

STAFF RIGHTS AND RESPONSIBILITIES

CODE OF CONDUCT

REVISED JANUARY, 2008

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FROM THE SUPERINTENDENT



Thank you for being a part of Douglas County School District. For those of you who have been with our organization for some time, we value your continued service. For new staff, welcome aboard!

In this document, you will find our District's personnel policies and/or procedures which clarify personnel rules for faculty and staff, provide for effective handling of grievances, and protect against wrongful conditions. Please take some time to familiarize yourself with these policies and procedures, and your rights.

In Douglas County School District, we work very hard each day to provide students the best and most positive learning environment possible. To do that, our staff must also have positive environments in which to work.

As a public education system, we have some very important work to do. We have the opportunity to impact our students, who will become the leaders of tomorrow.

Thank you for your time and continued efforts.

A handwritten signature in black ink, appearing to read "Jim Christensen". The signature is fluid and cursive, written over a white background.

Jim Christensen
Superintendent

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NONDISCRIMINATION/ EQUAL OPPORTUNITY

The District is committed to the policy that no otherwise qualified person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any District program or activity on the basis of ethnicity, race, color, religion, sex, marital status, national origin, ancestry, age, or disability.

Further, the District affirms the right of all students and staff to be treated with respect and protected from intimidation, discrimination, physical harm, and/or harassment on the basis of ethnicity, race, color, religion, sex, marital status, national origin, ancestry, age, or disability.

Students, staff members, parents, or public who believe they have been subjected to intimidation, discrimination, physical harm, and/or harassment on the basis of ethnicity, race, color, religion, sex, marital status, national origin, ancestry, age, or disability must report the incident(s) immediately in accordance with District policies GBAA, Nondiscrimination/Non-Harassment of Employees; GBB, GBB-R, Nondiscrimination of Employees on the Basis of Disability; JBA, Nondiscrimination/Non-Harassment of Students; JBB, JBB-R, Nondiscrimination of Students on the Basis of Disability; KE, Public Complaints; or KEE, KEE-R, Nondiscrimination of the Public on the Basis of Disability.

Adopted: July 21, 1992

Revised: April 7, 1998, to reflect current law

Revised: November 1999, to reflect current law

Revised: November 19, 2002

Revised cross references: June 30, 2004

LEGAL REFS.:

Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681

Age Discrimination in Employment Act, 29 U.S.C. 621 et seq.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 701 et seq.

Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d and e

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

C.R.S. 22-32-109(1)(w)

C.R.S. 24-34-301 through 24-34-308

C.R.S. 24-34-402

CROSS REFS.:

GBA, Unlawful Discrimination/Equal Opportunity Employment

GBAA, Nondiscrimination/Non-Harassment of Employees

GBB, GBB-R, Nondiscrimination of Employees on the Basis of Disability

JBA, Nondiscrimination/Non-Harassment of Students

JBB, JBB-R, Nondiscrimination of Students on the Basis of Disability

KE, Public Complaints

KEE, KEE-R, Nondiscrimination of the Public on the Basis of Disability

TOBACCO FREE SCHOOLS

The DCSD is committed to high standards of personal and public health and safety. Therefore, in recognition of the School District's responsibility to prepare students to make sound decisions about personal health and safety issues, and in recognition of Colorado law, it is the policy of the Board of Education to prohibit the possession or use of tobacco by students, or the use or visible possession of tobacco by teachers, staff and visitors in or on any school property or while participating at any student activity sponsored by the School District. Signs regarding this prohibition and the consequences of a violation shall be prominently displayed on all school property.

School property includes, but is not limited to, any building used for instruction, administration, support services, maintenance, or storage, the grounds surrounding those buildings if the school is authorized to exercise dominion and control over those grounds, and all vehicles used by the school for any reason including delivery, maintenance, transporting students, workers, visitors, or other persons.

Tobacco means all kinds and forms of tobacco suitable for chewing or smoking and any other product that is packaged for smoking.

Use means the lighting, chewing, or smoking of any tobacco product.

The Board of Education may seek and accept gifts, donations, or grants of any kind from any private or charitable or any government agency to meet the expenses required by this policy. Such funds shall be accounted for separately, and, to the extent that such funds are available, shall maintain and operate an educational program at each school to assist students, faculty, and staff to avoid or discontinue the use of tobacco.

This prohibition against tobacco use shall not apply to the use of tobacco product in a limited classroom demonstration to show the health hazards of smoking.

When schools address student violations of this policy, every effort should be made to include educational alternatives to suspension. This should include educational information regarding the Tobacco Free School Law, the district tobacco free schools policy and the health hazards of tobacco. Schools shall provide resources for cessation including the NOT cessation program. As an educational organization the district should provide both effective educational programs and a positive example to students concerning the use of tobacco.

Portions adopted prior to 1974

Revised: November 15, 1994

August 20, 1996

January 18, 2000

Revised legal and cross references: October 21, 2003

Revised: August 5, 2008

LEGAL REF.:

20 U.S.C. 7181 et seq.

C.R.S. § 18-13-121

C.R.S. § 22-32-109(1)(bb)

C.R.S. § 25-14-103.5

CROSS REFS.:

ADC, Tobacco Free Schools

EEAFB-R, Use of School Buses by Community Groups

JICC-R, Student Conduct on School Buses

KF-R-1, Community Use of School Facilities

Douglas County School District Re. 1, Castle Rock, Colo

SAFE SCHOOLS

The Board of Education recognizes that effective learning and teaching takes place in a safe, secure and welcoming environment. Safe schools are a priority in the mission of the District and contribute to improved attendance, increased student achievement and community support. To that end and to the extent required by applicable law, the Board, in consultation with the District Advisory Committee and parents, teachers, administrators, students, student councils and when appropriate, members of the community, has adopted the following policies and procedures as part of the District's safe schools plan that includes:

1. A student conduct and discipline code.
2. Safe school reporting requirements.
3. Staff security and safety.
4. Crisis management.
5. Procedures that address safety and security concerns within the District.
6. Procedures that address the sharing of student information with other agencies, in accordance with applicable state and federal law.
7. Procedures that address persons visiting school buildings and attending school-sponsored activities.
8. Procedures that address the screening of employees subsequent to employment for criminal offenses.

Adopted: November 19, 2002

LEGAL REF.:

C.R.S. 22-32-109.1(2)

CROSS REFS.:

ECA/ECAB, Security/Access to Buildings
GBGB, Staff Security and Safety
GCEA/GCFA, Professional Staff Background Checks
GDEA, Support Staff Background Checks
JIC, Student Conduct, and subcodes
JK, Subcodes (all relate to student discipline)
JRA/JRC and JRA/JRC-R, Student Records
KDE and KDE-R, Crisis Management
KI, Visitors to the Schools

CRISIS MANAGEMENT

The Board of Education recognizes the importance of appropriate crisis management procedures for the School District community, including preparation, training and interventions. The Board of Education directs the Superintendent or his/her designee to develop and implement written crisis management procedures, which shall include, without limitation, an action plan for managing various crises which could affect the School District; a process for coordinating and communicating with law enforcement and other outside service agencies; and protocols for communicating with the media, parents and the public. The Board of Education further directs the Superintendent or his/her designee to establish a crisis management training program for all district employees and charter school employees.

Adopted: July 17, 2003

LEGAL REF.:

C.R.S. 22-32-109.1(4)

CROSS REF.:

ADD, Safe Schools

MEMORIALS FOR DECEASED STUDENTS AND STAFF

Recognizing that the loss of a member of the school community is deeply felt, schools will support staff, students, and families who feel the loss and will assist them in making connections to appropriate community resources. As places designed primarily to support learning, school sites should not serve as the main venue for the memorializing of students or staff. Memorials are strongly discouraged in the instance of suicide. All memorials require principal or director level employee approval in consultation with members of the District Crisis Team.

Memorial Services

Memorial services for individuals shall not, as a standard practice, be held at school facilities or on school grounds within the School District. The lasting memory of a school's use for the purpose of a memorial may detract from the educational mission of the District and could also prompt unforeseen reactions in students and staff. If there are extraordinary circumstances for a memorial service to take place on District property, special approval must be obtained from the Superintendent, in consultation with the District Crisis Team.

Types of Memorials

Permanent Memorials. Permanent memorials shall be limited in form to awards, scholarships, plantings, collections of books or items of historical or educational significance. It is recommended to focus efforts on one memorial project when a significant loss occurs. Plantings should take place in an optional viewing site on the side or perimeter of campus, and plans should be approved in advance by Grounds staff for a review of irrigation and maintenance issues.

Temporary Memorials. Temporary memorials may include plaques (no more than 12" X 15") or other displays that are removed within one calendar year. Plaques shall be no more than 12" by 15" and shall only contain the following words without symbols: "In Memory of [the individual's name and, if requested, dates of birth and death]."

The thoughtful removal of any temporary memorial shall occur when no students are in session.

STUDENT WELLNESS

Goals for Nutrition Education, Physical Activity, and Other School-Based Activities to Promote Student Wellness and Enhance Student Learning

To further the Board's Key End Statement that students will demonstrate proper nutrition, exercise, and healthy physical development, the District adopts the following wellness goals that have been developed with the involvement of parents, students, representatives of the District's nutrition services department, the Board, school administrators, health services, and the public:

1. Child Nutrition Programs will, at a minimum, comply with applicable federal, state, and local requirements. Child Nutrition Programs are accessible to all children.
2. Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods in appropriate portion sizes that meet the health and nutrition needs of students. School meal choices will, at a minimum, meet the federal guidelines for reimbursable meals.
3. Comprehensive, sequential health education, including nutrition education, is provided and promoted pre-K to 12 with the objectives of promoting student health and reducing childhood obesity and overweight and type 2 diabetes.
4. Physical education will be available to all students and students will be encouraged to be physically active on a regular basis.
5. The District will initiate protective factors that help establish students' long-term capacity for positive behavior, social competency, academic achievement, and emotional well-being.
6. All foods and beverages made available on campus (including vending, concessions, a la carte, student stores, parties, and fundraising) during the school day offer primarily healthy food choices to students and staff.
7. The school environment is safe, comfortable, pleasing and allows ample time (as the daily school schedule may permit) and adequate space for eating meals.
8. The entire school environment within the District, not just the classroom, will be aligned with healthy school goals to positively promote student understanding and habits as they relate to good nutrition and regular physical activity. Such learning environment will teach students to use appropriate resources and tools to make informed choices about lifelong healthy eating habits and beneficial physical activity.

Monitoring and Policy Review

The Superintendent, in consultation with the Health Advisory Council, will be responsible for establishing a plan for measuring and ensuring the implementation of this policy. Such plan shall include, without limitation, a baseline assessment of the District's and its schools' existing nutrition and physical activity environment and programs.

