



**Pembroke Public Schools**

**School Committee Policy Manual**

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#### **POLICY GBEB: EMPLOYEE GIFTS**

The Pembroke School Committee acknowledges that students or parents may wish to express their gratitude to a teacher in the form of a gift to that individual. To avoid any possible embarrassment to pupils and possible criticism of the schools, no employee shall solicit gifts. In addition, employee gifts must be of a minimal monetary value and shall not exceed, under any circumstances a monetary value of fifty dollars (\$50) per student.

Recorded: 3.6

Law Reference: MGL

268A:3

268A:23

930 CMR5.00

**ADOPTED: 3/26/2013**

1<sup>st</sup> Reading: March 12, 2013

2<sup>nd</sup> Reading: March 26, 2013



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#### **POLICY GBAA: SEXUAL HARASSMENT**

##### I. Introduction

It is the goal of the Pembroke Public Schools (PPS) to promote a workplace which is professional and which treats all of those who work here with dignity and respect. Sexual harassment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will also not be tolerated.

Because the Pembroke Public Schools takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is demonstrated to our satisfaction that such harassment occurred, we will act promptly to address the harassment, rectify the situation and impose such corrective action as is necessary, including disciplinary action where appropriate.

##### II. Definition Of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a person of authority, real or perceived, for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

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 a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.



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While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon 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.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, cooperated with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

#### III. Complaints of Sexual Harassment

If any of our employees believes that they have been subjected to sexual harassment, it is our policy to provide the employee with the right to file a complaint with our organization. This may be done in writing or orally. If you would like to file a complaint you may do so by contacting Ms. Laurie Casna, Director of Personnel and Pupil Services at (781) 826-8740 to arrange an in- person interview. If you prefer, you may file your complaint with Mr. Aron Blidner, Special Education Coordinator PreK-22 at (781) 826-8740 to arrange for an in-person interview. If you prefer, you may file your complaint with the superintendent who will also confer with you in person to discuss the situation. These persons are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment including our complaint process.

#### IV. Sexual Harassment Investigation

When we receive the complaint we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person



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filing the complaint and the person alleged to have committed the conduct, the results of that investigation.

#### V. Disciplinary Action

If sexual harassment has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such actions may include but not be limited to: counseling, formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions including termination from employment. Any person found to have filed a false claim of sexual harassment will also be subject to such action as is appropriate under the circumstances.

Any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating in an investigation of a sexual harassment complaint is illegal. Such behavior, when verified, will lead to disciplinary consequences.

#### VI. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Any questions related to filing a claim with either of the agencies should be directed to the agency.

1. The United States Equal Employment Opportunity Commission

10 Congress Street  
Boston, MA 02114  
(617) 565-3200

2. The Massachusetts Commission Against Discrimination

Boston office:  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 727-3990

Springfield Office:  
424 Dwight Street  
Springfield, MA  
(413) 739-2145

*Update and Recoding of Policy # 3.12*



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1<sup>ST</sup> Reading: December 7, 2010

2<sup>nd</sup> Reading: January 18, 2011

**ADOPTED: January 18, 2011**

**REVISED: August 22, 2011**



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#### **POLICY GCCD: DOMESTIC VIOLENCE LEAVE POLICY**

It shall be the policy of the Pembroke Public Schools to permit an employee to take up to 15 days of domestic violence leave from work in any 12 month period. 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.

An employee shall exhaust all available paid leave prior to requesting or taking domestic violence leave. After the employee's available paid leave is exhausted, any domestic violence leave granted will be unpaid leave.

Except in cases of imminent danger to the health or safety of an employee, advance notice of domestic violence leave shall be required. If such imminent danger exists, the employee shall notify the Pembroke Public Schools within 3 workdays that the leave was taken. The notification may be communicated to the Pembroke Public Schools by the employee, a family member of the employee or the employee's 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. If an unscheduled absence occurs, the Pembroke Public Schools shall not take any negative action against the employee if the employee, within 30 days from the unauthorized absence or within 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. The Pembroke Public Schools may 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, that the Pembroke Public Schools shall not require an employee to show evidence of an arrest, conviction or other law enforcement documentation for such abusive behavior. The documentation shall be provided to the Pembroke Public Schools within a reasonable period after it has been requested.

An employee shall satisfy this documentation requirement by providing any one of the following documents to the Pembroke Public Schools:

- (1) 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;



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- (2) 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;
- (3) A police report or statement of a victim or witness provided to police documenting the abusive behavior;
- (4) 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;
- (5) medical documentation of treatment as a result of the abusive behavior;
- (6) 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;
- (7) 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:

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

The Superintendent shall ensure that notice is provided to all employees in the next school year and beyond by appropriately amending the Pembroke Public School's employee handbooks, 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.

The Pembroke Public Schools shall not coerce, interfere with, restrain or deny the exercise of, or any attempt to exercise, any rights provided herein or to make leave requested or taken contingent upon whether or not the victim maintains contact with the alleged abuser. The Pembroke Public Schools shall not discharge, or in any other manner discriminate against, an employee for exercising the employee's rights under the law. The taking of domestic





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violence leave shall not result in the loss of any employment benefit accrued prior to the date of such leave. Upon the employee's return from such leave, he/she shall be entitled to restoration of the employee's original job or to an equivalent position. Definitions of 'abuse', "abusive behavior", "domestic violence", "employees" and "family members" may be found in the laws referenced below.

**Legal Reference:** M.G.L. 149:52E; Section 10 Chapter 260 of the Acts of 2014

1<sup>st</sup> Reading: 6/29/15

2<sup>nd</sup> Reading & Adoption: 7/15/15



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#### **POLICY GCQAB: TUTORING OF STUDENTS BY PEMBROKE PUBLIC SCHOOLS STAFF**

The Pembroke School Committee consistent with the Massachusetts Conflict of Interest Law prohibits the practice of staff members being paid to tutor or provide specialized services to their current students or students for whom they may become direct service providers in the following year. The policy in conjunction with the law also prohibits the tutoring or provision of services to students during the implementation of an Individualized Education Program the educator participated in drafting or implementing. Additionally, staff is prohibited from tutoring or providing services during a school year in which the staff member has participated in an evaluation process for special education or other student services for the student for which the student was found not eligible. Staff are prohibited from providing tutoring services in conflict with those proposed or not proposed with the school district.

Staff members may provide tutoring or specialized services only for students for whom they have no direct professional responsibilities towards. These services may not be in conflict with the staff member's role in the district or in conflict with the services provided by the district. Additionally, use of school facilities or school materials for tutoring or specialized services by staff members employed by the school department, or by any other outside agencies or persons, except as approved by the Superintendent in writing, is prohibited.

In order to eliminate any appearance of conflict staff members are required to notify their administration in writing of any services being provided at a fee to a student or their family, if there is a student enrolled in the building at which the staff member works.

For further information on Staff Conflict of Interest see School Committee Policy 3.16 and Massachusetts Conflict of Interest Law.

**ADOPTED: 5/27/2014**

1<sup>ST</sup> Reading: 4/29/2014

2<sup>nd</sup> Reading: 5/27/2014

Adopted March 6, 2004

Revised October, 2013

Adoption Date: 3/6/2007

PSC Section 3 - Personnel