

City of Lowell Public Schools Employee Policy Document

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EMPLOYEE

RECEIPT, REVIEW AND ACCEPTANCE

This is to confirm my review and acceptance of the following district modules:

New Employee Orientation Manual

1. Sexual Harassment & Discrimination Policy
2. Drug-free Workplace Policy
3. Substance Abuse Policy
4. Acceptable Computer Usage Policy
5. Social Media Policy
6. Physical Restraint Policy
7. Bullying in Schools Policy
8. CORI Policy
9. MGL Chapter 459 of the Acts of 2012, An Act Relative to Background Checks
10. Domestic Violence Leave Policy
11. Various Employee Policies:
Classroom Video Use Policy, Confidentiality, Smoking in the Workplace, Dress and Personal Appearance, Use of School Department Property, Telephone/ Voice Mail / E-Mail Use, Standards of Conduct, Respectful Climate, Ethical Behavior, Solicitation and/or Distribution, Conflict of Interest, Staff Protection, Workplace Violence, Staff Participation in Political Activities

I understand that I am responsible for reading and understanding the information within and that if I have any questions; I am to contact the Human Resources Department. I understand it provides an overview of the System's policies and practices by which all employees are guided.

I understand these policies and practices are subject to change without notice and that any such changes will supersede any affected policies or procedures as reported in the modules. I understand further that I can expect to be informed of any changes promptly.

I understand these modules are the sole property of Lowell Public Schools and that I may not copy or give any part of it to others outside the System.

Signature

Position

Printed Name

Date

SEXUAL HARASSMENT POLICY

I. INTRODUCTION

It is the policy of the Lowell Public Schools to maintain a respectful public service environment. ALL employees regardless of race, color, creed, national origin, age, sex, or handicap, have the right to an environment free from all forms of discrimination and harassing conduct. The Lowell Public Schools will not tolerate and prohibits sexual harassment and/or offensive behavior by or towards any employee.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, this policy is neither designed nor intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

The Lowell Public School Committee adopted this new Harassment/Sexual Harassment Policy(ACAB) on August 4, 2021.

File ACAB

HARASSMENT

Harassment of students by other students, employees, vendors and other 3rd parties will not be tolerated in the Lowell Public Schools. The alleged harassment must involve conduct that occurred within the school's own program or activity, such as whether the harassment occurred at a location or under circumstances where the school owned, or substantially controlled the premises, exercised oversight, supervision or discipline over the location or participants, or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred, against a person in the United States. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or attending or engaging in school sponsored activities.

Harassment prohibited by the District includes, but is not limited to, harassment on the basis of race, sex, gender identity, creed, color, national origin, sexual orientation, religion, marital status or disability. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion pursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including termination of employment, subject to contractual disciplinary obligations.

Employee-to-Student Harassment means conduct of a written, verbal or physical nature that is designed to embarrass distress, agitate, disturb or trouble students when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities; or
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student.

Student-to-Student Harassment means conduct of a written, verbal, or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students, when:

- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment as described above may include, but is not limited to:

- Written, verbal, or physical (including texting, blogging, or other technological methods) harassment or abuse;
- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, or other school matter.
- Demeaning jokes, stories, or activities directed at the student.

By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. Individuals should consider how their words and actions might reasonably be viewed by others.

The District will promptly and reasonably investigate allegations of harassment through designation of Title IX Coordinator or building based employees, who may include principals or their designees. The superintendent will recommend, in consultation with the principals, opportunities to the designated recipients for appropriate training.

SEXUAL HARASSMENT

Sexual Harassment is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity it also, includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct, often called quid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights (OCR) uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools report cases of suspected child abuse, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals these offences and any other serious matters shall be referred to local law enforcement. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted above. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

While it is not possible to list all those additional circumstances that may constitute sexual

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harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment, depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances—whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, to male, female, or gender non-conforming students or employees may also constitute sexual harassment.

Because the District takes allegations of harassment, including sexual harassment, seriously, we will respond promptly to complaints of harassment including sexual harassment, and following an investigation where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting an environment that is free of harassment including sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment or sexual harassment.

Retaliation against a complainant, because they have filed a harassment or sexual harassment complaint or assisted or participated in a harassment or sexual harassment investigation or proceeding, is also prohibited. A student or employee who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed.

The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

NOTICE OF SEXUAL HARASSMENT

The regulations require a school district to respond when the district has actual notice of sexual harassment. School districts have actual notice when an allegation is made known to any school employee. Schools must treat seriously all reports of sexual harassment that meet the definition of harassment and the conditions of actual notice and jurisdiction as noted whether or not the complainant files a formal complaint. Holding a school liable under Title IX can occur only when the

school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstances). Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.

The regulation highlights the importance of supportive measures designed to preserve or restore access to the school's education program or activity, with or without a formal complaint. Where there has been a finding of responsibility, the regulation would require remedies designed to restore or preserve access to the school's education program or activity.

DUE PROCESS PROTECTIONS

Due process protections include the following:

1. A presumption of innocence throughout the grievance process, with the burden of proof on the school;
2. A prohibition of the single investigator model, instead requiring a decision-maker separate from the Title IX Coordinator or investigator;
3. The clear and convincing evidence or preponderance of the evidence, subject to limitations;
4. The opportunity to test the credibility of parties and witnesses through cross examination, subject to "rape shield" protections;
5. Written notice of allegations and an equal opportunity to review the evidence;
6. Title IX Coordinators, investigators, and decision-makers must be free from bias or conflict of interest;
7. Equal opportunity for parties to appeal, where schools offer appeals;
8. Upon filing a formal complaint the school must give written notice to the parties containing sufficient details to permit a party to prepare for any initial interview and proceed with a factual investigation. For K-12 schools a hearing is optional but the parties must be allowed to submit written questions to challenge each other's credibility before the decision-maker makes a determination. After the investigation, a written determination must be sent to both parties explaining each allegation, whether the respondent is responsible or not responsible, including the facts and evidence on which the conclusion was based by applying either the preponderance of the evidence or the clear and convincing standard; however, a school can use the lower preponderance standards only if it uses that standard for conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanction. As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate informal resolution of a sexual complaint.

A district may establish an informal investigation process that may, upon the request of the complainant, be followed by a formal process.

The Superintendent in consultation with the Title IX Coordinator shall designate the principal of each school in the district, or their designee (or some other appropriate employee(s)) as the initial entity to receive the sexual harassment complaint. Also, in a matter of sexual harassment, the district shall

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require that the Title IX Coordinator be informed, as soon as possible, of the filing of the complaint.

Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients. The investigating officer may receive the complaint orally or in writing, and the investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and will include, at least, a private interview with the person filing the complaint and with witnesses. Also, the alleged harasser will be interviewed. When the investigation is completed, the complaint recipient will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

RECORD KEEPING REQUIREMENTS

Schools must create and maintain records documenting every Title IX sexual harassment complaint. This could include mediation, restorative justice, or other models of alternative dispute resolution. Schools must keep records regarding the school's response to every report of sexual harassment of which it becomes aware even if no formal complaint was filed, including documentation of supportive matters offered and implemented for the complainant.

This policy, or a summary thereof that contains the essential policy elements shall be distributed by the Lowell School District to its students and employees within the Handbook **and each parent or guardian shall sign that they have received and understand the policy.** Each school will maintain a copy of the parent/guardian signature indicating receipt of the policy.

