reports.
- D. Observation Frequency
1. Support staff members on a post-probationary status will be evaluated at least one time annually.
- E. Evaluation Procedures
1. Each observation will total not less than fifteen minutes. The evaluator shall record each separate instance of observation and the activity observed.
  2. Each observation will be recorded on a separate form in triplicate.
  3. A written evaluation of each support staff member will be prepared by the observer in triplicate and will be based, at least in part, on the observation(s) conducted.



4. A copy of the evaluation will be sent to the employee at least seventy-two hours prior to the evaluation conference.
  5. The employee and the evaluator shall hold a conference to discuss the evaluation report during which the evaluator shall point out both the weaknesses and strengths of the employee.
  6. Both the evaluator and the employee shall sign each copy of the evaluation report. By signing the evaluation report the employee implies only that he/she has read and understands the document.
  7. The employee may prepare a written disclaimer to the evaluation report which will be appended to the report provided it is received by the evaluator not more than ten working days following the conference.
  8. The evaluator shall distribute copies of the evaluation report to the Superintendent.
- F. Individual Performance Improvement Plan
1. An Individual Performance Improvement Plan will be prepared for each support staff member to correct deficiencies and to encourage improvement.
  2. Performance improvement plans will derive from the applicable evaluation criteria and focus on weaknesses identified in the evaluation report.
  3. The Individual Performance Improvement Plan will be prepared in cooperation with the employee whenever possible and shall include:
    - a. Areas of required growth,
    - b. Methods of achieving that growth,
    - c. A schedule for implementation of those methods, and
    - d. The responsibility of the support staff member and the district for implementing the plan.



# REGULATION

## COMMERCIAL TOWNSHIP BOARD OF EDUCATION

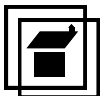
SUPPORT STAFF MEMBERS

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Evaluation of Support Staff Members

4. At the time a Performance Improvement Plan is prepared, a review will also be made of the effort by the staff member to achieve the prior year's plan. The degree to which the employee achieved the requirements of the previous plan will be a measure of his/her performance.
5. Copies of the Individual Performance Improvement Plan will be attached to the employee's evaluation report, given to the support staff member, and filed with the Superintendent.
6. It is the duty of the support staff member to implement the plan as prepared; his/her failure to do so may result in disciplinary action, including, where appropriate, dismissal.

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### R 4230 OUTSIDE ACTIVITIES

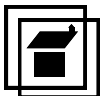
#### A. Outside Employment

1. A full-time employee may engage in outside employment when such employment does not:
  - a. Constitute a conflict of interest;
  - b. Violate the New Jersey School Ethics Act; or
  - c. Occur at a time when the employee has assigned district duties and responsibilities.
2. A full-time employee who engages in employment outside the district shall report that employment to the Superintendent only if the outside employment may require any type of accommodation by the school district or if the outside employment would require the staff member to not perform or limit the staff member's ability to perform all the responsibilities of their school district employment.

#### B. Private Enterprise, Business, or Business Organization

1. An employee shall not conduct activities on school district grounds that may advance a private enterprise, business, or business organization without the express permission of the Superintendent. Permission will not be given for solicitations or collections on behalf of a private enterprise, business, or business organization.
2. An employee shall not, on school grounds, solicit students for trips other than those expressly approved by the Board or Superintendent without permission of the Superintendent. School grounds shall not be used as the point of departure or arrival for any such privately arranged activity.

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### R 4233 POLITICAL ACTIVITIES

#### A. Prohibited Activities

The following political activities are prohibited on school district premises:

1. Posting of political circulars or petitions on bulletin boards that are not sponsored by the school and included as part of the school curriculum and/or program;
2. Distribution to employees, whether by placing in their school mailboxes or otherwise, of political circulars or petitions, except as delivered by the U.S. Postal Service;
3. Collection of and solicitation for campaign funds;
4. Solicitation for campaign workers;
5. Use of students for writing or addressing political materials or the distribution of such materials to or by students;
6. Display of any materials that promote the candidacy of any candidate for office by a person working on an election day in a district facility used on election day as a polling place; and
7. Any activity in the presence of students while on school property, which activity is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

#### B. Permitted Activities

The conduct of employee elections and any campaigning connected with those elections is permitted on school premises.

- C. Nothing in this Regulation shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a staff member or student.