Adopted: June 20, 2006

LEGAL REFS.:

Section 204 of P.L. 108-265 (Child Nutrition and WIC Reauthorization Act of 2004)

C.R.S. 22-32-124 (nutritious choices in vending machines)

C.R.S. 22-32-136 (policies to improve children's nutrition and wellness) Board File: ADG

The Board of Education promotes healthy schools by supporting student wellness, good nutrition, and regular physical activity as part of the total learning environment. Schools contribute to the basic health of students by facilitating learning through the support of good nutrition and physical activity.

To further the Board's beliefs as stated above and the Board's Key End Statement that students will demonstrate proper nutrition, exercise, and healthy physical development, the Board delegates to the Superintendent the authority, with involvement of the Board, parents, students, representatives of the District's nutrition services department, school administrators, health services, and the public, to establish a student wellness policy for the District that at a minimum:

1. Includes goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner consistent with the Board's End Statement;
2. Includes nutrition guidelines for all foods available on each school campus during the school day with objectives of promoting student health and reducing childhood obesity;
3. Assures that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture, as applied to schools; and
4. Establishes a plan for measuring implementation of the District's wellness policy, with consideration to the recommendations of the District's Wellness Committee.

Adopted: June 20, 2006

LEGAL REFS.:

Section 204 of P.L. 108-265 (Child Nutrition and WIC Reauthorization Act of 2004)

C.R.S. 22-32-124 (nutritious choices in vending machines)

C.R.S. 22-32-136 (policies to improve children's nutrition and wellness)

DISTRICT ADVISORY COMMITTEE

As required by law, the Board shall appoint a District Advisory Committee consisting of parents, taxpayers, students, teachers, and school administrators. The Board shall also appoint one of its members to serve on the Committee.

For purposes of reviewing a charter school application, the District Advisory Committee will also include for that process one person with demonstrated knowledge of charter schools and one parent or legal guardian of a child enrolled in a charter school in the District, or if there are no charter schools in the District, a parent or legal guardian of a child enrolled in the District.

The District Advisory Committee shall receive specific charges from the Board, and shall assist the Board in designing and implementing its accountability program and in preparing reports to the citizens of the District and the State Department of Education.

Current practice codified 1978

Adopted: date of manual adoption

Revised: November 19, 2002

LEGAL REFS.:

C.R.S. 22-7-101 through 22-7-105 (Educational Accountability Act of 1971)

C.R.S. 22-30.5-107(1.5)

CROSS REFS.:

GP 3.3, The Role of Board Committees

GP 3.3.1, Structure and Operation of Board Committees

UNLAWFUL DISCRIMINATION/ EQUAL OPPORTUNITY EMPLOYMENT

The District subscribes to the principles of the dignity of all people and of their labors. It also recognizes that it is both culturally and educationally sound to have persons of diverse backgrounds on the District's staff.

Therefore, the District shall promote and provide for equal opportunity in recruitment, selection, compensation, fringe benefits, promotion, and dismissal of all personnel. Commitment on the part of the District towards equal employment opportunity shall apply to all people without regard to race, color, religion, national origin, ancestry, marital status, sex, age, disability or sexual orientation.

Current practice codified 1978

Adopted: date of manual adoption

Revised: August 18, 1992

Repealed by the Board and re-enacted and revised by the Superintendent: August 5, 2003; September 11, 2007

LEGAL REFS.:

Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 through 1688

Age Discrimination in Employment Act, 29 U.S.C. 621 through 634

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 705, 794, and 794a

Title VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d-1 through 2000d-7 and 2000e through 2000e-17

Age Discrimination Act of 1975, 42 U.S.C. 6101 through 6107

Americans with Disabilities Act, 42 U.S.C. 12101 through 12213

C.R.S. 22-32-110(1)(k)

C.R.S. 22-61-101

C.R.S. 24-34-401, 402

CROSS REFS.:

AC, Nondiscrimination/Equal Opportunity

GBAA, Nondiscrimination/Non-Harassment of Employees

GBB, GBB-R, Nondiscrimination of Employees on the Basis of Disability

NONDISCRIMINATION/NON-HARASSMENT OF EMPLOYEES

The District is committed to the policy that no otherwise qualified employee shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any District program or activity on the basis of race, color, religion, national origin, ancestry, marital status, sex, age, disability or sexual orientation.

As part of this policy, the District is committed to maintaining a working environment for employees that is free from harassment based on an individual's race, color, religion, national origin, ancestry, sex (with or without sexual conduct), sexual orientation, age, disability or protected activity (opposition to prohibited discrimination or participation in the statutory complaint process). All such harassment, by District employees, students and third parties, is strictly prohibited. All members of the District community, employees, and students are required to promptly report conduct that could be in violation of this policy.

In addition to the procedures outlined herein, discrimination and harassment complaints may be filed with the V. S. Equal Opportunity Commission; V. S. Department of Education, Office for Civil Rights; or Colorado Civil Rights Commission. Any complaint of harassment filed under the District's policy shall be processed even if the complainant also files a complaint or suit with an outside agency such as the V. S. Equal Employment Opportunity Commission; V.S. Department of Education, Office for Civil Rights; or Colorado Civil Rights Commission. Retaliation against anyone who makes a complaint or participates in the complaint process shall not be tolerated.

The District will (1) respond to every complaint of discrimination or harassment reported, (2) take action in response when discrimination or harassment is discovered, (3) impose appropriate sanctions on offenders in a case-by-case manner, and (4) protect the privacy of all those involved in discrimination or harassment complaints to the extent practical and appropriate under the circumstances. The above actions will apply to the extent permitted by law or where personal safety is not an issue.

Harassment is defined as unwelcome verbal, written, or physical conduct based on race, color, religion, national origin, ancestry, sex, sexual orientation, age, disability, or protected activity, that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum.

Harassment based on race or color can include unwelcome, hostile and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's race or color, such as nicknames emphasizing stereotypes, racial slurs, and negative references to racial customs.

Harassment based on religion can include unwelcome, hostile and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's religion or creed, such as comments regarding surnames, religious tradition or religious clothing, as well as religious slurs and/or graffiti.

Harassment based on national origin or ancestry can include unwelcome, hostile and

offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's national origin, such as comments regarding surnames, manner of speaking, customs, language or ethnic slurs.

Harassment based on disability can include unwelcome, hostile and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's disabling condition, such as imitating manner of speech or movement; hostile or offensive acts; and/or interference with movement or access to necessary equipment.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
3. Such conduct is sufficiently severe and pervasive so as to alter the conditions of, or have the purpose or effect of substantially interfering with, an individual's work by creating an intimidating, hostile, or offensive working or educational environment.

The definition of sexual harassment applies whether the harassment is between people of the same or different gender. Sexual harassment can include unwelcome verbal, written, or physical conduct, directed at or related to a person's gender, such as sexual gossip or personal comments of a sexual nature, sexually suggestive or foul language, sexual jokes, whistling, spreading rumors or lies of a sexual nature about someone, demanding sexual favors, forcing sexual activity by threat of punishment or offer of educational or employment reward, obscene graffiti, display or sending of pornographic pictures or objects, offensive touching, pinching, grabbing, kissing, or hugging or restraining someone's movement in a sexual way.

Reporting Suspected Discrimination and/or Harassment

Any employee who believes that he or she may have experienced unlawful discrimination or harassment, or who believes that he or she has observed unlawful discrimination or harassment taking place, shall report this information immediately to his or her immediate supervisor. If the complaint involves unlawful discrimination or harassment on the basis of disability, an employee may instead choose to file a complaint pursuant to policy GBB, Nondiscrimination on the Basis of Disability.

If the complaint involves the employee's immediate supervisor, the employee may report to the supervisor or administrator at the next level or may report directly to a Human Resources director. An employee may also request the right to make his or her report of sexual harassment or discrimination to an appropriate level supervisor or administrator of the same sex as the employee. Such request shall be made through the Assistant Superintendent of Human Resources or designee.

No employee shall be subject to adverse employment action in retaliation for any good faith report of unlawful discrimination or harassment under this policy. To the extent possible, all reports shall be kept confidential.

The administrator receiving the complaint shall investigate any report of alleged discrimination or harassment. Following the investigation, the matter will be reviewed by the Assistant Superintendent of Human Resources or designee for further action if warranted.

In conducting an investigation in response to an allegation of unlawful discrimination or harassment, the following process will be utilized:

- a. Confer with the complainant privately regarding the basis of the complaint.
- b. Meet privately with the person(s) charged to obtain a response to the complaint.
- c. Meet with any witnesses privately to obtain their perceptions of the incident(s).
- d. Additional meetings with the persons involved or witnesses to the event(s) may be held as deemed necessary.
- e. When possible, make an express, written finding as to whether unlawful discrimination or harassment has occurred based on the information obtained. A written record of the complaint, meetings, and investigation shall be established and maintained, and a copy will be placed in the staff member's file who has been found to have violated the District's nondiscrimination/non-harassment policy.

Adopted by the Superintendent: August 5, 2003; September 11, 2007

LEGAL REFS.:

Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.
Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681
Age Discrimination in Employment Act, 29 U.S.C. 621 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794
Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d
Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq.
Americans with Disabilities Act, 42 U.S.C. 12101 et seq.
C.R.S. 18-9-121
C.R.S. 24-34-401,402

CROSS REFS.:

AC, Nondiscrimination/Equal Opportunity
GBA, Unlawful Discrimination/Equal Opportunity Employment
GBB, Nondiscrimination of Employees on the Basis of Disability
JBA, Nondiscrimination/Non-Harassment of Students
JBB, JBB-R, Nondiscrimination of Students on the Basis of Disability

SECTION 504/ADA FORM A

Use this form for filing a complaint under Step 1 of Regulation JBB-R for students, Regulation GBB-R for staff, and Regulation KEE-R for members of the public.

Name and Address of Complainant:

Check One: Student _____ Employee _____ Member of the Public _____

Telephone Numbers: Daytime _____ Evening _____

Describe your claim that there has been discrimination by the District on the basis of your disability and the facts or background information which support your claim (use additional sheets, if necessary):

Date of the alleged discriminatory act or omission: _____

Tell why you think this is a violation of Section 504/ADA:

List those persons who can provide information to support your claim and their addresses and telephone numbers, if known:

Describe the remedy or resolution you are seeking by filing this complaint:

Please return this form to the principal of the school or the office administrator and send a copy to the Section 504/ADA coordinator indicated below:

Employee complaints: Department of Human Resources, Section 504/ADA Coordinator
Student complaints or complaints by members of the public: Department of Instructional Support Services, Section 504/ADA Coordinator

Douglas County School District
620 Wilcox Street
Castle Rock, CO 80104

Name, address, and telephone number of individual filling out this form, if different from complainant:

Name, address, and telephone number of attorney or advocate representing complainant, if different from above:

SECTION 504/ADA FORM B

Use this form for referring a complaint under Step 2 of Regulation JBB-R for students, Regulation GBB-R for staff, and Regulation KEE-R for members of the public.

