



Non-Certified Employee Handbook

Adopted by the Board of School Trustees

Adopted: July 22, 2015

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The Marion Community Schools provides employment and educational opportunities without regard to sex, race, age, ethnicity, national origin, religion, handicapping condition or limited English Proficiency.

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To our Employees:

Thank you for choosing to work in the Marion Community School Corporation.

You will find that you are a member of a group of friendly, cooperative, and responsible individuals who are dedicated to the mission of Marion Community Schools: “Providing quality education to each student.”

The purpose of this handbook is to provide you with information regarding your employment. As employment procedures change, the administration will use this handbook to communicate these modifications and changes.

We are pleased that you are with us and feel that you will enjoy contributing toward and participating in the future success of the school corporation.



Introduction

Welcome to Marion Community Schools!

By adopting this employee handbook, the Board of School trustees of Marion Community Schools (MCS) has consolidated various employment procedures for uniformity in administration among the non-certified employees. Non-certified employees include: all non-teaching employees (including substitute teachers and non-certificated administrators).

This handbook describes some of the uniform personnel procedures that govern the employment relationship between MCS and the non-certificated employees. There may also be procedures that apply to specific job classifications that are not included in this handbook. All procedures are subject to change at any time at the sole discretion of MCS. This handbook supersedes any prior handbooks or written procedures of MCS that are inconsistent with its provisions. You will receive updated information concerning changes in procedures from time to time. Questions concerning procedures should be directed to your supervisor or the Director of Human Resources.

This handbook does not create a contract of employment between MCS and its employees. Although we hope that your employment relationship with MCS will be long-term, either you or MCS may terminate this relationship at any time, for any reason, with or without cause or notice. Your relationship remains at-will. No supervisor or other representative of MCS other than the Board itself has the authority to enter into any agreement with you regarding the terms of your employment that changes this at-will relationship or deviates from the provisions of this handbook.

School Corporation Rights

MCS shall decide the policy, methods, safety rules, direction of employees, assignment of work, and equipment to be used in the school system, and determine the hours of work, the right to hire, terminate, discipline, promote and transfer employees, or to release employees for lack of work and other reasons. The exercise of the above rights shall not be used for the purpose of unlawful discrimination against any of the school employees.

Affirmative Action Statement

MCS shall not discriminate against any employee because of the employee's race, sex, religion, national origin, age, ethnicity, veteran status or against a qualified employee with a disability.



Family and Medical Leave Act

Family and Medical Leave Act

MCS complies with all applicable federal and state labor and employment laws, including the Family and Medical Leave Act of 1993 (FMLA). Under the FMLA, eligible employees are entitled to certain rights, and have certain obligations, with respect to unpaid leave for certain family and medical reasons.

It is expected that FMLA leave will run concurrently with paid leave (i.e.: personal illness days, personal business days, vacation days). Employees are expected to arrange doctor's visits during non-work hours, if possible. Employees must request FMLA leave when three consecutive personal illness days have been used.

FMLA Leave Eligibility

An eligible employee under the FMLA is an employee who has been employed by MCS for at least 12 months and who has worked at least 1,250 hours in the past 12 months.

Reasons for FMLA Leave

An eligible employee may take FMLA leave of up to 12 weeks per leave year, for any of the following reasons:

1. To care for a newborn child, or child newly placed in the employee's custody through adoption or foster care, for a period of up to one year after such birth or placement.
2. To care for the employee's spouse, child, or parent who has a serious health conditions.
3. Because of the employee's own serious health condition, if that condition renders the employee unable to perform his or her job functions.
4. "any qualifying exigency" (*as the Secretary, by regulation, determine*) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to order to active duty status in the Armed Forces, in support of a contingency operation.

An eligible employee may take FMLA leave of up to 26 weeks per leave year for the following reasons:

1. To permit a "spouse, son, daughter, parent, or next of kin" to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness."

Any leave taken by an eligible employee for one or more of these reasons will be counted against that employee's annual FMLA leave entitlement.

Serious Health Condition

For the purpose of determining whether an eligible employee or his or her spouse, child, or parent has a serious health condition, such a condition includes any injury, illness, impairment, or physical or mental condition that requires either in-patient care in a medical facility (i.e. overnight hospitalization), or continuing treatment by a health-care provider. These terms are construed by MCS in accordance with applicable federal laws and regulations.

Leave Year

For the purpose of this policy, the leave year within which an eligible employee may take his or her 12 weeks of FMLA-protected leave means the 12-month period beginning on the date the employee first takes leave for any of the reasons set forth previously.

Compensation for FMLA Leave

Generally, FMLA leave is not paid. However, an eligible employee must take any accrued paid vacation leave, personal medical leave, paid sick days and paid personal business leave in lieu of taking unpaid leave under FMLA. Such paid leave will be counted towards the employee's 12 weeks of FMLA leave granted per leave year.

Intermittent or Reduced Hours Leave

In the case of leave taken to care for a seriously ill spouse, child, or parent, due to the employees own serious health condition, *qualifying exigencies*, or to care for an injured service member an employee may take leave intermittently (i.e. periodically) or on a reduced hours schedule (i.e. reduced number of working hours per day or per week) only when such leave is medically necessary, as certified by the employee's or family member's health-care provider. Otherwise, such leave is not permitted except at the sole discretion of MCS. An employee who takes leave intermittently or on a reduced leave schedule may be temporarily transferred to another position for which the employee is qualified to better accommodate that leave. The temporary position will have pay and benefits equivalent to the employee's regular job. Intermittent leave may not be taken in smaller increments than allowed by the payroll system.