Issued: 08 December 2020



### R 4240 EMPLOYEE TRAINING

- A. Programs of Job Skills Improvement
1. The purpose of job skills improvement programs is to increase the knowledge, proficiency, ability, and skills of support staff employees.
  2. Training programs will be structured to meet the immediate needs of the district as well as the personal goals of the employees.
  3. Training programs for support staff members shall be developed by the Principal for implementation by the individual staff member.
- B. Determination of Training Needs
1. The Principal and supervisors shall annually inventory the training needs of the employees under their supervision by determining whether:
    - a. Assignments are being carried out in a systematic and effective manner,
    - b. Policies of the Board and regulations of the district are being properly implemented,
    - c. Employee evaluations indicate a need for improvement,
    - d. Excessive waste or damage is occurring or safety methods are not being followed,
    - e. Employees have an opportunity to express their views on the manner in which assignments are performed, and
    - f. Career advancement training opportunities are available to employees.
  2. The Principal shall prepare a report of the training needs for the review of the Superintendent that shows:
    - a. Identified needs determined from the inventory;
    - b. Current programs that meet identified needs and areas in which current programs do not meet identified needs;





- c. Recommendations for on-the-job training procedures in areas in which a need is identified and no current program is available, and
- d. Recommendations for the use of off-the-job training programs known to meet district needs.

### C. On-the-Job Training

- 1. On-the-job training is that given to employees while they are at their assigned work stations.
- 2. On-the-job training shall be directed primarily to new employees and those whose job responsibilities have been changed.
- 3. On-the-job training programs shall be developed by the Principal; the assistance of experts is encouraged with approval of the Superintendent.
- 4. Scheduling of training on the job will be the responsibility of the Principal.
- 5. The outcome of training on the job should be a higher level of performance by each affected employee.

### D. Off-the-Job Training

- 1. Off-the-job training is that attended by employees during or after their regular job assignments but away from their assigned work stations.
- 2. Training off the job should generally be directed to those employees who have specialized workplace needs.
- 3. Suitable training programs shall be identified for support staff employees by the Principal with approval of costs by the Superintendent.
- 4. Scheduling of off-the-job training will be the responsibility of the Principal.
- 5. Allowable fees for attendance at off-the-job training programs shall be reimbursed upon the submission of an expense voucher to the Principal in accordance with Policy No. 6471.



# REGULATION

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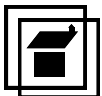
SUPPORT STAFF MEMBERS

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Employee Training

6. Employees who are recompensed for costs of off-the-job training are expected to continue in their employment for at least one year. Prorata reimbursement will be required for shorter periods of employment.
- E. Training Effectiveness
1. Employees assigned to training off the job shall complete a district form designed to evaluate the effectiveness of the program.
  2. The Principal shall review the performance of each employee assigned training either on or off the job thirty to forty-five days following the completion of the program.
  3. The Principal shall report to the Superintendent on the effectiveness and cost of the training programs. He/She shall recommend continuation and discontinuance of programs as appropriate.

Issued: 08 December 2020



### R 4281 INAPPROPRIATE STAFF CONDUCT

Inappropriate conduct by a school staff member will not be tolerated by the Board of Education. Policy No. 4281 and this Regulation have been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate conduct and conduct unbecoming a school staff member to students.

#### A. Definitions

1. “Building Principal” is the Principal of the building where the staff member is assigned.
2. “Grievance Procedure” is the grievance procedure that provides for prompt and equitable resolution of inappropriate conduct or conduct unbecoming a school staff member.
3. “Hostile Environment Sexual Harassment” is sexual harassing conduct, which can include sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a student’s ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.
4. The “immediate supervisor” for support staff members may be a Building Principal, a member of the school district’s non-instructional supervisory staff and/or the School Business Administrator/Board Secretary.
5. “Inappropriate comments” includes, but is not limited to, comments of a sexual nature, sexually oriented humor or language, inappropriate comments about a student’s clothing or physical appearance, comments with sexual overtones, comments regarding a student’s dating partner or comments about the staff member’s personal life that are not relevant to the professional responsibility of the school staff member.



6. “Inappropriate conduct” includes, but is not limited to, sexual misconduct, a request by a school staff member to a student for a social relationship outside the school staff/student relationship, sexually harassing conduct, inappropriate touching by the staff member to a student or permitting a student to inappropriately touch a staff member, corporal punishment, requesting a student to expose private parts of their body, other than for school medical purposes, and a staff member exposing their own private parts of their body to a student. Inappropriate conduct also includes physical contact between a staff member and student that is beyond the staff member/student professional relationship. This contact includes, but is not limited to, kissing, touching or feeling private parts of the body, holding hands or arms, and other contact that typically shows a sign of affection beyond the staff member/student professional relationship. “Inappropriate conduct” does not include a hug initiated by a student as a sign of the student’s appreciation to a school staff member at a school sponsored activity such as school banquets, school recognition programs, graduations, etc.
7. “Inappropriate language or expression” includes, but is not limited to, the use of any profanity, obscene language, public lewdness or the use of public lewdness, comments with sexual overtones, distribution and/or discussion of any pornography.
8. “Inappropriate staff conduct” is any conduct prohibited by this Policy and corresponding Regulation including any other conduct deemed by the Commissioner of Education, the State Board of Education, statute, administrative code, and/or the judicial case law to be inappropriate conduct and/or conduct unbecoming a school staff member.
9. “Quid Pro Quo Sexual Harassment” is when a school employee explicitly or implicitly conditions a student’s participation in an educational program or activity or bases an educational decision on the student’s submission to unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the student resists and suffers the threatened harm or submits and thus avoids the threatened harm.
10. “Professional responsibility or responsibilities” is the responsibilities of the staff member including, but not limited to, all school district sponsored extra-curricular activities, co-curricular activities, athletic coaching responsibilities; and other instructional or non-instructional positions and responsibilities appointed and/or assigned by the administration or Board.