Name and Address of Original Complainant:

Check One: Student _____ Employee _____ Member of the Public _____

Telephone Numbers: Daytime _____ Evening _____

Name and Address of Person Requesting Step 2 Review (if different from above):

Check One: Student _____ Employee _____ Member of the Public _____

Other Party in Interest _____

Telephone Numbers: Daytime _____ Evening _____

Describe why you disagree with the written recommendation from Step 1 of the complaint procedure; be specific and list any background information and facts which support your position:

Attach a copy of the original complaint

Attach a copy of the Step 1 written recommendation

Send all three documents to:

Superintendent's Office
Douglas County School District
620 Wilcox Street
Castle Rock, CO 80104

with a copy to the Section 504/ADA Coordinator:

Employee complaint: Department of Human Resources, Section 504/ADA Coordinator

Complaint by student or member of the public: Department of Instructional Support Services, Section 504/ADA Coordinator at the School District address shown above.

Name, address, and telephone number of individual filling out this form, if different from above:

Name, address, and telephone number of attorney or advocate representing complainant or other party in interest, if different from above:

SECTION 504/ADA FORM C

Use this form for referring a complaint under Step 3 of Regulation JBB-R for students, Regulation GBB-R for staff, and Regulation KEE-R for members of the public.

Name and Address of Original Complainant:

Check One: Student _____ Employee _____ Member of the Public _____

Telephone Numbers: Daytime _____ Evening _____

Name and Address of Person Requesting Step 3 Review (if different from above):

Check One: Student _____ Employee _____ Member of the Public _____

Other Party in Interest _____

Telephone Numbers: Daytime _____ Evening _____

Describe why you disagree with the written recommendation from Step 2 of the complaint procedure; be specific and list any background information and facts which support your position:

Attach a copy of the original complaint

Page 1 of 2

Superintendent File: GBB-E-3

Attach a copy of the Step 1 written recommendation

Attach a copy of the Step 2 written recommendation

Send all four documents to:

Board of Education

Douglas County School District

620 Wilcox Street

Castle Rock, CO 80104

with a copy to the Section 504/ADA Coordinator:

Employee complaint: Department of Human Resources, Section 504/ADA Coordinator

Complaint by student or member of the public: Department of Instructional Support Services, Section 504/ADA Coordinator at the School District address shown above.

Name, address, and telephone number of individual filling out this form, if different from above:

Name, address, and telephone number of attorney or advocate representing complainant or other party in interest, if different from above:

Douglas County School District Re.1, Castle Rock, Colorado

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NONDISCRIMINATION OF EMPLOYEES ON THE BASIS OF DISABILITY

Definitions

Complaint: A written statement describing the claim that there has been discrimination on the basis of disability. The statement should furnish sufficient background concerning the alleged violation of Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, including the identity of persons, actions, and/or omissions that led to the allegation.

Complainant: Any employee claiming discrimination on the basis of disability.

Party in Interest: Person or persons against whom a complaint is being made or whose interest may be adversely affected by any decision with respect to such complaint.

Section 504/ADA Coordinator: The individual or designee, appointed by the superintendent to coordinate the District's efforts with respect to employees in complying with Section 504 and the ADA and responsible for investigating complaints filed by employees.

Complaint Procedure

The procedure below is designed for the prompt and equitable resolution of complaints by employees involving discrimination on the basis of disability. Every effort will be made to resolve the alleged complaint at the lowest possible level. Nothing herein shall prohibit the parties from voluntarily agreeing to engage in mediation to resolve their dispute. All parties directly involved in the complaint may be present at each step with or without legal or other representation. If either party elects to be represented at any step of the complaint procedure, the names of these representatives must be declared in writing at least two days prior to that step. Representation is limited to a maximum of two persons. At every step, the complainant and party in interest shall be notified in writing of the recommendation or decision that has been reached.

Step 1: Using Section 504/ADA Form A, the complainant must send copies to the school or office administrator and the appropriate Section 504/ADA coordinator, within 20 school days from the time of the alleged discrimination. If the school or office administrator is a party in interest, the complainant may elect to send Section 504/ADA Form A to the appropriate Section 504/ADA coordinator only. The appropriate Section 504/ADA coordinator will investigate the complaint and meet with the complainant and party in interest in an effort to resolve the complaint. The appropriate Section 504/ADA coordinator shall make a written recommendation to the complainant and party in interest within 10 school days from the date the written complaint is received.

Step 2: If resolution is not reached in Step 1, the complaint may be referred in writing on Section 504/ADA Form B by either party to the superintendent, or the superintendent's designee, within five school days from the date of the written recommendation in Step 1, with a copy directed to the appropriate Section 504/ADA coordinator. The superintendent or designee shall investigate further and make a written recommendation to the complainant and party in interest within 10 school days from the time the complaint is received in writing at Step 2.

Step 3: If resolution is not reached in Step 2, the complaint may be referred to the Board of Education in writing on Section 504/ADA Form C by either party within 10 school days from the date of the written recommendation in Step 2, with a copy sent to the appropriate Section 504/ADA coordinator. Final decision on the complaint shall rest with the Board of Education. The complainant and party in interest shall be notified in writing within 30 school days of the decision.

Adopted by the Superintendent: August 5, 2003

Note: The forms pertaining to these complaint procedures are on file in the office of the superintendent and are available from each school office on request. The forms are also available on the District's website.

Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA), provide that no otherwise qualified individual with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination. The District does not unlawfully discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs and activities.

Persons protected under Section 504 and the ADA include students, applicants for employment, employees, parents of students, and members of the community who come within the definition of an “individual with a disability” under those statutes.

An individual with a disability to whom the protections of Section 504 and the ADA apply is any person who (1) has a physical or mental impairment, which substantially limits one or more major life activities, (2) had a record of such impairment, or (3) is regarded as having such an impairment.

The superintendent shall appoint an individual in the District’s human resources department to coordinate the District’s efforts to ensure compliance with Section 504 and the ADA as it relates to employees, who shall be known as a Section 504/ADA coordinator for employees. Such person shall ensure that steps are taken to notify District employees and applicants for District employment that the District does not discriminate in violation of Section 504 or the ADA or their implementing regulations, and of the identity of the Section 504/ADA coordinator.

Any employee who believes that he or she has been subject to discrimination on the basis of disability may file a complaint in accordance with the procedures regarding complaints set forth in the regulations accompanying this policy, or in accordance with policy GBAA, Nondiscrimination/Non-Harassment of Employees.

Adopted by the Superintendent: August 5, 2003

LEGAL REFS.:

42 U.S.C. 12101 et seq.

29 U.S.C. 794

28 C.F.R. Parts 35 and 36

34 C.F.R. Parts 104 and 300

Superintendent File: GBB

CROSS REFS.:

AC, Nondiscrimination/Equal Opportunity

GBA, Unlawful Discrimination/Equal Opportunity Employment

GBAA, Nondiscrimination/Non-Harassment of Employees

Douglas County School District Re. 1, Castle Rock, Colorado

STAFF CONFLICTS OF INTEREST AND ETHICS

All staff members have the responsibility to avoid conflicts of interest and to observe rules of conduct and ethical principles established by state law and District policies and regulations. Among other things, these require employees not to engage in certain activities or conduct, as follows.

Prohibited Activities

The following guidelines are included for staff direction. These guidelines are not intended to be all encompassing, but provide a reference point for staff members. When questions about specific activities arise, they should be discussed with the immediate supervisor, principal, Area Director, Assistant Superintendent, or the Superintendent.

District employees shall not:

1. Engage in activities that create a conflict of interest with the performance of his or her District duties and responsibilities, nor use their position with the District for private or individual gain.
2. Engage in activities that rely upon the use of District buildings, equipment, supplies, in-school services of other District personnel, in-school contact with District students, or on-the-job time of the employee, through such activities as:
 - a. Tutoring of and/or giving private lessons for pay to students assigned to the employee's class. (No District employee shall accept pay for tutoring any students during school time.)
 - b. Without prior District approval, promoting or selling educational tours, clinics, workshops, or other things when such promotion or sale results in personal or indirect gain.
 - c. Soliciting students or District employees for activities that are not District-approved and that result in personal or indirect gain.
3. Engage in activities that benefit the employee by personal gain, financial gain, or private advantage because of commercial exploitation of his/her status, influence, position with the District or professional relationship with students.
4. Disclose or use confidential information acquired in the course of employment to further personal financial interests.
5. Accept a gift or benefit tantamount to a gift that is intended to, or would tend to, improperly influence a reasonable person in the employee's position or that the employee knows or should know is primarily intended to reward the employee in the performance of duties or the exercise of discretionary authority for the District. The phrase "economic benefit tantamount to a gift" includes a loan at a rate of interest substantially lower than the prevailing commercial rate and compensation received for private services rendered at a rate substantially exceeding fair market value, and discounts not available to the public, other than through District sanctioned programs.
6. Engage in a financial transaction for the employee's private business purposes with a person whom the employee supervises.

7. Perform any action in which the employee has discretionary authority that directly and substantially confers an economic benefit on a business or other undertaking in which he or she has a substantial financial interest or in which he or she is engaged as a counsel, consultant, representative, or agent.
8. Use District facilities, equipment, or supplies for personal, family, or business purposes.
9. Act as paid consultants or honoraria recipients during assigned working time.
10. Influence other employees, patrons, or students to participate in an activity or business venture in order to positively affect evaluations, promotions, or grades.

It is permissible for an employee to receive:

1. An occasional non-monetary gift that is insignificant in value or items of perishable or nonpermanent value, except lodging, travel expenses, tickets to sporting, recreational, educational, or cultural events, and coupons or discounts not otherwise generally available to District employees.
2. A non-monetary award publicly presented by a nonprofit organization in recognition of public service.
3. Payment or reimbursement for actual and necessary expenditures for travel and meals, for attendance at a convention or other meeting at the request of the employee's supervisor and with the prior approval of the Superintendent or designee.
4. Reimbursement for, or participation in, a social function or meeting, after obtaining the prior approval of the employee's supervisor and Superintendent or designee, that is designed to further the employee's knowledge in his or her position with the District.
5. Payment for speeches, presentations, or other public events reported as honoraria and approved by the Superintendent or designee.
6. A short leave of absence without pay (maximum of five working days) to participate as a paid consultant. The leave must be initially approved by the immediate supervisor and submitted to a Human Resources Department director for further consideration.

Any uncertainty on the part of an employee about activities that may result in a conflict of interest or ethical violation must be submitted in writing to a Human Resources Department director via the immediate supervisor for review, consideration, and direction.

It shall not be considered a breach of conduct for a staff member to use school facilities and equipment to communicate or correspond with constituents, family members, or business associates on an occasional basis.