Lowell Public Schools District's Title IX Coordinator: **Ms. Latifah Phillips, Chief of Educational Equity and Community Empowerment, 155 Merrimack Street, Lowell, MA 01852, (978) 674-4326, lphillips@lowell.k12.ma.us**

If you have a complaint, please contact the office of **Ms. Latifah Phillips, Chief of Educational Equity and Community Empowerment, 155 Merrimack Street, Lowell, MA 01852, (978) 674-4326, lphillips@lowell.k12.ma.us**

Please note that the following entities may have specified time limits for filing a claim.

The Complainant may also file a complaint with:

- The Mass. Commission Against Discrimination, 1 Ashburton Place, Room 601
Boston, MA 02108
Phone: 617-994-6000
TTY: 617-994-6196
Fax: 617-994-6024
Email: assistanttochairman@state.ma.us
- Office for Civil Rights (U.S. Department of Education)
5 Post Office Square, 8th Floor
Boston, MA 02109

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Phone: 617-289-0111
TDD: 1-800-877-8339
Fax: 617-289-0150
Email: OCR.Boston@ed.gov

- Problem Resolution System Office, Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148-4906
Phone: 781-0338-3700
Fax: 781-338-3710
Email: compliance@doe.mass.edu
- The United States Equal Employment Opportunity Commission,
John F. Kennedy Bldg.
475 Government Center
Boston, MA 02203
Email: <https://www.eeoc.gov/filing-charge-discrimination>

LEGAL REF.:

M.G.L. 151B:3A

Title IX of the Education Amendments of 1972
BESE 603 CMR 26:00
34 CFR 106.44 (a), (a)-(b)
34 CFR 106.45 (a)-(b) (1)
34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

Note: A summary of the attached Policy, as adopted, must be sent to parents/guardians, students, employees, unions, and prospective employees of the school district including Title IX Coordinator(s), investigator(s) and the decision-maker. The above referenced employees must attend training sessions on the implementation of the Policy.

SOURCE: MASC July 2020

Each employee is expected to conduct himself/herself in a respectful manner. Each employee is expected to cooperate in an investigation of a complaint of harassment or sexual harassment by providing any information he/she may have concerning the matter.

All employees should take special note that retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Lowell Public Schools.

COMPLAINTS OF SEXUAL HARASSMENT

Any employee who believes that he or she is being or has been subject to sexual harassment has the right to file a complaint either verbally or in writing to their immediate supervisor (principal, building administrator, etc.) and/or to the Title IX Co-Coordinators in Human Resources:

James P. Hall, Chief Operating Officer 155 Merrimack Street, Lowell, MA 01852 (978) 674-4327	Daroth Yann, Assistant HR Director 155 Merrimack Street, Lowell, MA 01852 (978) 674-2046
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These persons are available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

All complaints of such behavior will be investigated promptly, fairly and completely by the immediate supervisor and the Title IX Co-Coordinators in Human Resources or both when appropriate. Each situation will be handled as discreetly as possible. The facts shall determine the resolution of the complaint. The investigation would include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed sexual harassment will also be interviewed. If the investigation reveals that sexual harassment did occur, the investigator will act promptly to eliminate the offending conduct, and where appropriate will also impose disciplinary action. Once the investigation is completed, the person filing the complaint will be informed of the results of the investigation.

DISCIPLINARY ACTION

If it is determined that inappropriate conduct has been committed by any employee, appropriate action under the circumstances will be taken. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary actions as decided appropriate under the circumstances.

COUNSELING OPTION

The Lowell Public Schools encourages any employee who desires external counseling or assistance in regard to issues of sexual harassment or offensive behavior to utilize the services of the City of Lowell's Employee Assistance Program 1-800-451-1834.

II. RACIAL DISCRIMINATION AND HARASSMENT POLICY

Non-discrimination and equal opportunity are the policy of the Lowell School Department. To that end, and pursuant to Title VI and VII of the Civil Rights Act, it is the intention of the Lowell School Department that documentation including harassment of any person on the basis of race, color, national origin, or home language are expressly forbidden and will not be tolerated.

All personnel and students are to adhere to this policy. All personnel will be responsible for implementing, monitoring and enforcing this policy.

COMPLAINTS OF RACIAL DISCRIMINATION AND/OR HARASSMENT

Any employee who believes that he or she is being or has been subject to racial discrimination and/or harassment has the right to file a complaint either verbally or in writing. Such complaints shall be submitted to the immediate supervisor (principal, building administrator, etc.) and to the Coordinator for Title VI and Title VII of the Civil Rights Acts:

James P. Hall, Chief Operating Officer

155 Merrimack Street, Lowell, MA 01852

(978) 674-4327

This person is available to discuss any concerns you may have and to provide information to you about our policy on racial discrimination and/or harassment and our complaint process.

All complaints of such behavior will be investigated promptly, fairly and completely by the immediate supervisor and the Coordinator for Title VI and Title VII of the Civil Rights Acts or both when appropriate. Each situation will be handled as discreetly as possible. The facts shall determine the resolution of the complaint. The investigation would include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed racial discrimination and/or harassment will also be interviewed. If the investigation reveals that racial discrimination and/or harassment did occur, the investigator will act promptly to eliminate the offending conduct, and where appropriate will also impose disciplinary action. Once the investigation is completed, the person filing the complaint will be informed of the results of the investigation.

DISCIPLINARY ACTION

If it is determined that inappropriate conduct has been committed by any employee, appropriate action under the circumstances will be taken. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary actions as decided appropriate under the circumstances.

COUNSELING OPTION

The Lowell Public Schools encourages any employee who desires external counseling or assistance in regard to issues of racial harassment or offensive behavior to utilize the services of the City of Lowell's Employee Assistance Program 1-800-451-1834.

STATE AND FEDERAL REMEDIES

In addition to the above-stated complaint procedures, any employee who believes that he or she is being or has been subject to racial discrimination and/or harassment has the right to file a complaint with either of the agencies listed below:

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Massachusetts Commission Against Discrimination One Ashburton Place – Sixth Floor, Rm. 601, Boston, MA 02108 (617) 994-6000	Equal Employment Opportunity Commission John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 (800) 669-4000
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VI. NONDISCRIMINATION

Respect for the dignity and worth of each individual shall be paramount in the establishment of all policies by the School Committee and in the administration of those policies by its staff. The Constitutions of our nation and state, pertinent legislation enacted at these two levels of government, as well as court interpretations regarding citizens' rights, undergrid this statement.

The Committee recognizes that not all persons in this community are recipients of the rights and benefits afforded them as citizens of our state and nation. Many situations are beyond the capability of the schools to conquer on their own; all of society is responsible for and must participate in their solutions. However, public schools do have the responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential.

The public school system will do its part. This commitment to the community is affirmed in the following statements of School Committee intent to:

1. Promote the rights and responsibilities of all individuals as set forth in the state and federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encourage positive experiences in human values for children and youth and adults, all of whom have differing personal and family characteristics and who came from various socioeconomic, racial, and ethnic groups.
3. Work toward a more integrated society and to enlist the support of individuals as well as that of groups and agencies, both private and governmental, in such an effort.
4. Utilize all appropriate communication and action techniques to air and reduce the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school system, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
6. Initiate a process of reviewing policies and practices of this school system in order to achieve to the greatest extent possible the objectives of this statement.