11. “Promptly report” is reporting by the end of the next school day. If school is not in session the next day, then by the end of the first day after the weekend or holiday break. If this reporting time would exceed seventy-two hours, the staff member shall notify the Building Principal no later than seventy-two hours after the required reporting time.
12. “Sexual Harassment” is to include quid pro quo sexual harassment and/or hostile environment sexual harassment.
13. “Staff member” or “school staff member” is a compensated and/or uncompensated member of the school district’s staff, including any agents and/or representatives of the school district.
14. “Unannounced or uninvited visit” is a student visiting, without prior notice to the staff member or without an invitation from the staff member, the staff member’s residence and/or other place where the staff member may be when not performing school related professional responsibilities.

### B. Reporting Procedure

1. Any staff member who believes, or has reason to believe, a student is seeking a relationship with the staff member beyond his/her professional responsibilities must promptly report this information to the Building Principal or immediate supervisor.
2. Any staff member who believes, or has reason to believe, a student is seeking a relationship with another staff member beyond the professional responsibilities of the other staff member or believes, or has reason to believe, another staff member is seeking a relationship with a student beyond the professional responsibilities of the other staff member must promptly report this information to the Building Principal or immediate supervisor.
3. Any staff member who believes he/she had, or may have, engaged in conduct prohibited by this Policy and Regulation must promptly report the conduct to the Building Principal or immediate supervisor.
4. Failure of a staff member to report conduct they know, or had reason to know, is prohibited by this Policy and Regulation and will result in appropriate disciplinary action.



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Inappropriate Staff Conduct

5. Any student, parent, legal guardian and/or other person(s) who believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation shall promptly report the conduct to the Building Principal.
  6. Any person, including school staff, may make an anonymous report to the Principal if the person in good faith believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation.
  7. School staff having reasonable cause to believe a student has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and inform the Building Principal or immediate supervisor after making such report.
- C. Investigation of Reports
1. An immediate supervisor or Building Principal who receives a report a staff member engaged in, or may have engaged in, conduct prohibited by this Policy and Regulation will immediately notify the Superintendent.
  2. The Superintendent or designee will begin a prompt and thorough investigation of every report.
  3. The Superintendent or designee will take such appropriate action as provided for in the law and as necessary at any time after receiving a report. This action may include, but is not limited to, notifying law enforcement, notifying the New Jersey Department of Children and Families if there is reasonable cause to believe a student has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 and in accordance with N.J.A.C. 6A:16-11.1 and/or any other measure provided for in the law.
- D. Preliminary Investigation of Reports by Others
1. The Superintendent or designee will begin a prompt, thorough, and impartial investigation. The preliminary investigation will be completed no more than ten working days after the Superintendent or designee received the report.



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Inappropriate Staff Conduct

2. The Superintendent or designee's preliminary investigation may include, but is not limited to, interviews with staff members who may have potential knowledge of the alleged conduct, interviews with any students who may have potential knowledge of such conduct, interviews with parent(s)/legal guardian(s) or any other persons who may have potential knowledge of the alleged conduct, and interview(s) with the school staff member(s) and student(s) reported to have engaged in conduct prohibited by this Policy and Regulation.
  3. The Superintendent or designee will request, if relevant to an investigation, the parent(s)/legal guardian(s) of any student involved in the investigation to assist in the investigation to determine if inappropriate staff conduct may have existed.
  4. If, based on a preliminary investigation, the Superintendent or designee determines conduct prohibited by this Policy and Regulation did not exist, he/she will meet with the staff member(s) and the parent(s)/legal guardian(s) of the student(s) reported to review the results of the preliminary investigation. The preliminary investigation report indicating inappropriate conduct did not exist will be in writing and will be provided to the staff member(s) and to the parent(s)/legal guardian(s) if requested. The Superintendent or designee will maintain a separate file for all such reports and the report will not be included in the staff member's personnel file.
  5. If, based on a preliminary investigation, the Superintendent or designee deems inappropriate staff conduct may have occurred, he/she will immediately notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the student(s) indicated in the report to review the procedures to be followed in a continued full investigation. A copy of this Regulation and corresponding Policy will be provided to the staff member(s) and to the parent(s)/legal guardian(s) of the student indicated in the report upon request.
- E. Full Investigation
1. The Superintendent or designee, finding that inappropriate staff conduct may have occurred after the preliminary investigation, requires a full investigation. This full investigation may be conducted in cooperation with the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and/or local law enforcement.