A staff member may request an advisory opinion from the Secretary of State concerning issues relating to conduct that is proscribed by state law.

Gifts to and Solicitations by Staff

The giving and receiving of gifts by teachers and other staff members in situations related to their professional positions is not in accordance with good professional practice. Any action or comment by an individual that might be interpreted as an invitation for a gift is unethical. Although there may be no wrongful activity involved, acceptance of money, favors, or gifts

may appear to impair professional judgment and any appearance of wrongful acts, as well as wrongful acts in themselves, are to be avoided.

Therefore, gifts from pupils, from parents, or from members of the school staff to school personnel shall be limited to token gifts of small value. This includes classroom exchange of gifts among pupils and the collection of money for gifts.

The above statements are not intended to interfere with any welfare or flower fund. Neither are they intended to preclude appropriate recognition on special occasions, such as retirement or departure from service. In all other instances, words of appreciation or letters of warm and friendly greetings are encouraged as more desirable than gifts.

No organization may solicit funds of staff members within the schools nor may anyone distribute flyers or other materials related to fund drives through the schools, without the approval of the building administrator or principal. Nor shall staff members be made responsible, or assume responsibility for, the collection of any money or distribution of any fund drive literature within the schools without such activity having the approval of the building administrator or principal. As a matter of policy, the District expects such activities to be kept to a minimum.

Selection of Materials of an Employee-Author

Staff members who write, edit, publish, or otherwise develop textbooks or learning resource materials may not be members of any school or District-wide committee or selection process that will render recommendations or decisions for possible purchase by the District.

Nepotism

More than one member of an immediate family may be employed by the District, however, no employee may be under the direct supervision of, or be evaluated by, a member of the employee's immediate family.

Disciplinary Action

Violation of the policy statement or the regulations may result in disciplinary action including, but not limited to:

1. Reprimand and/or written inclusion in the employee's evaluation report.
2. Dismissal proceedings in accordance with applicable law.

Approved by the Board of Education: March 21, 1989

Revised: August 17, 1999

Repealed by the Board and re-enacted and revised by the Superintendent: August 19, 2003

Revised: October 24, 2005

Public employment is a public trust. Upon accepting employment with the District, an employee also accepts the responsibility to act honestly and objectively for the benefit of the public in matters affecting the District. Therefore, no employee of the District shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts with, or raises a reasonable question of conflict with, his or her duties and responsibilities in the school system.

It is the intent of this policy and the implementing regulation to protect the public trust by preventing any situation that would interfere with an employee's duty to act objectively to fulfill his or her responsibilities. Incompatibility arises when the public is deprived of the independent judgment of a public official or employee. Because the maintenance of public confidence is of the utmost importance to the District, actual or potential conflicts of interest creating the appearance of impropriety or irregularity must be avoided.

In general, for purposes of this policy and procedure GBEA-R, a conflict of interest is any involvement in a matter of personal or financial interest that is incompatible with the District employee's assigned duties and responsibilities. A potential conflict of interest is a relationship or situation that tends to influence, or appears to influence, an employee to advance interests other than the District's interests in fulfilling the employee's duties and responsibilities.

All employees are expected to perform the duties of the position to which they are assigned and to observe rules of conduct and ethical principles established by state law and District policies and regulations.

A violation of this policy or the accompanying regulation shall subject the employee to appropriate disciplinary action.

Current practice codified 1978

Adopted: February 6, 1979

Revised: March 21, 1989

Revised: August 17, 1999

Repealed by the Board and re-enacted and revised by the Superintendent: August 19, 2003

Revised: October 24, 2005

LEGAL REFS.:

C.R.S. 18-8-308

C.R.S. 19-3-308(5.7)

C.R.S. 22-63-204

C.R.S. 24-18-105

CROSS REF.:

DJ-R, Purchasing Procedures

GBEB, Staff Conduct

STAFF CONDUCT

All staff members have the responsibility to observe rules of conduct established by state law and District policy. This responsibility includes not only the employee's conduct but also conduct observed by the employee that may require reporting, intervention, or other action. The following provisions are not an exclusive listing of expectations, but rather are among the most frequent areas where questions of a staff member's responsibility may arise.

Weapons

All District personnel shall be prohibited from carrying, bringing, using, or possessing any dangerous weapons on District property, in any District vehicle, or at any District-sponsored activity regardless of location, except as provided by law and/or with specific authorization from the Superintendent or designee. Dangerous weapons shall be defined in accordance with District policy JICI, Weapons in School.

Reporting Child Abuse

Any District employee who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect, or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect, as defined in state statute, shall immediately report or cause a report to be made in accordance with District policy JLF and regulation JLF-R.

The Superintendent is authorized to conduct an internal investigation or to take any other necessary steps if information is received from a county department of social services or a law enforcement agency that a suspected child abuse perpetrator is a District employee. Such information shall remain confidential except that the Superintendent shall notify the Colorado Department of Education of the child abuse investigation.

Reporting Discrimination and Harassment

All District employees share the responsibility to ensure that harassment based on race, color, religion, national origin, ancestry, sex or disability does not occur at any District school, on any District property, at any District or school-sanctioned activities or events, when students are being transported in any vehicle dispatched by the District or one of its schools, or off school property when such conduct has a nexus to school or any District curricular or non-curricular activity or event.

Harassment based on race or color can include unwelcome, hostile and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's race or color, such as nicknames emphasizing stereotypes, racial slurs, and negative references to racial customs.

Harassment based on religion can include unwelcome, hostile and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's religion or creed, such as comments regarding surnames, religious tradition or religious clothing, as well as religious slurs and/or graffiti.

Harassment based on national origin or ancestry can include unwelcome, hostile and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's national origin, such as comments regarding surnames, manner of speaking, customs, language or ethnic slurs.

Harassment based on disability can include unwelcome, hostile and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's disabling condition, such as imitating manner of speech or movement; hostile or offensive acts; and/or interference with movement or access to necessary equipment.

Sexual harassment of students by District employees includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment of students by other students and third parties includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment may occur whether the harassment is between people of the same or different gender. Sexual harassment can include unwelcome oral, written or physical conduct, directed at or related to a person's gender, such as sexual gossip or personal comments of a sexual nature, sexually suggestive or foul language, sexual jokes, whistling, spreading rumors or lies of a sexual nature about someone, demanding sexual favors, forcing sexual activity by threat of punishment or offer of educational reward, obscene graffiti, display or sending of pornographic pictures or objects, offensive touching, pinching, grabbing, kissing or hugging, or restraining someone's movement in a sexual way.

All administrators and teachers who have such harassment reported to them shall promptly forward the report(s) to the principal or principal's designee for appropriate action. If the harassment is purportedly being committed by the principal or another administrator in the building, the report(s) shall be forwarded to the Director of High School, Middle School or Elementary Education, as appropriate.

All District employees who witness such harassment shall take prompt and effective action to stop it, as prescribed by the District and the building principal, and shall promptly report the harassment to the principal or principal's designee for effective action. If the harassment is being committed by the principal or another administrator in the building, the report shall be made to the Director of High School, Middle School or Elementary Education, as appropriate.

Each building principal or principal's designee (or Director of High School, Middle School or Elementary Education, if necessary or appropriate) shall ensure that all reports of such harassment are promptly and thoroughly investigated, and that effective action is taken.

Staff's Role in Child Custody Disputes

In child custody disputes, staff members, particularly the student's teacher(s) become an important source of information to the parties and to the court in determining what is in the best interest of the child. If someone other than a parent or legal guardian or authorized public official is seeking information or records about a child or his or her parent or guardian, the person's authority must be ascertained. To avoid the appearance of "taking sides" for or against one party, it is District practice to require subpoenas to be issued before staff members or school officials offer testimony or provide official statements in custody cases.

General Responsibilities of All Personnel

Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities, that shall be required of all personnel:

1. Faithfulness and promptness in attendance at work.
2. Compliance, support and enforcement of the District's policies and regulations.
3. Diligence in submitting required reports promptly at the times specified.
4. Care and protection of District property.
5. Concern and attention toward their own and the District's legal responsibility for the safety and welfare of students, including the need to insure that students are appropriately supervised.
6. Support for providing healthy learning environments and appropriate role models for students.

Adopted: March 31, 1989

Revised: August 17, 1999

Repealed by the Board and re-enacted and revised by the Superintendent: August 19, 2003

Revised: October 24, 2005

LEGAL REFS.:

C.R.S. 19-3-301 et seq.

C.R.S. 22-32-110(1)(k)

C.R.S. 24-18-101 through -113

CROSS REFS.:

GBEA, Staff Conflicts of Interest and Ethics

STAFF DRESS CODE

The general appearance of all District employees, especially those who interact with the public, is an important aspect of the professional image the Board wishes the District to reflect. Unless otherwise required by department or building rule, employees may choose their clothing for work consistent with the essential functions of their job and reasonable standards of professionalism, safety, cleanliness and hygiene. Department heads and building principals may require employees to change clothing and/or discontinue practices of dress that are inconsistent with the criteria in the immediately preceding sentence, or that have a negative impact on the educational process or District operations, as authorized by law.

Notwithstanding any other provisions of this policy, departments within the District may require that non-licensed staff wear uniforms for their position as defined by the supervisor of that department or adhere to identified dress code requirements within the department in order to promote a safe and productive working environment. Such requirements may include that non-licensed staff wear prescribed safety equipment or clothing.

Building principals and other department supervisors shall monitor employee dress according to the contents of this policy and shall have the authority to make building and department rules and regulations to implement this policy. Such rules and regulations, if developed, shall be included in department or building handbooks or other communication to employees.

Adopted: August 5, 2003

LEGAL REF.:

C.R.S. 22-32-109(1)(cc)

CROSS REF.:

GBEB, Staff Conduct

DRUG-FREE WORKPLACE

The unlawful manufacture, distribution, dispensing, possession, or use of alcohol, controlled substances, and illicit drugs is prohibited on District property and at any school sponsored or sanctioned activity or event off District property, such as athletic events. Illicit drug use is the use of illegal drugs and the abuse of alcohol and/or other drugs, including anabolic steroids. Controlled substances are drugs specifically identified and regulated under federal law and include, but are not limited to, opiates, narcotics, cocaine, amphetamine and other stimulants, depressants, hallucinogenic substances, and marijuana. This policy shall apply to all District employees.

In order to promote a healthy environment for students, the use of alcohol is prohibited on District premises or as part of any activity involving students.

An employee knowingly in the possession of or under the influence of alcohol or any controlled substance shall be suspended immediately by his or her principal or supervisor if such use or possession is:

1. On any District property at any time;
2. At any school sponsored or sanctioned activity or event off District property, such as athletic events, or en route thereto; or
3. On the way to work.