The committee's policy of non-discrimination shall extend to students, staff, the general public, and individuals with whom it does business. The committee's policy of non-discrimination shall prohibit discrimination including harassment on the basis of race, color, national origin, home language, religion, sex, age, handicap, and other human difference.

Current practice codified 1978

Adopted: date of manual adoption

LEGAL REFS.: M.G.L. 75:5 (Chapter 622 of the Acts of 1971)
M.G.L. Chapter 71B (Chapter 766 of the Acts of 1972)
Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII
Executive Order 11246, as amended by Executive Order 11375
Equal Employment Opportunity Act of 1972, Title VII
Education Amendments of 1972, Title IX (P.L. 92-318)
45 CFR, Parts 81, 86 (Federal Register June 4, 1975,
Rehabilitation Act of 1973
Education for All Handicapped Children Act

CROSS REFS: GBA, Equal Opportunity Employment
JB, Equal Educational Opportunities

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DRUG FREE WORKPLACE POLICY

Federal Law specifies that school systems that are the recipients of federal funds must meet the requirements of the drug-free workplace act of 1988. In order to met these requirements in compliance with this act, the Lowell School Committee has adopted the following policy:

1. The unlawful manufacture, distribution, possession or use of a controlled substance is prohibited, whether or not on school property or while engaged in school business.
2. Violation of laws relative to manufacture or distribution of controlled substances, whether or not on school property or while engaged in school business shall result in suspension and termination proceedings for any convicted employee.
3. Violation of laws relative to possession of controlled substances, whether or nor on school property or while engaged in school business shall result in suspension and may result in termination.
4. An employee convicted of possession of a controlled substance may be offered the opportunity to participate in an approved program of rehabilitation. The Lowell School department may also allow the employee to resume duties at a point in the program where the approved rehabilitation agency, the School Department and the employee agree that resumption of duties would not be affected by the employee's chemical dependency. The Lowell School Department may require a convicted drug user to submit to and allow release to the School Department the results of blood and/or urine tests to determine that the employee is remaining free of illicit chemicals.
5. A second arrest for violation of the controlled drug statutes shall result in further suspension and institution of suspension proceedings by the School Department.
6. All employees as a condition of employment must agree to the terms of this policy statement and are required to report, in writing, to the Superintendent of Schools, any controlled substance conviction arising from any incident in the workplace.
7. The LPS maintains a substance abuse awareness facility at Lowell High School. All Employees are encouraged to learn about substance abuse and related problems by reading materials and consulting with staff members at the facility. In-service programs are also offered and are available to all employees.
8. Employees who believe that they may have a substance abuse problem, whether with alcohol or with other drugs, are encouraged to seek assistance with a counseling agency. Confidential referrals to such agencies may be made through Health Resources Employee Assistance Program, 1-800-451-1834.

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SUBSTANCE ABUSE POLICY

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace is prohibited. Violations of this prohibition will result in discharge or other appropriate action consistent with the System's disciplinary processes that may require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

Reporting to work under the influence of drugs or alcohol is strictly prohibited by the System and will result in immediate corrective action up to and including termination. The System has the responsibility to protect its employees and students from the serious risks of substance abuse that could occur not only to themselves but also to others. The use of drugs or alcohol affects job performance and creates an unsafe environment for employees.

The term "drug" includes alcohol, illegal substances, over-the-counter medications, and controlled substances that may alter an employee's behavior or judgment.

Violation of the substance abuse policy includes reporting to work under the influence, or the use, possession, manufacture, purchase, transfer, or sale of a controlled or illegal substance on work/school premises. Upon suspicion that an employee may be abusing a substance, an investigation will be conducted and corrective action will follow, if deemed appropriate.

It is an employee's responsibility to report if he or she is taking a prescribed or over-the-counter medication for a prolonged period of time and/or that may alter behavior or judgment. The employee can report the treatment information to the Personnel Department to avoid being suspected of violating the substance abuse policy. Employees are encouraged to seek voluntary treatment once they realize they have a problem before it reaches the corrective action stage. They may contact the Personnel Department for assistance. All voluntary inquiries will remain confidential.

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ACCEPTABLE COMPUTER USAGE (HARDWARE & SOFTWARE) POLICY

The Lowell Public Schools consider the following uses of the Internet and World Wide Web [WWW] unacceptable and just cause for taking disciplinary action, revoking networking privileges and/or initiating legal action:

Illegal Activities

- a. Users shall not attempt to gain unauthorized access to the wide area network [WAN] or to any other local area network [LAN] or computer system through the WAN, or go beyond their authorized access. This includes attempting to log in through another person's account or access another person's files. These actions are illegal, even if only for the purposes of browsing.
- b. Users shall not make deliberate attempts to disrupt the computer system performance or destroy data by spreading computer viruses or by any other means. These actions are illegal.
- c. Users shall not use the system to engage in any other illegal act, such as arranging for a drug sale or the purchase of alcohol, engaging in criminal gang activity, threatening the safety of another person, etc.
- d. Users shall not use the LPS computing resources for commercial or financial gain or fraud.
- e. Users shall use the system for educational and/or school business purposes only.
- f. Users shall not use the system for political lobbying.
- g. Users shall not post chain letters.
- h. Users shall not post anonymous messages.

2. System Security

The Lowell Public School's MIS specialist, in cooperation with others will be responsible for the authorization of users, the issuance of passwords, the monitoring of the system, and the tracking of the number of users.

- a. Users shall be responsible for the use of their individual account, if assigned, and should take all reasonable precautions to prevent others from being able to use their account. Under no conditions should a user provide their account information and/or password to another person.
- b. Users shall immediately notify the school's Instructional Technology Specialist or the MIS Department if they suspect or have identified a possible security problem. Users will not go looking for security problems, because this may be construed as an illegal attempt to gain access.
- c. Users shall avoid the inadvertent spread for computer viruses by following the LPS virus protection procedures if they download software.

3. Inappropriate Language

Restrictions against inappropriate language apply to public messages, private messages, and material posted on web pages. For the purpose of this policy, inappropriate language includes but is not limited to the following:

- a. Users shall not use obscene, profane, lewd, vulgar, rude, inflammatory, racist, sexist, threatening, or disrespectful language
- b. Users shall not post information that, if acted upon, could cause damage or present danger of disruption to school department operations.
- c. Users shall not engage in personal attacks, including prejudicial or discriminatory attacks.
- d. Users shall not harass another person. Harassment is defined as persistently acting in a manner that distresses or annoys another person. If a user is told by another person to stop sending them messages, the user must stop immediately.
- e. Users shall not knowingly or recklessly post false or defamatory information about a person or organization.

4. Respect for Privacy

- a. Users shall not repost a message that was sent to them privately without first obtaining permission from the person who sent the message.
- b. User shall not post private information about another person.

5. Respecting Resource Limits

Every effort will be made to conserve finite resources. This means that:

- a. Users will check their e-mail frequently, delete unwanted messages promptly, and stay within their e-mail quota.
- b. Users will only subscribe to high quality discussion groups/listservs that are relevant to their current jobs and /or professional/career development with regard to current employment.

6. Plagiarism and Copyright Infringement

- a. Users shall not plagiarize works that they find on the Internet. Plagiarism is defined as taking the ideas or writings of others and presenting them as though they were original to the user.
- b. Users shall respect the rights of copyright owners. Copyright infringement occurs when an individual inappropriately reproduces a work that is protected by copyright. If a work contains language that specifies acceptable use of that work, the user should follow the expressed requirements. If the user is unsure whether or not they can use a work, they should request permission from the author or copyright owner.