2. The Superintendent or designee will conduct the full investigation if the New Jersey Department of Children and Families and/or local law enforcement does not intervene or if the allegations do not meet the reporting requirements of N.J.A.C. 6A:16-11.1 for reporting to the New Jersey Department of Children and Families and/or of N.J.A.C. 6A:16-6.3 for reporting to law enforcement.
3. The full investigation will include, but not be limited to, interviews with the staff member(s), students, parent(s)/legal guardian(s) and any other persons who know, or would have reason to know, a staff member may have engaged in inappropriate staff conduct.
4. The Superintendent or designee will accept testimony and evidence from the staff member(s), student(s), parent(s)/legal guardian(s) and other persons who may have information relevant to the investigation.
5. All persons that provide information, testimony and evidence to the Superintendent or designee relative to a report will be informed the information, testimony and evidence may be used in additional investigations and/or hearings as determined by the Superintendent.
6. Upon the conclusion of the interviews and review of the information, testimony and evidence, the Superintendent or designee will prepare a written report. The report will provide a summary of the interviews and information, testimony and evidence and, if possible, a finding from the Superintendent or designee.
7. If the Superintendent or designee's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member did not occur and the Superintendent concurs with the report's findings, the Superintendent or designee will notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the student(s) investigated to review the findings.
8. If the Superintendent or designee's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member may have occurred and the Superintendent concurs with the report's findings, the Superintendent may take such appropriate action necessary and as provided for in the law. This action may include, but is not be limited to:





- a. Provide the staff member an opportunity to rebut the findings of the Superintendent or designee's full investigation report and findings;
  - b. Recommend to the Board of Education the withholding of the staff member's salary increment/increase for the subsequent school year;
  - c. Not recommend the staff member be re-appointed for the next school year;
  - d. Recommend to the Board of Education the staff member be terminated for inappropriate staff conduct and/or conduct unbecoming a school staff member;
  - e. Institute tenure charges (if applicable) in accordance with N.J.S.A. 18A and N.J.A.C. 6A; and/or
  - f. Recommend to the Board of Education any other disciplinary and/or legal measures as the Superintendent determines to be appropriate under the circumstances and in accordance with any collective bargaining agreements between the employee representative association and the Board of Education.
9. If the Superintendent does not concur with the findings of the Superintendent's designee's full investigation, the Superintendent may continue the investigation, which may include testimony and/or evidence from additional witnesses, a discussion with those who have already provided information to the Superintendent's designee, a discussion with the student(s) and parent(s)/legal guardian(s) and any activity the Superintendent believes would be helpful to the continued investigation. The results of the continued investigation conducted by the Superintendent will proceed consistent with paragraph 7. and 8. above.
10. Any person who is not satisfied with the Superintendent's determination may appeal to the Board of Education.

Issued: 08 December 2020



# REGULATION

## COMMERCIAL TOWNSHIP BOARD OF EDUCATION

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Acceptable Use of Computer Network(s)/Computers and  
Resources by Support Staff Members

### R 4321 ACCEPTABLE USE OF COMPUTER NETWORK(S)/COMPUTERS AND RESOURCES BY SUPPORT STAFF MEMBERS

The school district provides computer equipment, computer services, and Internet access to its students and staff for educational purposes only. The purpose of providing technology resources is to improve learning and teaching through research, teacher training, collaboration, dissemination and the use of global communication resources. The “system administrators” referred to herein as employees of the school district who administer the school district computer network(s)/computers and the system administrators reserve the right to monitor all activity on network(s)/computer facilities/computers.

Because of the complex association between so many government agencies and computer network(s)/computers, support staff members must adhere to strict regulations. Regulations are provided here so that support staff members are aware of their responsibilities. The school district may modify these regulations at any time by publishing modified regulations on the network(s) and elsewhere.

Support staff members are responsible for good behavior on computer network(s)/computers. Communications on the computer network(s)/computers are often public in nature. Policies and Regulations governing support staff members behavior and communications apply. The school district’s network(s), Internet access and computers are provided to conduct research and as a tool for instruction and to communicate with others. Access to computer network services/computers is given to support staff members who are expected to act in a considerate, responsible and professional manner. Access is a privilege, not a right. Access entails responsibility. Individual users of the district computer network(s)/computers are responsible for their behavior and communications over the computer network(s)/computers. It is presumed that users will comply with district standards. Beyond the clarification of such standards, the district is not responsible for the actions of individuals utilizing the computer network(s)/computers who violate the policies and regulations of the Board.