Observance of this policy is a condition of employment. A violation shall subject the employee to appropriate disciplinary action, up to and including termination and referral for prosecution. In appropriate circumstances and at the District's discretion, disciplinary sanctions may include the completion of an approved drug or alcohol abuse assistance or rehabilitation program. However, the District is not required to offer rehabilitation in lieu of termination or other discipline to any employee who has violated this policy.

The superintendent shall provide information to employees about:

1. The dangers of drug and alcohol abuse;
2. The District's policy of maintaining a drug and alcohol-free workplace;
3. Available drug and alcohol counseling, rehabilitation, and employee assistance programs;
4. Penalties that may be imposed upon employees for drug or alcohol use or abuse in violation of this policy.

This information shall be communicated to employees in an appropriate manner on an annual basis.

Pursuant to law, any employee who is convicted, pleads nolo contendere, or who receives a deferred sentence or deferred prosecution under any criminal drug statute for a violation occurring in the workplace shall notify the superintendent no later than five days after the conviction, entry of the plea, or deferred sentence/prosecution. The District has an obligation under federal law to notify the appropriate federal agency within 10 days after receiving notice of such conviction, plea or deferred sentence/prosecution if there is a relationship between federal funds received by the District and the convicted employee's work site.

The District shall conduct a periodic review of its drug and alcohol abuse prevention program to determine its effectiveness, to implement required changes, and to ensure that disciplinary sanctions are consistently enforced.

Adopted: September 4, 1990

Repealed by the Board and re-enacted and revised by the Superintendent: August 5, 2003

LEGAL REFS.:

20 U.S.C. 7101 et seq., Safe and Drug-Free Schools and Communities Act

21 U.S.C. 812

41 U.S.C. 701 through 707, Drug-Free Workplace Act of 1988

EMPLOYEE COMPUTER AND INTERNET USE RULES

The intent of these rules is to provide employees with general requirements for utilizing the School District's computers, networks, and Internet services. The rules may be supplemented by more specific administrative procedures and rules governing day-to-day management and operation of the computer system.

These rules provide general guidelines and examples of prohibited uses for illustrative purposes, but do not attempt to state all required or prohibited activities by users. Employees who have questions regarding whether a particular activity or use is acceptable should seek further guidance from the principal or appropriate administrator.

Failure to comply with District policy GBEE (Employee Computer and Internet Use), these rules, and/or other established procedures or rules governing computer use may result in disciplinary action, up to and including dismissal. Illegal uses of the District's computers will also result in referral to law enforcement authorities.

A. Access to District Computers, Networks, and Internet Services

The level of access that employees have to computers, networks, and Internet services is based upon specific employee job requirements and needs.

B. Acceptable Use

Employee access to the District's computers, networks, and Internet services is provided for administrative, educational, communication, and research purposes consistent with the District's educational mission, curriculum, and instructional goals. General rules and expectations for professional behavior and communication apply to use of the District's computers, networks, and Internet services.

Employees are to utilize the District's computers, networks, and Internet services for school-related purposes and performance of job duties. Incidental personal use of District computers is permitted as long as such use does not interfere with the employee's job duties and performance, with system operations, or other system users. "Incidental personal use" is defined as use by an individual employee for occasional personal communications. Employees are reminded that such personal use must comply with this policy and all other applicable policies, procedures, and rules.

C. Prohibited Use

The employee is responsible for his or her actions and activities involving District computers, networks, and Internet services, and for his or her computer files, passwords, and accounts. General examples of unacceptable uses that are expressly prohibited include, but are not limited to, the following:

1. Any use that is illegal or in violation of other Board policies, including harassing, discriminatory, or threatening communications and behavior; violations of copyright laws or trade secrets; or use of software without proof of proper licensing;
2. Any use involving materials that are obscene, pornographic, sexually explicit, or sexually suggestive;

3. Any inappropriate communications with students or minors;
4. Any use for private financial gain, or commercial, advertising, or solicitation purposes;
5. Any use as a forum for communicating by e-mail or any other medium with other school users or outside parties to solicit, proselytize, advocate, or communicate the views of an individual or non-school sponsored organization; to solicit membership in or support of any non-school sponsored organization; to raise funds for any non-school sponsored purpose, whether profit or non-for-profit; or to engage in political activities or campaigns. No employee shall knowingly provide school e-mail addresses to outside parties whose intent is to communicate with school employees, students, and/or their families for non-school purposes. Employees who are uncertain as to whether particular activities are acceptable should seek further guidance from the building principal or other appropriate administrator;
6. Any communication that represents personal views as those of the school or District or that could be misinterpreted as such;
7. Downloading or loading software or applications without permission from the system administrator;
8. Opening or forwarding any e-mail attachments (executable files) from unknown sources and/or that may contain viruses;
9. Sending mass e-mails to school users or outside parties for school or non-school purposes without the permission of the system administrator, principal, or designated administrator;
10. Any malicious use or disruption of the District's computers, networks, and Internet services or breach of security features;
11. Any misuse or damage to the District's computer equipment;
12. Misuse of the computer passwords or accounts (employee or other users);
13. Any communications that are in violation of generally accepted rules of network etiquette and/or professional conduct;
14. Any attempt to access unauthorized sites;
15. Failing to report a known breach of computer security to the system administrator;
16. Using District computers, networks, and Internet services after such access has been denied or revoked; and
17. Any attempt to delete, erase, or otherwise conceal any information stored on a District computer that violates these rules.

D. No Expectation of Privacy

The District retains control, custody, and supervision of all computers, networks, and Internet services owned or leased by the District. The District reserves the right to monitor all computer and Internet activity by employees and other system users. Employees have no expectation of privacy in their use of school computers, including e-mail messages and stored files. Electronic mail and other electronic records are subject to the Colorado Public Records law, which means that most any e-mail or files sent, received, or stored on the District's computers could be public information and accessible by members of the public.

E. Confidentiality of Information

Employees are expected to use appropriate judgment and caution in communications concerning students and staff to ensure that personally identifiable information remains confidential. Employees should not use electronic mail for confidential matters or privileged communications, such as student education records, unless appropriate measures are taken to ensure confidentiality and to maintain the appropriate privilege.

F. Staff Responsibilities to Students

Teachers, staff members, and volunteers who utilize District computers for instructional purposes with students have a duty of care to supervise such use to help ensure that students are using computers appropriately and responsibly. Teachers, staff members, and volunteers are expected to be familiar with the District's policies and rules concerning student computer and Internet use and to enforce them. When, in the course of their duties, employees or volunteers become aware of student violations, they are expected to stop the activity and inform the building principal, Chief Information Officer, or designee.

G. Compensation for Losses, Costs, and/or Damages

The employee shall be responsible for any losses, costs, or damages incurred by the District related to violations of policy GBEE and/or these rules.

H. No Responsibility for Unauthorized Charges, Costs, or Illegal Use

The District assumes no responsibility for any unauthorized charges made by employees, including, but not limited to, credit card charges, subscriptions, long distance telephone charges, equipment and line costs, or for any illegal use of its computers such as copyright violations.

I. Proprietary Information

Any information or material including, without limitation, discoveries, ideas, inventions, techniques or processes, that an employee discovers or develops as a result of the employee's employment with the District, whether with the use of District technology or otherwise, shall constitute trade secrets of and be the sole property of the District.

J. Employee Acknowledgement Required

Each employee authorized to access the District's computers, networks, and Internet services is required to sign an acknowledgement form stating that he or she has read policy GBEE and these rules. The acknowledgement form will be retained in the employee's personnel file.

Adopted: May 7, 2002

Repealed by the Board and re-enacted by the Superintendent: August 5, 2003

EMPLOYEE COMPUTER, INTERNET AND ELECTRONIC MAIL USE RULES

The Douglas County School District provides computers, networks, and Internet access to support the educational mission of the District and its schools and to enhance the curriculum and learning opportunities for students and school staff.

The intent of these rules is to provide employees with general requirements for utilizing the School District's computers, networks, and Internet services, including electronic mail. The Superintendent or designee may supplement these rules with more specific administrative procedures and rules governing day-to-day management and operation of the computer system. The Superintendent may delegate specific responsibilities to building principals and others as deemed appropriate.

These rules provide general guidelines and examples of prohibited uses for illustrative purposes, but do not attempt to state all required or prohibited activities by users. Employees who have questions regarding whether a particular activity or use is acceptable should seek further guidance from the principal or appropriate administrator.

Failure to comply with these rules, and/or other established procedures or rules governing computer use may result in disciplinary action, up to and including dismissal. Illegal uses of the District's computers will also result in referral to law enforcement authorities.

A. Access to District Computers, Networks, and Internet Services

The level of access that employees have to computers, networks, and Internet services is based upon specific employee job requirements and needs.

B. Acceptable Use

Employee access to the District's computers, networks, and Internet services is provided for administrative, educational, communication, and research purposes consistent with the District's educational mission, curriculum, and instructional goals. General rules and expectations for professional behavior and communication apply to use of the District's computers, networks, and Internet services.

Employees are to utilize the District's computers, networks, and Internet services for school-related purposes and performance of job duties. Incidental personal use of District computers is permitted as long as such use does not interfere with the employee's job duties and performance, with system operations, or other system users. "Incidental personal use" is defined as use by an individual employee for occasional personal communications. Employees are reminded that such personal use must comply with this policy and all other applicable policies, procedures, and rules.

C. Prohibited Use

The employee is responsible for his or her actions and activities involving District computers, networks, and Internet services, and for his or her computer files, passwords, and accounts. General examples of unacceptable uses that are expressly prohibited include, but are not limited to, the following:

1. Any use that is illegal or in violation of other Board policies, including harassing, discriminatory, or threatening communications and behavior; violations of copyright laws or trade secrets; or use of software without proof of proper licensing;
2. Any use involving materials that are obscene, pornographic, sexually explicit, or sexually suggestive;
3. Any inappropriate communications with students or minors;
4. Any use for private financial gain, or commercial, advertising, or solicitation purposes;
5. Any use as a forum for communicating by e-mail or any other medium with other school users or outside parties to solicit, proselytize, advocate, or communicate the views of an individual or non-school sponsored organization; to solicit membership in or support of any non-school sponsored organization; to raise funds for any non-school sponsored purpose, whether profit or non-for-profit; or to engage in political activities or campaigns. No employee shall knowingly provide school e-mail addresses to outside parties whose intent is to communicate with school employees, students, and/or their families for non-school purposes. Employees who are uncertain as to whether particular activities are acceptable should seek further guidance from the building principal or other appropriate administrator;
6. Any communication that represents personal views as those of the school or District or that could be misinterpreted as such;
7. Downloading or loading software or applications without permission from the system administrator;
8. Opening or forwarding any e-mail attachments (executable files) from unknown sources and/or that may contain viruses;
9. Sending mass e-mails to school users or outside parties for school or nonschool purposes without the permission of the system administrator, principal, or designated administrator;
10. Any malicious use or disruption of the District's computers, networks, and Internet services or breach of security features;
11. Any misuse or damage to the District's computer equipment;
12. Misuse of the computer passwords or accounts (employee or other users);
13. Any communications that are in violation of generally accepted rules of network etiquette and/or professional conduct;
14. Any attempt to access unauthorized sites;
15. Failing to report a known breach of computer security to the system administrator;
16. Using District computers, networks, and Internet services after such access has been denied or revoked; and
17. Any attempt to delete, erase, or otherwise conceal any information stored on a District computer that violates these rules.