7. Access to Inappropriate Material

For the purposes of this policy, inappropriate materials are those materials including, but not limited to those materials that do not support the work of the school system.

- a. Users shall not use the WAN to access material that is profane or obscene, that advocates illegal acts, violence or discrimination towards other people.
- b. If a user inadvertently accesses such information, they should immediately disclose the inadvertent access to the Instructional Technology Specialist or the MIS department. This will protect users against allegations that they have intentionally violated the Acceptable Use Policy.

8. Consequences of Violations

In the event that an allegation is brought forward, the employee will be apprised of the allegations and given an opportunity to be heard in accordance with applicable disciplinary procedures. It is every employee's responsibility to cooperate in any investigation of a complaint or alleged violation of the policies by providing information he/she possesses concerning the matters being investigated. Further, it is against city policy to attempt to alter, delete or destroy documents, files, etc. that are the subject of investigation.

Employees should realize that the Network Administrator could recover files that have been deleted. Consequences of violations include but are not limited to:

- Suspension of Internet access;
- Revocation of Internet access;
- Suspension of Network privileges;
- Revocation of Network privileges.

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SOCIAL MEDIA POLICY

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Introduction

Lowell Public Schools District (hereinafter “LPS”) acknowledges that it has an obligation to protect student data and to maintain professional boundaries between our staff and the community. LPS recognizes the prevalence of social media used for personal and educational purposes and acknowledges that its employees/staff have the right under the First Amendment to speak out on matters of public concern. However, LPS also has the right to expect employees/staff to conduct themselves in such a way that their personal or educational use of social media does not adversely affect students, employees/staff and/or LPS , and that such use of said social media does not violate any of the rules or policies adopted by LPS .

Social Media are those web sites which serve as communication tools with a focus on immediacy, interactivity, user participation and information sharing in multiple ways and that are in widespread use. As with any technology, these sites have the potential to be misused, to cause harm to others, and to disrupt the school/learning environment. As used herein the term “Social Media” refers to any web site that leverages Social Media, social networking and communications tools for its visitors. Examples include, but are not limited to, books/magazines, internet forums, any form of blogs, social communication flights such as; YouTube, Flickr, FaceBook, texting, Instagram, Wikipedia, Twitter, MySpace, etc., wikis, podcasts, photographs or pictures, video (video, vlogs, live casting), social bookmarking and real-time web communications (chat, chat rooms, video chat, message boards, and similar sites and/or any other form of social media. This Social Media Policy also incorporates by reference the network usage guidelines contained in the Internet Acceptable Use Policy.

The LPS recognizes the use of Social Media as an educational tool and views conduct in these environments as an extension of classroom behavior. Therefore, when Social Media is used as educational tool by LPS employees/staff, employees/staff must reflect and demonstrate the same standards as those used in face-to-face/classroom communications within the LPS.

LPS recognizes that students, employees/staff, or other members of the public may create social media sites representing/furthering clubs, teams, or other educational and LPS related groups within the district. When LPS employees/staff choose to join or interact with social media for educational purposes and/or in providing LPS related information, they do so as an agent of the LPS. Employees/staff have a responsibility for maintaining appropriate employee/staff-student relationships at all times and also have the responsibility of addressing and reporting any violations of this policy by employees/staff or students to the Principal, building administrator or direct supervisor.

Purpose

The purpose of this policy is to establish protocols for the use of social media by employees/staff and outline expectations for its use regardless of whether social media is accessed by devices owned by LPS or personally by the LPS employee/staff.

This policy does not apply to private (unrelated to either LPS or students) social media usage. This policy only sets forth guidelines for LPS employees/staff describing appropriate and inappropriate uses of existing and future Social Media in furthering and promoting the educational needs of students, in providing/promoting LPS related information/activities, in interacting with students and in the use of the LPS network/devices/email.

This policy, or a reasonable synopsis thereof, will be added to the LPS Policy Manual and the Employee Human Resource Handbook. The Principal must review this policy with employees/staff every year and each employees/staff member must acknowledge in writing receipt of said policy.

SOCIAL MEDIA POLICY: EMPLOYEES

When LPS Employees/staff are using Social Media to provide information or interact with students, the following guidelines must be followed:

- The Social Media must serve educational purposes or LPS sanctioned activities.
- The Social Media use and communication must be approved by the Principal, building administrator or direct supervisor prior to usage.
- The Principal, building administrator or direct supervisor will have access to such usage and be a recipient of all outgoing communication.
- LPS Employees/staff must have yearly written parental consent prior to engaging students in Social Media. Parents will also be given the option to be included in such Social Media.
- Student images cannot be posted to any Social Media without written parental consent.
- LPS Employees/staff are encouraged to use good judgment. Any questions or comments regarding appropriate Social Media, its usage or a particular communication should be directed to the Principal, building administrator or direct supervisor.
- Employees/staff using social networking tools as part of their educational instruction will create an educational version that is different from their personal version (if applicable). Employees/staff will urge students to do the same to maintain privacy.
- Employees/staff are required to report any information found on Social Media that falls under the mandatory reporting guidelines (i.e. 51A) or the bullying prevention and intervention policy, or that would raise a health and/or safety concern regarding a student to the Principal, building administrator or direct supervisor consistent with LPS policy and state and federal laws, in addition to complying with any individual legal obligations set out under state and federal law (i.e. 51A).
- LPS does not prohibit staff from using social media for personal use, but such use is prohibited using LPS networks/devices/email during the work day. Employees may, however, use their own personal devices and social media networks during assigned breaks.
- Social Media use for educational purposes or LPS sanctioned activities must be suspended or disabled from the last day of a school year to two weeks from the start of the next school year.

Consistent with the guidelines expressed in the Internet Acceptable Use Policy School, employees/staff shall NOT use the LPS network to engage in the following conduct

- Employees/staff may not invite/accept any current Lowell student to Social Media as defined by this policy that does not serve/further educational purposes or LPS sanctioned activities.
- Employees/staff are advised to use caution and good judgment in engaging former students in any form of Social Media.
- Employees/staff are advised to use caution and good judgment when giving LPS students their personal cell phone number and should only give this personal information when it furthers educational purposes or supports LPS sanctioned activities.
- Employees/staff shall not post images of any LPS students on any Social Media site without written parental consent.
- Employees/staff will not disclose information on any Social Media that is confidential or proprietary to LPS, its students, or employees/staff or which is protected by LPS policy and state and federal laws.
- Employees/staff will not discuss or share any student information or make defamatory or derogatory comments about students or parents consistent with LPS policy and state and federal laws.
- Employees/staff are prohibited from posting/saving/downloading/etc. any sexually explicit content, items exhibiting or advocating use of drugs, alcohol or tobacco, hazing or bullying or any other content/item that would be in violation of LPS policy and/or in violation of state and federal law using LPS network/devices/email.
- Employees/staff are prohibited from posting/saving/downloading/etc. any information that is reasonably considered to be proprietary, copyrighted, defamatory, libelous or obscene (as defined by state or federal law) using LPS network/devices/email.

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- Employees/staff are prohibited from using Social Media or LPS network/devices/email to post or communicate inaccurate or false information regarding LPS, employees/staff, students, parents, or the LPS community or that would violate state or federal law.