Computer network(s)/computer storage areas shall be treated in the same manner as other school storage facilities. Computer network(s)/computer administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on district servers will always be private. Users should expect all files stored on district servers will be available for review by the School Business Administrator/Board Secretary and/or school administrators.

Within reasonable limits, freedom of speech and access to information will be honored.



Behaviors including but not limited to the following are prohibited:

1. Sending or displaying offensive messages or pictures;
2. Using obscene language;
3. Harassing, insulting or attacking others;
4. Damaging, degrading or disrupting computers, computer systems or computer network(s)/ computers;
5. Violating copyright laws;
6. Using another's password;
7. Trespassing in another's folders, work or files;
8. Intentionally wasting limited resources;
9. Employing the network(s)/computers for commercial purposes;
10. Engaging in other activities which do not advance the educational purposes for which computer network(s)/computers are provided;
11. Stealing data or other intellectual projects;
12. Forging electronic mail messages;
13. Posting anonymous messages;
14. Accessing school computers for other than educational purposes; and/or
15. Any other unethical, unacceptable, illegal and/or inappropriate activity.

### Information Content and Uses of the System

Users agree not to publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane or sexually offensive to an average person, or which without the approval of the system administrators, contains any advertising or any solicitation of other members to use goods or services. The user agrees not to use the facilities and capabilities of the system to conduct any non-school related business or solicit the performance of any activity which is prohibited by law or is non-educational.



While most of the content available on the Internet is innocuous and much of it a valuable educational resource, some objectionable material exists. The Board will provide student access to Internet resources only in supervised environments and has taken steps to lock out objectionable areas to the extent possible, but potential dangers remain. Support staff members are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material and are to supervise student use of computers and the Internet. The Board and the system administrators do not condone the use of such materials and do not permit usage of such materials in the school environment. Support staff members should discipline students knowingly bringing such materials into the school environment in accordance with Board policies and regulations and inform students that such activities may result in termination of such students' accounts on the computer network(s) and their independent use of computers.

### On-line Conduct

Any action by a support staff member or other user of the school district's computer network(s)/computers that is determined by a system administrator to constitute an inappropriate use of computer network(s)/computers resources or to improperly restrict or inhibit other members from using and enjoying those resources is strictly prohibited and may result in limitation on or termination of an offending member's account and other action in compliance with the Board policy and regulation. The user specifically agrees not to submit, publish, or display any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material; nor shall a user encourage the use, sale, or distribution of controlled substances. Transmission of material, information or software in violation of any local, State or Federal law is also prohibited and is a breach of the Consent and Waiver Agreement.

Users agree to indemnify the Commercial Township School District and the system administrators for any losses, costs, or damages, including reasonable attorneys' fees incurred by the Board relating to, or arising out of any breach of this section by the user.

Computer network(s)/computer resources are to be used by the user for his/her educational use only; commercial uses are strictly prohibited.

### Software Libraries on the Network(s)

Software libraries on the network(s) are provided to support staff members as an educational resource. No support staff member may install, upload, or download software without the expressed consent of the system administrator. Any software having the purpose of damaging other members' accounts on the school district computer network(s)/computers (e.g., computer



viruses) is specifically prohibited. The system administrators, at their sole discretion, reserve the rights to refuse posting of files and to remove files. The system administrators, at their sole discretion, further reserve the right to immediately limit usage or terminate the account or take other action consistent with the Board's policies and regulations of a member who misuses the software libraries.

## Copyrighted Material

Copyrighted material must not be placed on any system connected to the network(s)/computers without the author's specific written permission. Only the owner(s) or persons they specifically authorize may upload copyrighted material to the system. Members may download copyrighted material for their own use in accordance with Policy and Regulation Nos. 2531, Copying Copyrighted Materials. Any member may also noncommercially redistribute a copyrighted program with the expressed written permission of the owner or authorized person. Permission must be specified in the document, on the system, or must be obtained directly from the author.

## Public Posting Areas (Message Boards/Usenet Groups)

Usenet and Internet Relay Chat Room messages are posted from systems connected to the Internet around the world and the school district system administrators have no control of the content of messages posted from these other systems. To best utilize system resources, the system administrators will determine which Usenet groups are most applicable to the educational needs of the school district and will carry these groups on the school district computer network(s). The system administrators or the school administration, at their sole discretion, may remove messages posted locally that are deemed to be unacceptable or in violation of the Board policies and regulations. The system administrators or the school administration, at their sole discretion, further reserve the right to immediately terminate the account of a member who misuses the message boards or Usenet groups.

