

ARTICLE I: GENERAL ADMINISTRATION

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POLICY 5-1.1 PERSONNEL POLICIES - GOALS

The division superintendent or his designee shall be responsible for the recruitment, staffing and employee relations of personnel of the Hanover County Public Schools and shall maintain a personnel file system for all employees of the school division.

The personnel policies shall be reviewed annually. Suggestions will be sought from staff members in the revision of personnel policies. Revisions and additions are subject to approval by the Hanover County School Board.

LEGAL REFERENCE: Constitution of Virginia, Article VIII, § 7; Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-79, 22.1-253.13:7 (D.1), (D.4); Virginia Board of Education Regulations Governing Contractual Agreement with Professional Personnel, 8 VAC 20-430-10, Governing The Employment of Professional Personnel, 8 VAC 20-440-10, Governing Sick Leave Plans for Teachers, 8 VAC 20-460-10, Regulations Governing Local School Boards, 8 VAC 20-490-10, Governing Nurses, Physicians, and Therapists Standards, 8 VAC 20-470-10.

Recodified: August 2000

POLICY 5-1.2 EQUAL EMPLOYMENT OPPORTUNITY/SEXUAL HARASSMENT

Generally

The policies contained in this section of the Hanover County School Board Policy Manual set forth provisions for initial and continuous employment of all personnel of the Hanover County Public Schools. In addition to policies established by the School Board, the school division shall comply with all applicable state and federal laws and regulations.

Equal Employment Opportunity

The Hanover County School Board shall adhere to a policy of equal employment opportunities for all employees. The School Board shall not discriminate against any employee because of race, color, religion, age, gender, disability, national origin, ~~or~~ marital status, or any other basis prohibited by law. Discrimination against any person shall be prohibited in recruitment, examination, appointment, training, promotion, retention, discipline, and any other aspect of personnel administration for any of the above-listed reasons, because of political or religious opinion or affiliation, or because of other non-merit factors. Such non-discrimination practices shall be applied to all policies and regulations of the School Board.

The following notice shall be placed on all employment application forms and shall be disseminated throughout the Hanover County Public Schools: "Hanover County School Board does not discriminate on the basis of race, color, religion, age, national origin, marital status, disability or sex in admission or access to, or treatment or employment in its programs and activities. The assistant superintendent of human resources is designated as the responsible person regarding assurances of non-discrimination in personnel matters (the compliance officer). He may be reached at the following address: 200 Berkley Street, Ashland, Virginia 23005, and telephone number (804) 365-4500."

Sexual Harassment

The School Board shall maintain for all its employees a working and learning environment that provides for fair and equitable treatment, including freedom from sexual harassment. It is prohibited for any employee or student, male or female, to harass another employee or student by making unwelcome sexual advances or requests for sexual favors, or engaging in other verbal or physical conduct of a sexual nature when: (1) submission to or rejection of such conduct is used as a basis for employment or academic

decisions affecting the employee or student; (2) such conduct creates an intimidating, hostile or offensive working or learning environment; or (3) submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or participation in school programs. As used elsewhere in this policy, the term "harassment" specifically includes sexual harassment.

Complaint Procedure

Any employee who believes that he has been subjected to harassment or discrimination should file a complaint of the alleged act immediately with the compliance officer. If the complaint is against the compliance officer, the complaint shall be filed with the division superintendent. If the complaint is against the division superintendent, the complaint shall be filed with the chairman of the School Board. The compliance officer shall request that the complaint be in writing. The reporting party should use the form attached to this Policy as Regulation 5-1.2. Refusal to put the complaint in writing shall not preclude an investigation of the complaint. The complaint shall state in detail the basis for the complaint, the names of the persons involved, and the dates of any specific incidents. The compliance officer or his designee immediately will undertake a thorough investigation of all reported incidents to determine the nature and extent of any alleged harassment or discrimination. The School Board and the investigatee(s) shall protect confidentiality of the reporting party provided it does not interfere with the investigation or with the ability to take corrective action.