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- Employees/staff who engage in private social media usage cannot infer/suggest/insinuate to the participants/recipients of the private social media usage that this private Social media usage is sanctioned by LPS.
- Employees/staff will not use their LPS email/network/devices for communications on Social Media unless such use furthers educational purposes or supports/furthers LPS sanctioned activities.

The above are solely examples of acceptable and unacceptable uses and are not intended to be all inclusive. Any conduct which is similar to that listed above is likewise prohibited. All employees are expected to comply with LPS policies, including the Internet Acceptable Use Policy.

Disciplinary Procedures

The Superintendent or assigned designees reserves the right to view employee/staff public or LPS internet Social Media usage to determine if materials violate this policy. In addition, any computer, email, cell phone, or other devices provided by the LPS to employees/staff are the property of the LPS and the Superintendent, or assigned designees reserves the right to examine such device without notice. When an inappropriate use of LPS computer, email, cell phone, or other device and/or a Social Media Policy violation is discovered, the School Principals and Superintendent will promptly bring that inappropriate use to the attention of the employee/staff and may consider and apply disciplinary action up to and including termination.

The LPS disclaims all liability for the content of material that users' access on Social Media, for damages suffered in the course of or as a result of Social Media use, and for any related consequences. The LPS shall not be responsible for any unauthorized use of the LPS network, including any unauthorized costs, financial obligations, fees, charges or purchases.

- 603 CMR 46.00 is promulgated by the Board of Education pursuant to M.G.L. c. 69 §1B and c. 71, §37G
- The Lowell School Committee has acknowledged the state laws/regulations; and in its willingness to ensure that the Lowell Public Schools complies with the Regulations to the extent required by law, has adopted a Physical Restraint of Students policy/guideline (JKA-R, adopted in August 2015)
- The purpose of regulations and local policy is to ensure that every student in a Massachusetts public program is free from unreasonable use of physical restraint and to dictate that physical restraint shall only be used in emergency situations, with extreme caution, and only after other less intrusive alternatives have been tried and failed or been deemed inappropriate.
- **File: JKA-R - PHYSICAL RESTRAINT OF STUDENTS**
- Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the school district. Further, students of the district are protected by law from the unreasonable use of physical restraint. **Such restraint shall be used only in emergency situations of last resort after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution.**
- When an emergency situation arises, and physical restraint is the only option deemed appropriate to prevent a student from injuring himself or herself, another student or school community member, a teacher or employee or agent of the school district may use such reasonable force needed to protect students, other persons or themselves from assault or imminent, serious, physical harm.
- The definitions of forms of restraint shall be as defined in 603 CMR [46.02](#).
- The use of mechanical restraint, medical restraint, and seclusion is prohibited.
- Physical restraint, including prone restraint where permitted under 603 CMR [46.03](#), shall be considered an emergency procedure of last resort and shall be prohibited **except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to themselves and/or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions are deemed inappropriate.**
- The Superintendent will develop procedures identifying:
 - Appropriate responses to student behavior that may require immediate intervention;
 - Methods of preventing student violence, self-injurious behavior, and suicide including crisis planning and de-escalation of potentially dangerous behaviors among groups of students or individuals;
 - Descriptions and explanations of alternatives to physical restraint as well as the school's method of physical restraint for use in emergency situations;
 - Descriptions of the school's training and procedures to comply with reporting requirements; including, but not limited to making reasonable efforts to orally notify a parent of the use of

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restraint within 24 hours of its imposition;

- · Procedures for receiving and investigating complaints;
- · Methods for engaging parents in discussions about restraint prevention and use of restraint solely as an emergency procedure;
- · A statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted by 603 CMR 46.03(1)(b), seclusion, and the use of physical restraint in a manner inconsistent with 603 CMR 46.00,
- · A process for obtaining principal approval for a time out exceeding 30 minutes.
- Each building Principal will identify staff members to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. These staff members will participate in an in depth training program in the use of physical restraint.
- In addition, each staff member will be trained regarding the school's physical restraint policy and accompanying guidelines and procedures. The Principal will arrange training to occur in the first month of each school year, or for staff hired after the beginning of the school year, within a month of their employment.
- Physical restraint is prohibited as a means of punishment, or as a response to destruction of property, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious physical harm to the student or others.
- Physical restraint is prohibited when it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting;
- The use of "time out" procedures during which a staff member remains accessible to the student shall not be considered "seclusion restraint".
- This policy and its accompanying guidelines and procedures shall be reviewed and disseminated to staff annually and made available to parents of enrolled students. **The Superintendent shall provide a copy of the Physical Restraint Regulations, LPS Policy and LPS Administrative Guidelines and Procedures to each Principal, who shall sign a form acknowledging receipt thereof.**

Restraint Reporting

- Per regulation/policy, **all restraints and/or timeouts must be reported, no matter how slight to the Principal/designee..**
- **All restraints must be reported in writing, with a copy of each restraint provided to the Parent, Principal and to Staff Counsel for Student Support Services.**
- Per regulation, Principals or staff must verbally inform the parents/guardians of the restraint as soon as possible (telephone), and by written report no later than 3 school working days following a restraint. The written report must be provided to the parent/guardian in the language in which report cards and other necessary school-related information is customarily provided. The report should also include information regarding opportunities for parents to discuss the restraint with school administration, and any disciplinary sanctions that may be imposed.

Administrative Guidelines and Procedures - PHYSICAL RESTRAINT PREVENTION AND BEHAVIOR SUPPORT

BULLYING IN SCHOOLS

A safe learning environment is one in which every student develops emotionally, academically, and physically in a caring and supportive atmosphere free of intimidation and abuse. Bullying of any type has no place in a school setting. The Lowell Public Schools will endeavor to maintain a learning and working environment free of bullying. The Lowell School Committee and all of the Lowell Public Schools shall not tolerate bullying.

Definition:

“Bullying” is the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim’s property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.

“Cyber-bullying” is bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

Bullying shall be prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or

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through the use of technology or an electronic device owned, leased or used by a school district or school and (ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.

The school district shall provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school. The curriculum shall be evidence-based. The school district shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The plan shall be updated at least biennially.

Each plan shall include, but not be limited to: (i) descriptions of and statements prohibiting bullying, cyber-bullying and retaliation; (ii) clear procedures for students, staff, parents, guardians and others to report bullying or retaliation; (iii) a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the

basis of an anonymous report; (iv) clear procedures for promptly responding to and investigating reports of bullying or retaliation; (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; (vi) clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection; (vii) strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying; (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification pursuant to regulations promulgated under this subsection by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator; (ix) a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.

The school district plan shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying.

The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.

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The school district shall provide to students and parents or guardians, in age-appropriate terms and in the languages which are most prevalent among the students, parents or guardians, annual written notice of the relevant student-related sections of the plan.

The school district shall provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be included in a school district or school employee handbook. The plan shall be posted on the website of each school district.

Each school principal or the person who holds a comparable position shall be responsible for the implementation and oversight of the plan at his school. A member of a school staff, including, but not limited to, an educator, administrator, school nurse, secretary, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation.

If an incident of bullying or retaliation involves students from more than one school district, the school district or school first informed of the bullying or retaliation shall, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action. If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, the school district or school informed of the bullying or retaliation shall contact law enforcement.

Whenever the evaluation of the Individualized Education Program team indicates that the child has a disability that affects social skills development or that the child is vulnerable to bullying, harassment or teasing because of the child's disability, the Individualized Education Program shall address the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing.