## Real-time, Interactive, Communication Areas

The system administrators, at their sole discretion, reserve the right to monitor and immediately limit the use of the computer network(s)/computers or terminate the account of a member who misuses real-time conference features (talk/chat/Internet relay chat) etc.

## Electronic Mail

Electronic mail ("E-mail") is an electronic message sent by or to a member in correspondence with another person having Internet mail access. All messages sent and received on the school district computer network(s) must have an educational or administrative purpose and are subject



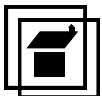
to review. A sender of an E-mail message should expect the E-mail messages will be reviewed by the system administrators or the school administration. Messages received by the system are retained on the system until deleted by the recipient or for a maximum of thirty calendar days. A canceled account will not retain its E-mail. Members are expected to remove old messages within thirty calendar days or the system administrators may remove such messages. The system administrators may inspect the contents of E-mail sent by one member to an addressee, or disclose such contents to other than the sender or a recipient when required to do so by the Board policy, regulation or other laws and regulations of the State and Federal governments. The Board reserves the right to cooperate fully with local, State, or Federal officials in any investigation concerning or relating to any E-mail transmitted on the school district computer network(s) or computers.

### Disk Usage

The system administrators reserve the right to set quotas for disk usage on the system. A member who exceeds his/her quota of disk space will be advised to delete files to return to compliance with predetermined quotas. A member who remains in noncompliance of disk space quotas after seven school days of notification will have their files removed by a system administrator.

### Security

Security on any computer system is a high priority, especially when the system involves many users. If a member feels that he/she can identify a security problem on the computer network(s), the member must notify a system administrator. The member should not inform individuals other than the system administrators or other designated members of the school district staff of a security problem. Professional staff may allow individuals who are not members to access the system through the staff personal account as long as the staff person does not disclose the password of the account to the individuals and understands that the staff person assumes responsibility for the actions of individuals using his/her account. Members may not otherwise allow others to use their account and password. Passwords to the system should not be easily guessable by others, nor should they be words which could be found in a dictionary. Attempts to log in to the system using either another member's account or as a system administrator will result in termination of the account. Members should immediately notify a system administrator if a password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any member identified as a security risk will have limitations placed on usage of the computer network(s)/computers or may be terminated as a user and be subject to other disciplinary action.



### Vandalism

Vandalism will result in cancellation of system privileges and other disciplinary measures. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the system, or any of the agencies or other network(s)/computers that are connected to the Internet backbone or of doing intentional damage to hardware or software on the system. This includes, but is not limited to, the uploading or creation of computer viruses.

### Printing

The printing facilities of the computer network(s)/computers should be used judiciously. Printing for other than educational, or school related purposes is prohibited.

### Violations

Violations of the Acceptable Use of Computer Network(s)/Computers and Resources may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and Regulation No. 4321, Support Staff Members, Acceptable Use of Computer Network(s)/Computers and Resources, Policy No. 4150, Support Staff Member Discipline, as well as possible legal action and reports to the legal authorities and entities.

### Determination of Consequences for Violations

The particular consequences for violations of this policy shall be determined by the School Business Administrator/Board Secretary in matters relating to the use of computer network(s)/computers and by the Superintendent or designee in matters of discipline or employee suspension or actions by the authorities deemed to be the appropriate course of action.

Individuals violating this policy shall be subject to the consequences as indicated in Policy No. 2361 and other appropriate discipline which includes but are not limited to:

1. Use of Computer Network(s)/Computers only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;



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5. Revocation of computer privileges;
6. Suspension from employment;
7. Legal action and prosecution by the authorities; and/or
8. Any appropriate action that may be deemed necessary as determined by the Superintendent and approved by the Board of Education.

Decisions of the School Business Administrator/Board Secretary may be appealed in accordance with the appropriate employee grievance procedure.

Issued: 08 December 2020





### R 4352 SEXUAL HARASSMENT OF SUPPORT STAFF MEMBERS COMPLAINT PROCEDURE

Sexual harassment of school staff members is prohibited by the Board of Education. The Superintendent and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of school staff members.

#### A. Definitions

1. **Gender-based Harassment** - Gender-based harassment that includes acts of verbal, nonverbal, physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.
2. **Hostile Environment Sexual Harassment** - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal or physical conduct of a sexual nature) by a school staff member that is sufficiently severe, persistent, or pervasive to limit another staff member's ability to participate in a workplace environment or activity, or to create a hostile or abusive workplace environment.
3. **Quid Pro Quo Harassment** - When a school staff member explicitly or implicitly conditions another school staff member's conditions of employment on the staff member's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the staff member resists and suffers the threatened harm or submits and thus avoids the threatened harm.