D. Electronic Mail

Electronic mail ("e-mail") is a message that is transmitted between two or more computers or electronic terminals regardless of the physical form. Electronic mail includes all electronic messages that are transmitted through a local, regional, or global computer network. Electronic

mail sent or received by the Board, the District, or the District's employees may be a "public record" subject to retention under state archive statutes and possibly inspection and disclosure under the Colorado Public Records law.

In order to ensure compliance with the state law, District policies, and regulations as well as appropriate use of the electronic communications systems, the District retains the right to inspect, maintain, and, if appropriate, disclose all electronic communications sent over the District electronic mail system. Therefore, employees have no expectation of privacy when using District electronic mail systems. Employees are hereby notified that electronic messages can be retrieved even after those messages have been deleted from an individual computer.

Other avenues of communication should be used for confidential matters or privileged communications such as student records unless appropriate measures are taken to ensure confidentiality and maintain the appropriate privilege.

Except as provided herein, District employees may not access another employee's electronic mail without the employee's consent or authorization from an appropriate administrator. District employees will take appropriate security measures, which includes maintaining the confidentiality of passwords and codes and ensuring that terminals do not become available for unauthorized use.

Users of the District electronic mail systems are responsible for using the system appropriately as outlined in District policy and rules. Improper use includes, but is not limited to, violating copyright or intellectual property rights, the Family Educational Rights and Privacy Act, and the Colorado Public Records law or local, state, and federal laws. Use of the system must comply with District policy and regulations, including GBEA (Staff Conflicts of Interest) and GBEB (Staff Conduct and Ethics), District electronic mail systems may not be used to participate in political activities. Use of the District electronic mail systems for which the District will incur an expense is not permitted without authorization from the appropriate administrator.

Failure to follow the acceptable use procedures may result in the loss of the privilege to use electronic mail and may result in disciplinary action up to and including dismissal. Employees leaving the District for any reason shall relinquish any further rights to use the District's electronic mail system and to retain their electronic mail account.

E. No Expectation of Privacy

The District retains control, custody, and supervision of all computers, networks, and Internet services owned or leased by the District. The District reserves the right to monitor all computer and Internet activity by employees and other system users. Employees have no expectation of privacy in their use of school computers, including e-mail messages and stored files. Electronic mail and other electronic records are subject to the Colorado Public Records law, which means that most any e-mail or files sent, received, or stored on the District's computers could be public information and accessible by members of the public.

F. Confidentiality of Information

Employees are expected to use appropriate judgment and caution in communications concerning students and staff to ensure that personally identifiable information remains confidential. Employees should not use electronic mail for confidential matters or privileged communications, such as student education records, unless appropriate measures are taken to ensure confidentiality and to maintain the appropriate privilege.

G. Staff Responsibilities to Students

Teachers, staff members, and volunteers who utilize District computers for instructional purposes with students have a duty of care to supervise such use to help ensure that students are using computers appropriately and responsibly. Teachers, staff members, and volunteers are expected to be familiar with the District's policies and rules concerning student computer and Internet use and to enforce them. When, in the course of their duties, employees or volunteers become aware of student violations, they are expected to stop the activity and inform the building principal, Chief Information Officer, or designee.

H. Compensation for Losses, Costs, and/or Damages

The employee shall be responsible for any losses, costs, or damages incurred by the District related to violations of this policy.

I. No Responsibility for Unauthorized Charges, Costs, or Illegal Use

The District assumes no responsibility for any unauthorized charges made by employees, including, but not limited to, credit card charges, subscriptions, long distance telephone charges, equipment and line costs, or for any illegal use of its computers such as copyright violations.

J. Proprietary Information

Any information or material including, without limitation, discoveries, ideas, inventions, techniques or processes, that an employee discovers or develops as a result of the employee's employment with the District, whether with the use of District technology or otherwise, shall constitute trade secrets of and be the sole property of the District.

K. Employee Acknowledgement Required

Each employee authorized to access the District's computers, networks, and Internet services is required to sign an acknowledgement form stating that he or she has read this policy GBEE and these rules. The acknowledgement form will be retained in the employee's personnel file.

Adopted: May 7, 2002

Repealed by the Board and re-enacted by the Superintendent: August 5, 2003

Revised: August 28, 2006

LEGAL REFS.:

C.R.S. 24-6-401 et seq.; 24-72-201 et seq.; 24-80-101 et seq., Colorado Open Records Act
20 U.S.C. 1232g, Federal Family Educational Rights and Privacy Act of 1974

CROSS REFS.:

GBEA, Staff Conflicts of Interest and Ethics

GBEB, Staff Conduct

IICL, Student Use of District Technology

JRA/IRC, Student Records

STAFF HEALTH

Through its overall safety program and various policies pertaining to District staff, the District shall seek to ensure the safety of employees during working hours and to assist them in the maintenance of good health. Employees are encouraged to maintain their well being through the practice of safe and healthy habits. For the purposes included in this policy, all District and school volunteers shall be viewed as District employees and shall be subject to the conditions of the policy as applicable.

Where questions arise regarding confidentiality of medical information, such as whether a staff member with a serious communicable disease poses a direct threat to others and the nature of appropriate measures for addressing concerns attendant to serious communicable diseases, only the superintendent shall speak for the District.

Physical Examinations

Subsequent to a conditional offer of employment and prior to commencement of work, the District may require an individual to have a physical examination at District expense, to determine whether the individual meets any health requirements imposed by the state or the job-related physical requirements established by the District. The District may condition an offer of employment on the results of such examination in accordance with applicable law.

All bus drivers, whether full-time, part-time, or temporary, shall be required to have a physical examination once every two years as required by law.

Special Examinations

The District may request physical examinations and/or mental health examinations of any employee at any time to determine if the employee has a physical and/or mental condition, disease, or illness which may interfere with the employee's ability to perform his or her job duties or which may pose a significant risk to the health, safety, or welfare of the employee or others. The District shall select the medical professional to conduct such examination and shall pay the costs of the required physical or mental examination. When the employee cannot perform the essential functions of the job with reasonable accommodation or medical evidence establishes that the employee's condition poses a significant risk to the health, safety, or welfare of the employee or others, the District may suspend and/or terminate the employee, in accordance with applicable policies and procedures, any applicable negotiated agreement, and applicable law.

In addition, an employee may be required to provide a statement from a qualified physician and/or undergo a medical evaluation by a District designated doctor, to demonstrate that he or she is physically, mentally, and/or emotionally capable of doing the work required of his or her position with or without reasonable accommodation. Any special examination or test required under this policy shall be performed by a qualified professional selected by the District. The District will pay the costs of any such required examination or test.

Confidentiality

Any information regarding the medical condition or history of an employee or an applicant for employment must be collected and maintained on separate forms and treated

as confidential medical information. Such information shall not be disclosed except to an employee's supervisor in those cases in which restrictions or accommodations regarding the work or duties of the employee are necessary. If appropriate, the District Health Services and Risk Management departments may be informed. All such disclosures shall be authorized in advance by the assistant superintendent of Human Resources or the superintendent. A custodian of such records shall be designated to limit and monitor access to such information in accordance with this policy.

Medical information received by District employees through assisting employees in the filing and processing of insurance or disability claims or in obtaining other benefits shall be strictly confidential and shall not be disclosed except as authorized in accordance with this policy or in writing by the employee.

Communicable Diseases

Employees who become aware that they have a serious communicable disease have an obligation to report the fact of this diagnosis to the District's office of Human Resources. To encourage disclosure, the District will endeavor to treat these employees in a fair, non-discriminatory, and confidential manner, consistent with the District's legal obligations.

An employee who is identified as having a serious communicable disease will be placed on sick leave until a determination is made as to the communicability of the disease and a medical opinion related to the employee's ability to return to work is received.

In determining an appropriate response, the District will consider the most current and reliable medical information available concerning the disease, with particular reference to the dangers of increased risk of transmission to others, and the health risk to the employee as well as the expected type of interaction with others.

An employee who has been diagnosed as having a serious communicable disease will be allowed to return to work only upon documented medical evidence that the employee's presence on the job does not create a risk of infection to his or her co-workers or to students. The written medical evidence must be submitted by the employee's physician to the District's designated physician and the director of the Tri County Health Department who will review the case with the attending physician. The county health director will then state, in writing to the District, his or her concurrence or non-concurrence with the diagnosis.

Upon receipt by the District of the attending physician's diagnosis, the county health director's statement, and the District's designated physician's opinion, a meeting will be scheduled with the medical doctors involved to discuss the employee's ability to return to work. In appropriate circumstances, the District will consider the possibility of reassigning the employee to another position within the District if such reassignment would result in the employee being able to return to work. If county health officials, the employee's physician, and the District's designated doctor are unable to state that the employee's presence on the job will not create an increased risk of infection, the employee will not be allowed to return to work. The medical decision of the county health officials, the employee's physician, and the District's designated doctor will be monitored on a continuing basis.

The cost of any examination and opinions by the District's designated doctor will be paid by the District.

Proceedings to dismiss an employee for reasons outlined above shall comply with the

requirements of Colorado and federal law, relevant District policies, and applicable negotiated agreements.

In all proceedings outlined in this policy, the District shall respect the employee's right to privacy.

Appropriate employee education and training regarding select communicable diseases will be available through the department of Special Education and related services and the office of Human Resources.

Adopted prior to 1984

Revised: March 17, 1987

Revised: August 17, 1999

Repealed by the Board and re-enacted and revised by the Superintendent: August 5, 2003

LEGAL REF.:

42 U.S.C. 12101 et seq.

29 U.S.C. 794

C.R.S. 8-2-118

C.R.S. 22-32-110(1)(k)

C.R.S. 22-63-301

C.R.S. 24-34-401 et seq.

1 CCR 301-26, Rules 4204-R-205

STAFF SECURITY AND SAFETY

The following procedures shall be followed in instances of assault upon, disorderly conduct toward, harassment of, threatening physical harm against, knowingly making a false allegation of child abuse against, or any alleged criminal offense by a student directed toward a School District employee. These same procedures shall be followed in instances of damage by a student to the personal property of a school employee occurring on School District premises or occurring off school premises where the misconduct is connected with school or interferes with or disrupts the educational program or operations of the district.