MGL: Chapter 92 of the Acts of 2010

Adopted: July 21, 2010

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C.O.R.I. REQUIREMENTS

It shall be the policy of the Lowell Public Schools to obtain all available Criminal Offender Record Information, CORI, from the Criminal History Systems Board (CHSB) on any person whose services are to be utilized in any of the following capacities:

1. Prospective employees or volunteers of the school department including any individual who regularly provides school related transportation to children and contractors, subcontractors and laborers who may have direct and unmonitored contact with children, prior to hiring the employee or to accepting any person as a volunteer. State law requires that school districts obtain CORI data for employees of taxicab companies that have contracted with the schools to provide transportation to pupils.
2. Current employees, individuals who regularly provide school related transportation, contractors, subcontractors and laborers who have been commissioned by the school committee to perform work on school grounds who may have direct an unmonitored contact with children on a periodic basis, are required to undergo periodic CORI checks not less than ONCE every three years. The school district will obtain CORI data yearly on volunteers.

The Superintendent, Assistant Superintendent, Principal or their certified designees may also have access to CORI for any subcontractor or laborer who performs work on school grounds, and who may have direct and unmonitored contact with children, and shall notify them of this requirement and comply with the appropriate provisions of this policy.

Pursuant to a Department of Education CORI Law Advisory dated February 17, 2003, "Direct and unmonitored contact with children means contact with a child when no other CORI cleared employee of the school or district is present. A person having only the potential for incidental unsupervised contact with children in commonly used areas of the school grounds, such as hallways, shall not be considered to have the potential for direct and unmonitored contact with children. These excluded areas do not include bathrooms and other isolated areas (not commonly utilized and separated by sight or sound from other staff) that are accessible to students."

In accordance with state law, all current and prospective employees, volunteers, contractors, subcontractors and laborers and persons regularly providing school related transportation to children of the school district shall sign a request form authorizing receipt by the district of all available CORI data from the CHSB. Prospective employees who are qualified in all respects for a position will be required to fill out a CORI authorization form as the last step in the screening process. (File: ADDA-E-1)

In the event that a prospective employee has questions concerning the signing of the request form, he/she may meet with the Principal, Superintendent or designee; however, failure to sign the CORI request form will result in a prohibition to work on school grounds and at school sponsored events. All prospective applicants shall provide Lowell with a government-issued photographic form of identification that allows Lowell to verify the applicant's identity. Lowell shall maintain a copy of such photographic identification to document the CORI verification process.

The Lowell School Department recognizes that most employees have attained a property interest in their respective positions, which does not exist for prospective employees, volunteers, contractors, subcontractors, laborers, or employees of transportation and taxi companies. Consequently, the Lowell School Department recognizes that it must adhere to certain procedural requirements and meet certain standards prior to issuing any disciplinary action against any employee. Accordingly, the Lowell School Department sets forth the following procedures and standards for its employees:

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1. All employees of the Lowell School Department who may have direct and unmonitored contact with school children are required to undergo periodic CORI checks, but not less than once every three years.
2. Employees will receive thirty (30) day notice from the Superintendent prior to a CORI check being performed. Upon being notified, employees are required to sign a CORI authorization form. Signing the CORI authorization form is a mandatory condition of employment. Failure to sign the CORI authorization form could result in disciplinary action up to and including termination.

The Superintendent, Assistant Superintendent, Principals or their designees certified to obtain information under this policy will receive adequate training and shall be thoroughly familiar with the educational materials made available by CHSB. Such individuals shall prohibit the dissemination of CHSB/CORI information for any purpose other than to further the protection of school children.

CORI is not subject to the public records law and must be kept in confidential folders, separate from personnel files in a secured location, where there will be no access to general support staff, except that CORI authorized support staff may have access to such reports in secured envelopes for filing purposes. CORI information will not be kept for more than three years. Results of all CORI checks will be disclosed only to authorized personnel and may be shared with the individual to whom it pertains, upon his or her request with a twenty-four (24) hour notice to the Office of Personnel and Recruitment. Applicants challenging the accuracy of the reports shall be provided a copy of CHSB's Information Concerning the Process for Correcting a Criminal Record. (File: ADDA-E-2)

Access to C.O.R.I material must be restricted to those individuals certified to receive such information. Disciplinary action up to and including dismissal will result should any of these individuals breach confidentiality.

The hiring authority, subject to applicable law, reserves the exclusive right concerning any employment decision made pursuant to Chapter 385 of the Acts of 2002. Should the employee's or prospective employee's record reveal any adult criminal convictions the following factors will be considered in determining whether or not there are grounds for discipline up to an including termination of an individual's employment; the type and nature of the offense; the date of the offense and whether the individual has been subsequently arrested, as well as any other factors the employer deems relevant. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulations.

Should a criminal record be received from the Criminal History Systems Board (CHSB), a Review Panel will closely compare the record provided by CHSB with the information on the CORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.

The review panel could consist of the Superintendent or his/her designee, Principal of the school of the applicant, Assistant Business Manager, Director of Transportation and Counsel for Student Services. All members who serve on the Review Panel shall be CORI certified and approved to review criminal history background information.

If the CORI information is not believed by the applicant to be accurate, the applicant may request a copy of his/her criminal record and a copy of Information Concerning the Process in Correcting a Criminal Record.

The Lowell Public Schools may contact CHSB and request a detailed search consistent with CHSB policy. Should the Review Panel members reasonably believe the record belongs to the applicant and is accurate based on the information received from CHSB then the determination of suitability for the position or license will be made. The Review Panel shall determine suitability by examining any CORI report that includes arrest(s) or conviction(s), applying these criteria:

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- Relevance of the crime to the position sought;
- The nature of the work to be performed;
- Time since the conviction;
- Age of the candidate at the time of the offense;
- Seriousness and specific circumstances of the offense;
- The type of sentence;
- The number of offenses;
- Whether the applicant has pending charges;
- Any relevant evidence of rehabilitation or lack thereof;
- Evidence of a pattern/s;
- Any other relevant information, including information submitted by the candidate or requested by the Lowell Public Schools

The Review Panel has access to technical expertise through the Lowell Police Department. The Superintendent makes the final determination in cases of disagreement among panel members. The Office of Personnel and Recruitment notifies the Principal of the decision to allow the applicant/volunteer to work/serve or not work/serve.

The Lowell School Department has the ultimate discretion and final decision after applying the above referenced criteria to all prospective employees, current employees, current employees applying for new positions, volunteers, contracted transportation and taxi cab companies, contractors, subcontractors, and laborers. Should the district determine that any one of the above referenced factors, or any combination of such factors, provides cause for all discipline up to and including termination of the employee's employment, the employee will receive the proper notice and hearing as required by any applicable law, contract or collective bargaining agreement.

The applicant shall be provided with a copy of the criminal record and the district's CORI policy, advised of the part(s) of the record that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the CORI record.

An applicant who is denied the opportunity to work/serve may appeal the decision to the Review Panel. The CORI for an individual who will not be employed or serve as a volunteer may be kept for up to one year for purposes of defending against any employment discrimination act.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, individual who regularly provides school related transportation, or volunteer who may have direct and unmonitored contact with children. Current employees, persons regularly providing school related transportation, and volunteers will also be informed in writing by the Superintendent prior to the periodic requests to obtain their Criminal Offender Record Information.

The School Committee with recommendation to the Superintendent shall amend employment applications to include questions concerning criminal records that the Massachusetts Commission against Discrimination has determined may be legally asked of prospective employees. Any employment application which seeks information concerning prior arrests or convictions of the applicant shall include the following statement: "An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions."