#### B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of harassment of school staff members by other school staff members:

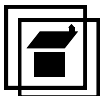
1. **Reporting of Sexual Harassment Conduct**
  - a. Any person with any information regarding actual and/or potential sexual harassment of a staff member must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.



- b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter, or telephone call.
  - c. A report to the school Building Principal or an immediate supervisor will be forwarded to the school district Affirmative Action Officer within one working day, even if the school Building Principal or immediate supervisor feels sexual harassment conduct was not present.
  - d. In the event the report alleges conduct by the Building Principal or the Affirmative Action Officer, the Superintendent will designate a school official to assume the Building Principal's or Affirmative Action Officer's responsibilities, as outlined in Policy No. 4352 and this Regulation.
2. Affirmative Action Officer's Investigation
- a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.
  - b. When a school staff member provides information or complains about sexual harassment, the Affirmative Action Officer will initially discuss what actions the staff member is seeking in response to the harassment.
  - c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any staff member(s) who may have been sexually harassed in the past by the school staff member and any other reasonable methods to determine if sexual harassment conduct existed.
  - d. The Affirmative Action Officer may request a staff member involved in the investigation to assist in the investigation.



- e. The Affirmative Action Officer will provide a copy of Board Policy and Regulation No. 4352 to all persons who are interviewed with potential knowledge, upon request, and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.
  - f. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.
  - g. The Affirmative Action Officer and/or Superintendent will contact law enforcement agencies if there is potential criminal conduct by any party.
  - h. The school district administration may take interim measures during an Affirmative Action Officer's investigation of a complaint.
  - i. The Affirmative Action Officer will consider particular issues of welcomeness based on the allegations.
3. Investigation Results
- a. Upon the conclusion of the investigation, but not later than ten working days after reported to the Affirmative Action Officer, the Affirmative Action Officer will prepare a summary of findings to the parties. At a minimum, this summary shall include the person(s) providing notice to the school district and the staff member(s) who was alleged to be sexually harassed.
  - b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.
  - c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.
  - d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school district administration shall take reasonable and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.



- e. In the event the Affirmative Action Officer determines a hostile environment exists, the Superintendent shall take steps to eliminate the hostile environment. The school district may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed staff member, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any school staff member that reports such conduct.
  - f. In some situations, the school district may need to provide other services to the staff member that was harassed, if necessary, to address the effects of the harassment on that staff member. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed staff member's work performance, counseling and/or other measures that are appropriate to the situation.
  - g. The Superintendent will take steps to avoid any further sexual harassment and to prevent any retaliation against the staff member who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed staff member to report any subsequent problems and will make follow-up inquiries to see if there has been any new incidents or retaliation.
  - h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.
4. Affirmative Action Officer's Investigation Appeal Process
- a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any person who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Superintendent. The Superintendent will make his/her determination within ten working days of receiving the appeal.



- b. Any person who is not satisfied with the Superintendent's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.

C. Office Of Civil Rights (OCR) Case Resolution

Persons not satisfied with the resolution of an allegation of sexual harassment by school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).
2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of school staff members, OCR will consider whether:
  - a. The school district has a policy prohibiting sexual harassment and a grievance procedure;
  - b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and
  - c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.



### R 4425.1 MODIFIED DUTY EARLY RETURN TO WORK PROGRAM – SUPPORT STAFF MEMBERS

The Modified Duty Early Return to Work Program shall be administered by the Administrative Assistant to the School Business Administrator/Board Secretary, the district's designated Workers' Compensation Coordinator.

#### A. Filing a Claim Report

1. A staff member must file a written Workers' Compensation Report if they have been injured in the performance of their job. This Report will be available in the main office and the nurse's office in the school building and in the Coordinator's office.
2. Upon sustaining an on-the-job injury, the staff member shall immediately report the injury to their immediate supervisor and report to the school nurse. If the injured staff member is not assigned to a school building with a school nurse, the school staff member shall immediately contact the Coordinator's office. The Coordinator, or designee, will direct the injured staff member to a school's main office, a school nurse, or the workers' compensation physician.
  - a. In the event the injury requires immediate medical treatment, the staff member may be directed to the workers' compensation physician or to the hospital emergency room. In this case, the Report shall be completed by the staff member whenever practical.
  - b. In the event the staff member gets injured when school is closed or after business hours and the staff member believes the injury requires immediate medical treatment the staff member shall:
    - (1) Go to the hospital emergency room; and
    - (2) Notify their immediate supervisor as soon as possible after the injury.
  - c. In the event the injured staff member goes to the hospital emergency room when school is closed, the staff member must report the injury to the Coordinator the next business day. The Coordinator may direct the injured staff member to a school nurse or to the workers' compensation physician. All future medical treatment for the injured staff member shall be scheduled through the Coordinator's office.