1. The employee shall file a written complaint in the form of a report detailing the facts of the incident with the building principal, the superintendent's office and the Board of Education as soon as practicable.
2. The principal, after receiving the complaint, conducting an investigation, and obtaining proof deemed adequate to support the charges, shall suspend the student for a minimum of three days in accordance with established procedures.
3. The superintendent shall initiate procedures for the further suspension or expulsion of the student when injury or property damage has occurred or when the student threatens physical harm to the employee.
4. Upon receipt of the complaint, the superintendent or his/her designee shall report the incident to the district attorney or the appropriate local law enforcement agency or officer who shall then investigate the incident to determine the appropriateness of filing criminal charges or initiating delinquency proceedings.
5. Notice of this policy shall be provided to each student in the same manner and with the same frequency as the District's policy concerning student suspensions and expulsions.

Adopted: November 27, 1979

Revised: October 20, 1992

October 16, 2001

LEGAL REF.:

C.R.S. 19-3-304 (3.5) and (4)

C.R.S. 22-32-109.1 (3)

C.R.S. 22-33-106 (1)

CROSS REFS.:

JKD/JKE, Student Suspension/Expulsion

FEDERALLY MANDATED FAMILY AND MEDICAL LEAVE

Calculation of the 12-Month Period. The 12-month period during which the twelve (12) week leave entitlement occurs shall be a “rolling” 12-month period measured backward from the date that the employee uses any leave counted against the leave entitlement under this policy.

Advance Notice

1. Leave based upon planned medical treatment of the employee or of the employee’s spouse, child or parent: the employee is responsible to schedule planned medical treatment so as not to unduly disrupt the operation of the District (subject to approval of the health care provider of the patient). The employee shall provide at least thirty (30) days notice prior to the date the leave is to begin or if this is not possible, notice as soon as practicable.
2. Leave based upon birth, adoption, foster placement: where the leave is foreseeable, the employee must provide at least thirty (30) days notice prior to the date that the leave is to begin; if such notice is not capable of being given, then the employee shall give notice as soon as practicable.
3. Where good cause exists, the notice requirement may be waived, but otherwise the leave may be denied until the 30-day requirement is fulfilled.

Paid Leave To Be Used First. Under circumstances qualifying for leave under this policy, the District shall have the right, (subject to any portion of a negotiated agreement with an association representing a group of employees to the contrary) to require that the employee first use accrued sick and personal leave before taking unpaid FMLA leave, and such accrued sick and personal leave shall count against the employee’s 12-week FMLA leave entitlement. When requesting the leave, the employee will be asked to indicate whether the leave is one which is covered under the FMLA.

Medical Certifications

Generally - upon request, employees shall be required to submit, in a timely manner, (fifteen [15] calendar days unless not practicable to do so) medical certification from the treating health care provider supporting the leave request by an employee where the leave is based upon either the employee’s own medical condition or that of a family member.

The District shall advise the employee that such certification will be required when the employee requests the leave and shall also advise the employee of the consequences of failure to provide such a certification.

1. The certification of Health Care Provider form shall be fully completed. Whenever a medical certification is found to be incomplete, the District will notify the employee and provide the employee a reasonable opportunity to remedy the problem.
2. Second and third opinions: if the District has reason to doubt the validity of the medical certification provided by the employee’s medical provider, it may require the employee to obtain a second opinion, at District expense, from a health care provider selected by the District so long as the doctor is not one employed on a regular basis by the District. If the first and second opinions differ, the District may require that a third medical opinion be obtained by the employee, again at District expense, from

a doctor selected in good faith by both parties. This third opinion shall control. The District may require subsequent recertification on a reasonable basis.

3. Medical certifications of fitness for duty: if the leave has been taken because of the employee's own serious illness, the District may require that a physician certify that the particular condition for which the leave was taken has been resolved and that the employee is fit to return to work.

Maintenance of Benefits While on Leave

1. Generally, the District shall maintain coverage under any group health or dental insurance plan for any employee who is granted an approved leave of absence under this policy for the duration of the leave. Such coverage shall be maintained at the same level and under the same conditions as coverage would have been provided if the employee were not on leave. The District reserves the right to seek reimbursement, as allowed by law, for any portion of this benefit actually paid for by the District in the event that an employee elects not to return to work.

Employees on unpaid leave do not accrue benefits, such as seniority or paid leave while on such leave.

When it becomes known to the District that an employee will not be returning to work, or the period of FMLA leave is exhausted, or the employee terminates employment, (for example, by failing to return from leave) whichever comes first, the District's obligation to provide these benefits shall cease and the employee's right to continue under the District's group health insurance plans will be covered by the COBRA law.

2. Payment of premiums while on leave: the employee shall remain responsible for payment of that portion of the health and dental insurance premium that is ordinarily paid by the employee while the employee is not on leave. In the case of paid leave, the employee's share of premiums shall be deducted from paychecks in the usual manner; where the leave is unpaid, the employee's portion of any premium shall be due to the District by the first day of each month during the time of leave.
3. Failure to make premium payments: if an employee on leave under this policy fails to make timely payment of the employee share of the insurance premium, the employee's insurance coverage for which payment has not been made will cease when payment is more than thirty (30) days late.
4. Recovery of premiums paid by the District: where the employee fails to return to work after taking unpaid leave under this policy, the District shall be entitled to reimbursement for all premiums paid on the employee's behalf, unless the failure to return from leave is due to circumstances beyond the employee's control. Such circumstances shall include the continuation, recurrence or onset of a serious health condition which would entitle the employee to leave under the policy. (In such cases, the District may request a medical certification where applicable.) To the extent allowable by law, the District may reimburse itself for premiums paid by means of deduction from employee leave payoffs or other sums otherwise due the employee.

Intermittent Leave and Leave on a Reduced Schedule

Such leave shall be available in the case of medically related leave for the care of a spouse, child or parent, or where the employee is unable to perform the functions of the position because of her/his own serious health condition. Such leave shall not be available without District consent for birth, adoption or foster care of children. Calculation of intermittent leave and leave on a reduced schedule shall be by time actually taken, with only portions of a day counted against the leave entitlement where applicable.

1. Possible temporary job transfer to accommodate intermittent leave or reduced leave schedule.
 - a. Qualified non-teaching employees: In cases where intermittent or reduced leave is being requested by a non-teaching employee for a leave to care for a seriously ill family member or because of the employee's own serious health condition, if the leave is foreseeable based upon planned medical treatment, the District may require that the employee transfer temporarily to an available alternative position. However, the employee must be qualified for the position, the pay and benefits of the position must be equivalent to the employee's usual position and the temporary position must better accommodate recurring periods of leave than the employee's usual position.
 - b. Teaching employees: In the case of intermittent or reduced leave requested by an employee whose principal function is to teach and instruct students (teachers, but not paraprofessionals or counselors), if the leave is foreseeable based on planned medical treatment and if the leave would involve the employee being absent for more than twenty (20) percent of the total working days during the period during which the leave would extend, then the District can require the employee to elect either: 1) to take the leave in a block that is not longer than the duration of the planned treatment rather than taking leave intermittently; or 2) to transfer temporarily to an available alternative position, provided that the employee is qualified for the position, the pay and benefits of the position are equivalent to the employee's usual position and the temporary position better accommodates recurring periods of leave than the employee's usual position.

Return from Leave

1. Generally, upon return from leave, employees shall be restored to an equivalent position though not necessarily the same position, so long as that position carries with it equal pay, benefits and conditions of employment.
2. Return near the end of the semester by an employee whose principal function is to teach and instruct students (teachers, but not paraprofessionals or counselors):
 - a. In the case of a leave (of any kind under this policy) beginning more than five (5) weeks prior to the end of the academic semester the District may require that the leave be taken to the end of the semester, if:
 - i. The leave is of at least three (3) weeks duration; and
 - ii. The employee would return during the three (3) weeks prior to the end of the semester.
 - b. In the case of a leave (of any kind under this policy other than sick leave based upon the employee's own illness) beginning less than five (5) weeks before the end of the

- semester, the District may require that the leave be taken to the end of the semester if:
- i. The leave is greater than two (2) weeks long; and
 - ii. The employee would return during the two (2) weeks prior to the end of the semester.
- c. In the case of a leave (of any kind under this policy other than sick leave based upon the employee's own illness) beginning less than three (3) weeks before the end of the semester, the District may require that the leave be taken to the end of the semester if the leave is greater than five (5) working days.
3. Return from extended leave: In the case of an extended leave of absence, the District will return the employee to the assignment which the employee held prior to the leave, provided the position still exists.
4. Return from Leave Resulting in Substantial Economic Injury: If the employee on leave is a salaried employee and is among the highest paid ten (10) percent of District employees and keeping the job open for the employee would result in substantial economic injury to the District, the employee may be denied reinstatement. However, the District must notify the employee of the intent to deny reinstatement at the time economic hardship occurs and allow the employee to elect not to return to work after receiving the notice.

Definitions

The following terms shall have the meanings indicated for purposes of this policy and regulations:

1. *"Serious Health Condition"* means an illness, injury, impairment or physical or mental condition that involves:
 - a. in-patient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility;
 - b. a period of incapacity requiring absence from work of more than three (3) days and involving continuing treatment by a health care provider;
 - c. continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days; or
 - d. for prenatal care.
2. *"That The Employee Is Unable To Perform The Functions Of The Position"* means that the health care provider finds that the employee either cannot work at all or that the employee is unable to perform one or more of the essential functions of the position.
3. *"That The Employee Is Needed To Care For Family Member:"*
 - a. the District believes that on the basis of information provided by the employee the necessary showing has been made; or
 - b. that the health care provider has certified either that the employee is needed to care for a family member or that such care would be beneficial to the family member. It may also include situations in which the family member's need for care is intermittent and where an employee is required occasionally to fill in for regular care providers, or where a family member must make arrangements for changes in care.
4. *"Intermittent Leave"* means sporadic, interrupted or periodic leave for the same

condition or situation in which leave days are spread out over a period of time on a nonconsecutive basis.

5. "Leave On A Reduced Schedule" means leave taken in which the number of hours worked per day is reduced.
6. "Parent" means biological parent of the employee or one who stood in loco parentis to an employee whether or not there was a legal relationship; i.e. anyone who took the place of the biological parent.
7. "Son or Daughter" means biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis who is less than eighteen (18) years of age or is eighteen (18) or more and incapable of self-care because of physical or mental disability.
8. "Spouse" means husband or wife.
9. "Foster Care" means 24-hour care for children instead of, and away from, the child's parent or guardian, and requires involvement of the State of Colorado or other governmental entity.

Adopted: May 16, 2005

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This policy entitles an employee to up to twelve (12) weeks unpaid leave per year, except that if an employee is entitled to paid leave under any other policy, the employee shall be required to take any required paid leave, unless a negotiated agreement provides the employee a choice.