An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' to an inquiry herein relative to prior arrests or criminal court appearances. In addition, any applicant for employment may answer 'no record' with respect to any inquiry relative to prior arrests, court appearances and adjudications in all cases of delinquency or as a child in need of service which did not result in a complaint transferred to the superior court for criminal prosecution."

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Records sealed pursuant to law shall not operate to disqualify a person in any examination, appointment or application for public service on behalf of the Commonwealth or any political subdivision thereof.

The Superintendent shall revise contracts with special education schools and other providers to require a signed statement that the provider has met all the legal requirements of the state where it is located relative to criminal background checks for employees and others having direct and unmonitored contact with children.

As soon as possible after the district obtains the certification from the criminal history systems board to receive CORI data, the Superintendent shall obtain such data for any person then providing volunteer service, as a condition of continued service.

Applicants who lived in other states, including college residences, within the past ten years must complete and submit a CORI form from each state where they resided. Applicants are required to pay for out of state CORI reports.

MGL Chapter 459 of the Acts of 2012

AN ACT RELATIVE TO BACKGROUND CHECKS

On January 10, 2013, Governor Deval Patrick signed into law H. 4307, an act relative to background checks. The new law requires all newly hired employees, beginning in the 2013-2014 school year, to submit to state and national fingerprint-based criminal background checks.

The Commonwealth of Massachusetts is developing regulations, policy and procedures to meet the requirement of this new law. As of today, there is no system in place to conduct a national fingerprint criminal background check.

As a new employee of the Lowell Public Schools, you will be subject to a Massachusetts criminal background check (CORI) which will be completed today. In addition, you will be required to submit to a national criminal background check by fingerprint. The Executive Office of Public Safety and Security and the Department of Criminal Justice Information Services, working with the Executive Office of Education, the Department of Elementary and Secondary Education, and the Department of Early Education and Care, are in the process of establishing the procedures. **There will be a cost associated with the national fingerprint and the prospective employee is responsible for this cost.**

Both the Massachusetts CORI and national criminal background check are considered pre-qualifications to any offer of employment.

Please sign below indicating your understanding and acknowledgement of the conditions of employment and required national criminal background check.

DOMESTIC VIOLENCE LEAVE POLICY

Lowell Public Schools District (hereinafter “LPS”) acknowledges that it has an obligation to the health and safety of our employees and their families. LPS is committed to providing a workplace and learning environment that is aware of and sensitive to the needs of victims of domestic violence. Should you or your family member be a victim of domestic violence or abusive behavior, you are encouraged to communicate with your supervisor or the Office of Human Resources about the situation. You are immediately eligible for this leave upon beginning employment.

Purpose & Entitlement

The LPS Domestic Violence Leave Policy is intended to comply with the Massachusetts Act Relative to Domestic Violence as defined below. This policy permits an employee to take up to fifteen (15) days of domestic violence leave from work in any twelve (12) month period. Domestic Violence leave is unpaid; however employees may use their accrued leave (personal, sick, vacation, etc.) for the requested leave. In order to be eligible for said leave:

- i. the employee, or a family member of the employee must be a victim of abusive behavior;
- ii. the employee must be using the leave from work to seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from court; appear before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
- iii. the employee must not be the perpetrator of the abusive behavior against such employee’s family member.

Notice

The employee must provide appropriate advance notice of a request to take this leave to their supervisor or the Office of Personnel and Recruitment except in cases of “imminent danger”. In cases of imminent danger, the employee is required to notify his/her supervisor of his/her absence within three (3) work days that the leave was taken, or is being taken, and provide documentation as identified in this policy.

If an unscheduled absence occurs, LPS shall NOT take any negative action against the employee, if the employee, within thirty (30) days from the unauthorized absence or within thirty (30) days from the employee’s last unauthorized absence in the instance of consecutive days of unauthorized absences, provides any of the documentation found in (1) to (7) below. LPS will require documentation that the employee or employee’s family member has been a victim of abusive behavior, and that the leave is consistent with clauses (i) to (iii) as above referenced; provided, however, the LPS shall not require an employee to show evidence of an arrest, conviction or other law enforcement documentation for such abusive behavior. The documentation must be provided to the LPS within a thirty (30) day period after the absence.

No employment action will be taken within these time periods pending receipt of appropriate documentation. Such documentation will be kept strictly confidential and will NOT be placed in the employee’s personnel file. If an employee is unable to produce documentation, the absence will be considered unauthorized and will be addressed outside of this policy.

Documentation

An employee must satisfy this documentation requirement by providing any one of the following documents to the employer:

- A protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee’s family member;
- A document under the letterhead of the court, provider or public agency, which the employee attended for the purposes of acquiring assistance as it relates to the employee or family member;

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- A police report or statement of a victim or witness provided to police documenting the abusive behavior;

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- Documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to support a finding of guilt; or has been convicted of, or has been adjudicated a juvenile delinquent by reason of any offense constituting abusive behavior;
- Medical documentation of treatment as a result of the abusive behavior;
- A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior;
- A sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been a victim of, or is a family member of a victim of abusive behavior.

All information related to the employee's leave shall be kept confidential and shall not be disclosed, except to the extent that disclosure is:

- requested or consented to, in writing, by the employee;
- ordered to be released by a court of competent jurisdiction;
- otherwise required by applicable federal or state law;
- required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the Attorney General; or
- necessary to protect the safety of the employee or others employed at the workplace.

The Superintendent shall ensure that notice is provided to all employees at the beginning of every school year by appropriately amending the district's employee handbooks and orientation manual, by whatever title they may be known, or by direct notice about the Domestic Violence Law, and securing the employees signature acknowledging receipt of the handbook/notice. The Superintendent shall be responsible for notifying all current employees, unless they have been notified through the handbook, of this policy in a manner that he/she deems appropriate.

Reinstatement Following Leave

Employees who return from a Domestic Violence Leave will be reinstated to their same or equivalent job with equivalent pay, benefits and other employment terms as required by the applicable state or federal law and their collective bargaining agreements. However, unpaid leave may not count towards length of service credit, except for purposes of retirement, or other purposes as identified within applicable collective bargaining agreements.

Complaints of Discrimination

The LPS will not discriminate against any employee seeking Domestic Violence Leave in accordance with the Massachusetts Act Relative to Domestic Violence. Complaints of discrimination should be filed with the Office of Personnel and Recruitment, 155 Merrimack Street, Lowell, MA 01852, 978 674 4327, and fax, 978 674 2143. The LPS will investigate all complaints received regarding its policies and practices, and seek to resolve differences that may arise among employees in a fair and expeditious manner. Employees are encouraged to attempt resolution within their schools and administrative offices, and may seek advice from the Superintendent of Schools or the Office of Personnel and Recruitment without being required to file a formal complaint.

Definitions

- "Abuse" is defined as: attempting to cause or causing physical harm; placing another in fear of imminent serious physical harm; causing another to engage involuntarily in sexual relations by force, threat or duress or engaging or threatening to engage in sexual activity with a dependent child; engaging in mental abuse, which includes threats, intimidation or acts designed to induce terror; depriving another of medical care, housing, food or other necessities of life; or restraining the liberty of another .
- "Abusive behavior" is defined as: any behavior constituting domestic violence, stalking, sexual assault, or kidnapping.
- "Family member" is defined as: persons who are married to one another; persons in a substantive dating or engagement relationship, and who reside together; persons having a child in common regardless of whether they have ever married or resided together; a parent, step-parent, child, step-child, sibling, grandparent or grandchild; or persons in a guardianship relationship.