False charges of sexual harassment shall be treated as a serious offense and those persons making false charges shall be subject to disciplinary action.

The question of whether a particular action or incident is prohibited behavior requires a determination based on all the available facts in the matter. A written report shall be filed at the conclusion of any investigation of harassment or discrimination regardless of the outcome of that investigation. Any employee with knowledge of the occurrence of harassment or discrimination shall notify the compliance officer, or to the division superintendent or School Board chairman if the employee, for any reason, does not wish to report such an occurrence to the compliance officer.

Any administrator, teacher or other employee or student who is found, after appropriate investigation, to have engaged in harassment of or discrimination against another employee or student shall be subject to disciplinary action appropriate to the offense from a warning up to expulsion or discharge.

Any individual filing a complaint is assured that he will be free from any retaliation for having filed such a complaint. Retaliators shall be subject to discipline up to and including expulsion or discharge. Retaliation against anyone reporting or thought to have reported sexual harassment behaviors is prohibited. Such retaliation shall be considered a serious violation of this Policy and shall be independent of whether a charge or informal complaint of harassment or discrimination is substantiated. Encouraging others to retaliate also violates this Policy.

Nothing in this Policy shall deny the right of any individual to pursue other avenues of recourse to address concerns related to prohibited harassment or discrimination as authorized by applicable law.

LEGAL REFERENCE: Title VII, Civil Rights Act of 1964, as amended in 1972, 42 U.S.C. 2000e-z; 29 C.F.R. 1604.11(2002); Executive Order 11246, 1965, as amended by Executive Orders, 11375 and 12086; Equal Employment Opportunity Act of 1972; Education Amendments of 1972, Title IX; 45 C.F.R., Parts 81, 86; Rehabilitation Act of 1973; Age Discrimination in Employment Act of 1967; Constitution of Virginia, Art. I, generally; Americans with Disabilities Act of 1990; Regulations of the Virginia Board of Education, Procedures for Adjusting Grievances, 8 VAC 20-90-10.

Recodified: August 2000, Amended July 16, 2003

REGULATION 5-1.2 COMPLAINT FORM

Report of Harassment or Discrimination

Name of Complainant: _____

For Students, School Attending: _____

For Employees, Position: _____

Address and Telephone Number: _____

Date(s) of alleged incident(s) of harassment or discrimination: _____

Name of person(s) you believed harassed or discriminated against you or others.

If the alleged harassment or discrimination was toward another please identify that person: _____

Please describe in detail the incident(s) of alleged harassment or discrimination, including where and when the incident(s) occurred. Please note any witnesses that may observed the incident(s). Please note any witnesses that may have observed the incident(s). Attach additional pages if necessary.

Please describe any past incidents that may be related to this complaint.

I certify that the information provided in report is true, correct and complete to the best of my knowledge:

Signature of Complainant _____ Date _____

Complaint Received By: _____ Date _____
(Principal or Compliance Officer)

POLICY 5-1.3 BOARD-STAFF COMMUNICATIONS

The Hanover County School Board supports and encourages the concept of two-way communication between the School Board and its employees. As chief administrative officer, the division superintendent is the official representative of the School Board in its relations and communications with its employees.

The School Board's intent is to develop the best possible working relationship with the employees of the school division. The School Board welcomes the viewpoints of employees and it shall allow time at its meetings for employees to be heard.

The School Board shall not discriminate against any employee by reason of his membership in an employee organization or participation in any lawful activities of the organization.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-253.13:7D(1).

Recodified: August 2000

POLICY 5-1.4 DEFINITIONS

The terms listed below, as used in the Hanover County School Board Policies and Regulations, shall have the meanings and/or definitions provided.

Employees of the School Board

All employees are "employees of the School Board." All unspecified references to employees in the Hanover County School Board Policies and Regulations shall refer to all the employees of the School Board except the division superintendent.

Licensed Personnel

"Licensed personnel" shall include those employees of the School Board, who, by reason of their positions, are required to have a teaching or other license from the Virginia Department of Education.