# REGULATION

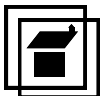
## COMMERCIAL TOWNSHIP BOARD OF EDUCATION

### SUPPORT STAFF MEMBERS

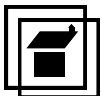
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### Modified Duty Early Return to Work Program – Support Staff Members

- d. In the event the staff member gets injured when school is closed or after business hours and the staff member believes the injury does not require immediate medical treatment, the staff member shall:
    - (1) Immediately notify their immediate supervisor; and
    - (2) Notify the Coordinator's office the next business day.
  3. The Workers' Compensation Report shall be forwarded to the Coordinator's office as soon as it is completed by the injured staff member.
    - a. In the event the staff member requires a physician's examination and evaluation, the Coordinator's office will schedule the appointment with the workers' compensation physician's office and the staff member.
  4. Any staff member injured on-the-job and the injury causes the staff member to miss work time or prohibits the staff member from fulfilling all their job responsibilities must be examined by the workers' compensation physician. The Coordinator will authorize workers' compensation time off from work for a staff member injured on-the-job only after the staff member has been examined by the worker's compensation physician. The Coordinator may, upon certain circumstances, authorize workers' compensation time from work without requiring an examination by the workers' compensation physician.
  5. The Modified Duty Early Return to Work Policy will be attached to the Workers' Compensation Report and this Regulation will be provided to the injured staff member upon request.
- B. Physician's Workers' Compensation Examination and Evaluation
1. The Coordinator will provide the workers' compensation physician a job description and a list of required tasks for positions in the school district.
  2. Upon completing the medical examination and evaluation, the workers' compensation physician will prepare a report indicating the staff member's physical limitations, if any, that prevent the staff member from completing the staff member's job responsibilities. The workers' compensation physician's report will also include a diagnosis, to the best of the physician's ability, on the length of recovery for each limitation. The physician's report will be forwarded to the Coordinator.



3. The Coordinator will review the workers' compensation physician's report and follow-up with the workers' compensation physician and the staff member if the Coordinator needs more information to make a determination if modified duty is an option for the injured staff member.
- C. Modified Duty Restriction
1. There is no permanent modified duty and all modified duty positions are temporary.
  2. Upon reviewing the workers' compensation physician's report, the Coordinator will determine if temporary modified duty is appropriate for the staff member. The Coordinator may determine the staff member should be out of work until such time the staff member is able to return to work to assume all their job responsibilities. The Coordinator may also determine a date in the future for the staff member to return to work to assume temporary modified duties.
  3. A medical review and examination by the workers' compensation physician may be required to continue a modified duty assignment beyond sixty calendar days.
  4. The Board reserves the right to require a staff member returning from modified duty to submit to a physical examination before returning to their position to assume all the job responsibilities of their position.
  5. There will be communications among the Coordinator, the injured staff member's supervisor, the staff member, the workers' compensation physician, and the workers' compensation insurance provider throughout the course of treatment and recovery of the injured staff member.
  6. A tracking system will be established for documenting a staff member's status in the Modified Duty Program.
- D. Assignment of Job Tasks
1. Assigning modified duty to staff members will be decided on a case-by-case basis.
  2. Job tasks for staff members on modified duty will be determined and assigned within the limitations established and approved by the workers' compensation physician.





# REGULATION

## COMMERCIAL TOWNSHIP BOARD OF EDUCATION

### SUPPORT STAFF MEMBERS

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### Modified Duty Early Return to Work Program – Support Staff Members

3. The injured staff member's immediate supervisor shall provide periodic status reports to the Coordinator for any staff member assigned modified duty.
  4. There is no restriction on the school district location or the type of modified duties assigned to a staff member provided it is consistent with the limitations detailed by the workers' compensation physician. These modified duties may be assigned to a full or partial day schedule depending on the staff member's limitations.
  5. The modified duties and/or responsibilities will be within the injured staff member's capabilities and a staff member will not be assigned any modified duties and/or responsibilities that require any certifications/licenses that are not possessed by the injured staff member.
- E. Staff Member Requirements
1. Staff members shall perform the job tasks designated by the workers' compensation physician in the physician's report and assigned by the Coordinator. In the event these job tasks cause discomfort, the staff member shall discontinue the specific activity and inform their immediate supervisor. The immediate supervisor will report this information to the Coordinator, who will schedule a medical appointment for the staff member.
  2. Staff members are required to follow the Coordinator's directives regarding:
    - a. Job assignments and tasks;
    - b. Attending scheduled doctors' appointments; and
    - c. Completing and transmitting reports to and from the workers' compensation physician, their immediate supervisor, and the Coordinator's office.
- F. Compliance With Laws

The Modified Duty Early Return To Work Program shall be administered consistent with the applicable Federal and State laws and in accordance with provisions of collective bargaining agreements within the district.

Issued: 08 December 2020