VARIOUS EMPLOYMENT POLICIES

CLASSROOM VIDEO USE POLICY

All videotaped materials used in classrooms must have been purchased, rented or produced by the school department; be directly related to the curriculum stated in the Lowell Curriculum Guides; and be age appropriate.

If a teacher wishes to show videotape not purchased, rented or produced by the school department, the teacher must complete a request form to receive written consent of their principal or the appropriate department chair at the high school.

Substitute teachers may not show any video without prior permission from the principal or academic department chair.

Acceptable ratings are as follows:

- G [General Audience] rating for elementary and middle school and;
- G and PG [Parental Guidance] ratings for the high school.

If a middle school or high school teacher requests to show a video that does not fit the acceptable rating, written approval is required from the principal or academic chair. In addition, the student's parent/guardian must be informed and offered the option of having the student engage in an alternative academic activity.

CONFIDENTIALITY

Lowell Public School employees may have access to sensitive personal or otherwise confidential student or employee information. This information must be held in strict confidence and should never be discussed outside the workplace or with employees who have no right to the information. All inquiries for employee information from outside sources should be referred to the Human Resources or Personnel Departments for appropriate response. Failure to comply with confidentiality requirements may be grounds for disciplinary action up to and including dismissal.

SMOKING IN THE WORKPLACE

The Lowell Public School System promotes a healthy work environment for its employees. In compliance with Massachusetts General Law, Chapter 71, Section 37H, the buildings and grounds will be designated as a smoke-free environment. Employees, students, and visitors are restricted from using any tobacco product, including smoking or chewing, within school buildings, the school facilities, on the school grounds or on school buses. The Lowell Public School System accepts this law as binding upon its students and employees as well as visitors to our schools and buildings.

DRESS AND PERSONAL APPEARANCE

All employees are expected to maintain an appropriate appearance that is neat, professional and meets the standard of suitable business attire as determined by the requirements of the area in which the employee works. In this spirit, jeans, shorts, halter tops, and tee shirts with messages are considered inappropriate dress for the workplace and inconsistent with the behavior we are trying to model for the students of LPS.

USE OF SCHOOL DEPARTMENT PROPERTY

School Department employees shall properly care and account for school property within their control

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and shall not use such property for personal task or gain.

TELEPHONE/ VOICE MAIL / E-MAIL USE

Proper use of telephones, voice mail and e-mail systems are essential to effective school department operation. These tools are for school business purposes. Personal use should be limited in frequency and length. An employee should use his/her credit card for personal toll calls. Telephones, voice mail and e-mail systems are school equipment and privacy cannot be guaranteed.

STANDARDS OF CONDUCT

Standards of conduct are guidelines for all employees to follow in order to help create a safe, comfortable and productive work environment that sets forth a model worthy of emulation by students. All staff members are expected to carry out their assigned responsibilities with conscientious concern. Disciplinary action up to and including termination may result from willful violations of these standards. The following paragraphs describe workplace behaviors and the expectations of the Lowell Public School Administration for its staff.

RESPECTFUL CLIMATE

Our hope and expectation is that all employees of the Lowell Public School System will contribute to making our working climate one that is characterized by respectful interactions, cooperation among school and department personnel, open and constructive communication and trust. We will speak kindly with one another and acknowledge each other's talents and skills although we may have different ways of achieving the same goals. We will work collaboratively toward common goals, support one another and accept each other's ideas. We will communicate openly by seeking, giving and receiving feedback, and by sharing information necessary to successfully complete our tasks. We will be prompt in our dealings with one another and above all treat each other, as we would want to be treated.

ETHICAL BEHAVIOR

The Lowell Public School System expects its employees to follow the highest standards in terms of moral, legal, and ethical conduct in the workplace. No employee of the school committee will engage in any type of private business during work/school time or on work/school property. Employees will not engage in work of any type where information concerning customer, client, or employer originates from any information available to them through school sources.

From time to time, employees may be in a predicament that may be considered unethical or illegal. If they are uncertain of the situation, they are expected to contact their supervisor or the Personnel Department for guidance and direction.

In addition, there should be no conflict of interest in the supervision or evaluation of employees. At no time may any administrator be responsible for the supervision and/or evaluation of an employee directly related to him/her.

SOLICITATION AND/OR DISTRIBUTION

Solicitation should be discouraged and upon report by one employee that this practice is being disruptive, the employee soliciting will be asked and expected to immediately stop. It will be deemed inappropriate for staff with supervisory responsibility to solicit contributions or sale of products to subordinates.

Unauthorized activities include, but are not limited to, seeking contributions or memberships, selling

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merchandise, subscriptions, tickets or similar items, and distributing any literature or materials of any nature. Authorization to engage in this practice should be documented by the employee's immediate supervisor. Details of the authorized conduct (dates, location, restrictions to the permit, etc.) should be addressed in the authorization.

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CONFLICT OF INTEREST

In order to preserve the reputation of the System, employees are expected to devote their best efforts to the interest of the Lowell Public Schools and the conduct of its affairs by maintaining high standards of honesty, integrity, impartiality, and conduct.

A conflict of interest arises when an employee engages in activities that may compromise his or her employment relationship. The following are some guidelines for employees to determine if they have a conflict of interest:

- Employees should not engage in outside work that will interfere with their primary job with the System or participate in activities that are hostile or adverse to the System.
- Employees should not disclose or use information relating to System business for personal profit or profit of their family or co-workers. Nor should confidential information known to an employee be shared with others who have no right to the information.
- Employees should not accept gifts or favors of substantial value from customers or vendors. Consult the Personnel Department if the value of the gift or favor is in question.
- Employees must not conduct outside work during regular work hours or use the System's facilities, equipment, labor or supplies to conduct the outside activity. Inappropriate use of System property and resources will be grounds for disciplinary action up to and including termination.

If an employee is uncertain if a certain matter is a conflict of interest with the System, he or she should address the concerns with his or her immediate supervisor or the Personnel Department.

STAFF PROTECTION

The School Committee will act to protect its employees from physical and/or psychological abuse [defined as the intentional or negligent infliction of emotional distress]. Any employee who is threatened with harm is to notify the appropriate administrator immediately, and steps will be taken to protect the employee's safety. A written report of any serious incidents shall be given to the superintendent who shall inform the school committee.

WORKPLACE VIOLENCE

In the Lowell Public Schools no employee is expected to tolerate violent actions from other employees, students, teachers, administrators or any person with whom they come into contact throughout their employment in the System. Employees should report any incident of violence to their immediate supervisor, Personnel, or contact security at your building location. In serious instances the local police may need to be involved. Contact your supervisor before calling the police department.

STAFF PARTICIPATION IN POLITICAL ACTIVITIES

Employees of the school system have the same fundamental civic responsibilities and privileges as other citizens. These responsibilities include campaigning for an elective public office and holding an elective or appointive office. In connection with campaigning, an employee may not use school department facilities, equipment or supplies; discuss his/her campaign with school personnel or students during the workday; or use any time during the workday for campaigning purposes. Their position will not be in jeopardy because of their political beliefs or pursuits. Employees must not impose their thoughts and beliefs on other co-workers or students. Under no circumstances shall students be asked to campaign for any staff member.