Classified Licensed Personnel

Classified licensed personnel shall include those employees of the School Board, who, by reason of their positions, are required to have a license and are classified on the Hanover County Public Schools Uniform Pay Plan.

Classified Non-Licensed Personnel

Classified non-licensed personnel or employees are those employees of the School Board who are not required to have a license and are classified on the Hanover County Public Schools Uniform Pay Plan.

Temporary Employees

"Temporary employees" are those personnel utilized to complete special assignments, jobs or projects that are of a limited or defined duration, but not full- or part-time permanent positions.

Part-Time Employees

"Part-time employees" are personnel employed on a daily work schedule of fewer hours than full-time personnel in either licensed or non-licensed categories.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-78.

Recodified: August 2000

POLICY 5-1.5 PERSONNEL RECORDS

Confidentiality of Files

The Hanover County School Board and school administration shall protect the confidentiality of personnel files, personnel references, academic credits and other similar documents regarding individual employees.

File Contents

The following are examples of materials which may be included in a School Board employee file. The list is not exhaustive, but illustrative.

1. Employment application
2. Reference forms
3. Educational transcripts
4. Employment contracts
5. Salary history forms
6. Certificate(s) and other documentation of initial licensure and of continuing education efforts
7. Letters regarding teaching certificates to Virginia Department of Education
8. Evaluations
9. Forms from other school divisions showing past teaching experience
10. Miscellaneous correspondence concerning employee
11. Garnishments and/or tax claims

References, transcripts, placement folders and other materials that are received on the basis of pledged confidentiality as a part of pre-employment routinely shall not be considered as a part of the employee file for purposes of this Policy.

Review of Contents

An employee shall have the right, upon request, to review the contents of his personnel file with the exception noted in the "File Contents" section above. No separate employee files shall be maintained that are not available for an employee's inspection.

Information determined to be unfounded after a reasonable administrative review shall not be maintained in any employee file, but may be retained in a separate sealed file by the administration if such information alleges civil or criminal offenses.

If information relative to employment is requested by banks or other establishments, written permission from the employee to release such information is required, except to comply with a judicial order, a lawfully issued subpoena or Virginia Code § 2.2-3705(B). The employee shall be notified of any such request for records.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-295.1, 2.2-3700, et seq. (Virginia Freedom of Information Act), 2.2-3800, et seq. (Virginia Government Data Collection and Dissemination Practices Act).

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POLICY 5-1.6 PERSONNEL – STATEMENT OF ETHICS

The Hanover County Public Schools belong to the public. They serve the primary purpose of providing educational opportunities for all eligible Hanover County citizens. Hanover County School Board employees acknowledge that schools operate through a cooperative effort with the community. All employees have the responsibility to maintain standards of exemplary professional conduct and provide services that create a positive school environment. Employee duties, responsibilities and personal judgement shall be consistent with School Board policies and regulations. By accepting employment with the Hanover County Public Schools, all employees shall strive to fulfill their individual responsibilities with honesty and integrity and shall strive to keep the well-being of the students as their primary goal while maintaining the highest standards of professional ethics.

To support this philosophy, School Board employees shall adhere to the following standards.

Employees shall strive to:

1. Make the well-being of students the fundamental value of all decision-making and actions.
2. Support the civil and human rights of all individuals.
3. Maintain personal and professional behaviors that demonstrate positive role modeling for students, colleagues, and the education profession.
4. Refrain from discourse and actions that undermine the integrity of self or other employees and compromise the professional standards of the school division.
5. Fulfill job responsibilities with honesty and integrity.
6. Maintain the standards of the school division and seek to improve effectiveness through continuous professional development.
7. Avoid using position for personal gain through political, social, religious, economic, or other influence.
8. Honor all contracts with honesty and integrity until fulfillment or release.

All employees shall comply with the requirements of the State and Local Government Conflict of Interests Act.

Nothing in this policy should be interpreted as infringing upon employees' civil rights and liberties that have been established by the State and Federal Constitutions, court rulings, and statutory laws and administrative regulations.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78; §§ 2.2-3100, et seq. (Virginia State and Local Government Conflict of Interests Act).

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