Eligibility for Leave. To be eligible for leave under this policy, an employee shall have been employed for at least twelve (12) months and shall have worked at least one thousand, two hundred and fifty (1,250) hours during the 12-month period preceding the commencement of the leave.

Length of Leave. An eligible employee shall be entitled to a combined total of twelve (12) weeks leave per year under the circumstances specified in this policy. Spouses who both are employed by the District shall be entitled to a total of twelve (12) weeks of leave (rather than twelve [12] weeks each) for the birth or adoption of a child or to care for the employees parent who has a serious health concern.

Reasons for Taking Leave: Leave May Be Taken in Four Situations

1. For the birth and for the first-year care of the employee's child;
2. For the placement of a child with the employee for adoption or foster care; NOTE:
- Concerning leave for birth, adoption or foster care: entitlement for child care leave shall end after the child reaches age one or twelve (12) months after adoption or foster placement. Leave to care for a child shall include leave for a stepparent or person in loco parentis (one acting in the place of the parent);
3. When the employee is needed to care for a child, spouse or parent who has a serious health condition; or
4. When the employee is unable to perform the functions of the position because of the employee's own serious health condition.

Adopted: May 16, 2005

LEGAL REF.:

29 U.S.C. § 2601 et seq.

MILITARY LEAVE

Military Training Leave

Employees belonging to guard or reserve units are permitted time off when ordered to attend military training by their unit. A leave not to exceed fifteen (15) calendar days per year shall be without any loss of pay. The employee must provide the supervisor with a copy of the military orders to attend training, and apply for leave through the Human Resources Department.

Military Service

An employee is eligible for leave consistent with the provisions of state and federal law when entering into active military service. Employees entering into active military service should provide their supervisor with orders or other documentation regarding their military service and apply for leave through the Human Resources Department. Except for the military training leave identified above, military leave is without pay.

Reinstatement to Employment

When an employee seeks reinstatement to employment at the conclusion of his/her military service, reinstatement will be governed by the provisions of state and federal law as it may exist at the time reinstatement is sought. Employees seeking reinstatement following military service should do so through the Human Resources Department.

PERSONNEL RECORDS AND FILES

The superintendent or designee is authorized and directed to develop and implement a comprehensive and efficient system of personnel records under the following guidelines:

1. A personnel file for each employee shall be accurately maintained in the District administrative office.
2. In addition to the application for employment and references, such files shall contain records and information relative to compensation, evaluations, and such other information as may be considered pertinent.
3. All personnel records of individual employees shall be considered confidential and therefore shall not be open for public inspection, except as otherwise provided by law.
4. The evaluation reports of certificated personnel, with the exception of those portions of the superintendent's evaluation report specified in law, and all public records used in preparing the evaluation report, shall be confidential and available only to the evaluatee, to the administrators and officials with a legitimate supervisory interest, and to a hearing officer conducting a dismissal hearing or a court reviewing a dismissal decision.
5. Each employee shall have the right, within 72 hours after giving written notice to his or her supervisor, to review the contents of his or her own personnel file, with the exception of references and recommendations provided to the District on a confidential basis by universities, colleges, or persons not connected with the District.
6. District employees' home addresses and telephone numbers shall not be released for general public or commercial use.
7. The superintendent or designee shall take the necessary steps to safeguard against unauthorized use and disclosure of all confidential material.
8. District employees' medical records shall be kept in separate files and shall be kept confidential in accordance with applicable law.

PROFESSIONAL STAFF BACKGROUND CHECKS

Pre-Employment Background Checks

Prior to hiring a professional staff member, the District shall:

1. Check with the Colorado Department of Education to determine if there is any information on record indicating the applicant has been convicted of any felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children.

The Department's records will indicate if the applicant has been convicted of, pled nolo contendere to, received a deferred sentence or a deferred prosecution, or had his or her certificate annulled, suspended, or revoked for such crimes. The Department will also provide any available information to indicate whether the applicant has been dismissed by or resigned from a school district as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which was supported by a preponderance of the evidence according to information provided to the Department by a school district and confirmed by the Department in accordance with state law. Information of this type that is learned from a different source shall be reported by the District to the Department.

2. Contact previous employers of the applicant to obtain information or recommendations relevant to the applicant's fitness for employment.

Post-Hiring Background Checks

Subsequent to hiring a professional staff member, if the District has good cause to believe the professional staff member has been convicted of a felony or misdemeanor, other than a misdemeanor traffic offense, the District shall check with the Colorado Department of Education and other agencies, as appropriate, to determine if there is any information indicating the employee has been convicted of a felony or misdemeanor.

In addition to checking with the Colorado Department of Education and other appropriate agencies, the District shall require the professional staff member to submit a complete set of fingerprints taken by a qualified law enforcement agency. The employee shall submit his or her fingerprints within twenty (20) days of the employee's receipt of the District's written request for such fingerprints. The District shall release the fingerprints to the Colorado Bureau of Investigation for processing. The District shall not charge the professional staff member any fees for the direct and indirect costs of fingerprint processing performed.

If the information indicates the employee has been convicted of a felony or misdemeanor, other than a misdemeanor traffic offense, the District shall determine whether a nexus exists between the conviction and the District's educational mission. If the District determines a nexus exists between the employee's conviction and the District's educational mission which has or is likely to have a negative effect on students, staff, or the District's best interests, the District may take appropriate action with respect to the employee, including termination.

For purposes of this policy, "convicted" means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with a felony or misdemeanor, the payment of a fine, a plea of nolo contendere, and the imposition of a deferred or suspended sentence by the court. Adopted: July 17, 2003

LEGAL REFS.:

C.R.S. 22-32-109.1(8); C.R.S. 22-32-109.7; C.R.S. 22-32-109.9

SUPPORT STAFF BACKGROUND CHECKS

A. Pre-Employment Background Checks

Prior to hiring a support staff member, the District's Human Resources department shall:

1. Check with the Colorado Department of Education to determine if there is any information on record indicating the applicant has been convicted of a crime involving unlawful sexual behavior or unlawful behavior involving children.

The Department's records will indicate if the applicant has been convicted of, pled nolo contendere to, or received a deferred sentence or a deferred prosecution for such crimes. The Department also will provide any available information to indicate whether the applicant has been dismissed by or resigned from a school district as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior which was supported by a preponderance of evidence according to information provided to the Department by a school district and confirmed by the Department in accordance with state law. Information of this type that is learned from a different source shall be reported by the District to the Department.

2. Contact previous employers of the applicant to obtain information or recommendations relevant to the applicant's fitness for employment.

B. Fingerprinting

1. All applicants selected for employment in a support staff position must submit a complete set of fingerprints taken by a qualified law enforcement agency or an authorized District employee and a notarized, completed form as required by state law.
2. On the form, the applicant must certify either that he or she has never been convicted of a felony or misdemeanor charge, not including any misdemeanor traffic offense, or that he or she has been convicted of a felony or misdemeanor charge (not including any misdemeanor traffic offense). The certificate must specify the felony or misdemeanor, the date of conviction, and the court entering judgment.
3. The District shall release the fingerprints to the Colorado Bureau of Investigation for processing.
4. Although an applicant may be conditionally employed prior to receiving the results, he or she may be terminated if the results are inconsistent with the information provided on the form. The District shall notify the District Attorney of such inconsistent results for action or possible prosecution.
5. The District will charge the applicant a nonrefundable fee to be determined by the Board to cover the direct and indirect costs of fingerprint processing. The applicant may pay the fee over a period of 60 days after employment. The fee will be credited to the fingerprint processing account.

C. Post-Hiring Background Checks

Subsequent to hiring a support staff member, if the District has good cause to believe the support staff member has been convicted of a felony or misdemeanor, other than a

misdemeanor traffic offense, the District shall check with the Colorado Department of Education and other agencies, as appropriate, to determine if there is any information indicating the employee has been convicted of a felony or misdemeanor.

In addition to checking with the Colorado Department of Education and other appropriate agencies, the District shall require the support staff member to submit a complete set of fingerprints taken by a qualified law enforcement agency. The employee shall submit his or her fingerprints to the District within twenty (20) days of the employee's receipt of the District's written request for such fingerprints. The District shall release the fingerprints to the Colorado Bureau of Investigation for processing. The District shall not charge the support staff member any fees for the direct and indirect costs of fingerprint processing performed pursuant to this section C.

If the information indicates the employee has been convicted of a felony or misdemeanor, other than a misdemeanor traffic offense, the District shall determine whether a nexus exists between the conviction and the District's educational mission. If the District determines a nexus exists between the employee's conviction and the District's educational mission which has or is likely to have a negative effect on students, staff, or the District's best interests, the District may take appropriate action with respect to the employee, including termination.

For purposes of this policy, "convicted" means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with a felony or misdemeanor, the payment of a fine, a plea of nolo contendere, and the imposition of a deferred or suspended sentence by the court.

Current practice codified 1978

Adopted: date of manual adoption

Revised: February 1998

Revised: August 17, 1999

Revised: July 17, 2003

LEGAL REFS.:

C.R.S. 22-32-109(1)(f)

C.R.S. 22-32-109.1(8)

C.R.S. 22-32-109.7

C.R.S. 22-32-109.8

NEGOTIATIONS

The District assists parents in fulfilling their responsibilities by providing a quality education program to the students of the District. The employees covered under the collective bargaining units are an integral part of fulfilling the District's mission. The District has determined that quality services for the community are best achieved through dialogue between the District and the employees and collaboration among them on matters of mutual concern and interest. The parties embrace their Agreements as providing a fair and workable framework for the analysis and resolution of problems and concerns that may arise or be identified.

Using the "Interest Based Bargaining" process, Douglas County School District negotiates with its three Unions on an annual basis. Representatives are selected by both bargaining teams to serve beginning usually in September through mid-May of each year – depending on the number of issues needing to be resolved. Believing in a "Living Contract" concept, negotiations can begin as early as mid-September of each School Year to add, revise or update contract language. Where issues can be implemented within reason, both the District and the Unions will agree to an implementation date rather than waiting for their Contracts to be ratified by their respective memberships in late Spring of the same School Year.

Employees are represented by their specific Union as follows:

- Licensed Teachers – Douglas County Federation of Teachers [DCFT]
- Bus Drivers and Mechanics – Amalgamated Transit Union [ATU]
- Classified – Douglas County Federation of Classified Employees [DCFCE under the umbrella of the DCFT]

The Unions and the District are very proud of the partnership we have with each other, striving to treat all employees fairly and providing competitive salaries as compared to other similar school districts; i.e., demographics, number of students, funding capabilities, etc.

There is a grievance process for employees to utilize where they believe their issues have not been resolved to their satisfaction. This process should be used after discussing those issues first with their immediate supervisor. Employees should review their specific Master Agreements for more information.