Job and Benefits Security

An eligible employee who takes leave under the FMLA and who returns to work before his or her annual FMLA entitlement has expired will be restored to the position he or she held when the leave commenced, or to an otherwise equivalent position with respect to pay, benefits, and other terms and conditions of employment, unless the employee would no longer have been employed in such a position had the employee not taken such leave. Additionally, any employment benefits that had accrued to an eligible employee prior to the commencement of leave will be restored upon return from FMLA leave. Employees are prohibited from working for another employer while on any leave of absence. Using FMLA for any reason other than its intended purpose will be grounds for termination.

Continuation of Group Health Plan Coverage

Group health plan coverage will be maintained by MCS during an eligible employee's period of FMLA leave to the extent and under the same circumstances as it ordinarily is furnished to that employee. Premium payments should be made to the payroll department on the 1st and 15th of each month. The payroll department will notify eligible employees concerning the amount of each premium payment. Failure to pay such premiums during leave may result in the loss of health coverage. An eligible employee who fails to return to work after the expiration of the FMLA leave period for reasons that are not beyond his or her control will be expected to reimburse MCS for health care premiums paid by MCS during the leave period.

Employee Notice Requirements

An eligible employee must give MCS at least 30-days' notice of his or her intent to take leave under the FMLA. If the employee is unable to give such notice because the need for the leave is not foreseeable, then the employee must give as much notice as practicable. Typically, this will mean giving notice to MCS within one or two working days of learning that FMLA leave must be taken. Any employee who fails to give the requisite notice may be delayed in receiving authorization for leave.

Health Care Provider Certification

In cases of leave to be taken to care for a seriously ill family member, due to the employee's own serious health condition or *the need to care for a covered service member*, an eligible employee must provide MCS with a completed and signed health care provider certification indicating that the employee requires FMLA leave. This certification must be returned to MCS within 15 days after the employee gives notice of his or her intent to take FMLA leave, and must contain the following information:

1. The date on which the serious health condition commenced;
2. The probable duration of the condition;
3. The treatment regimen prescribed;
4. Any appropriate medical facts within the health care provider's knowledge regarding the condition;
5. If applicable, a statement regarding the medical necessity of intermittent or reduced hours' schedule leave.

Failure to return this certification in a timely manner may result in delays in securing authorization for leave, and failure to return the certification at all will preclude the employee from taking leave.

MCS also may require, at its own expense, a second and third health care provider opinion if there is a question as to the validity of the certification provided by the employee.

An eligible employee also may be asked to furnish MCS with subsequent health care provider certifications on a reasonable basis during the employee's leave period. An eligible employee's failure to furnish subsequent certifications may result in termination of the employee's right to leave.

An eligible employee on FMLA leave must submit to MCS a medical release (i.e., fitness-for-duty certification) indicating that the employee is able to return to work. Failure to submit such a release will preclude the employee from being restored to his or her employment with MCS.

Non-Discrimination/Non-Retaliation Policy Statement

MCS will not: (1) interfere with, restrain, or deny the exercise of any right provided under the FMLA; (2) terminate or discriminate against any person for opposing any practice made unlawful by the FMLA; or (3) terminate or discriminate against any person for his or her involvement in any proceeding under or relating to the FMLA.

Jointly Employed Spouses

A total of twelve (12) weeks of FMLA will be granted to jointly employed spouses regarding the birth or adoption of a child or to care for a sick parent. A total of 26 workweeks will be granted to jointly employed spouses for a service member family leave *during the applicable 12-month period*.

If the FMLA request is for his or her own illness, each spouse would be entitled to twelve (12) weeks of FMLA leave.

Legal Reference: 29 U.S.C. 2601 et seq.



Employee Benefits

Statement of Benefits

Each non-certified employee is classified in one of twelve employee groups. There is a “Statement of Benefits and Compensation” for each employee group that provides further details regarding benefits. The benefits described in this handbook and in the “Statement of Benefits and Compensation” are subject to change at any time.

Unpaid Leave of Absence

Employees must utilize all accumulated personal illness leave and personal business days, including FMLA, before a leave of absence without pay for compelling and appropriate reasons for periods up to 90 calendar days. A doctor’s note may be requested for employee illnesses. Holiday pay will not be paid during an unpaid leave of absence. All requests for an unpaid leave of absence or renewal of such leave must be submitted in writing to the employee’s immediate supervisor. Medical or other documentation will be required to support requests. The employee’s immediate supervisor will submit a recommendation to the Director of Human Resources. The recommendation will then be submitted to the board of School Trustees. It is the expectation that the employee will not request a leave from MCS and continue employment with another agency or business.

Fair Labor Standards Act (FLSA)

In accordance with the criteria set forth in the FLSA, MCS pays one and one half times a non-exempt employees’ hourly rate for all hours worked over 40 hours in any workweek. No employee will be allowed to work outside his or her scheduled hours unless authorized by the employee’s supervisor. Failure to secure proper authorization could lead to disciplinary action including termination.

The work week begins with Sunday and ends with Saturday of the same week.

1. **Paid Compensation of Non-Exempt Employees for Overtime.** Employees will receive time-and-one-half their regular rate of pay for all hours worked in excess of forty hours in a workweek. Paid hours not actually worked (e.g. vacation, holidays, etc.) will not be counted as time worked for overtime purposes. Non-paid compensatory time is not allowed unless approved by the Director of Human Resources.

Indiana Public Retirement System (INPRS)

An employee must work at least 600 hundred hours per year to be eligible for INPRS. Employees who work in an INPRS covered position 1000 hours or more per year must enroll in INPRS.

Jury Duty

An employee shall receive full pay while on jury duty during regular working hours. The amount received for jury duty will be deducted from the employee's pay. Each participant on jury duty must have a letter from the court bailiff indicating the amount paid.

Payroll Direct Deposit

Direct deposit of payroll checks is mandatory for MCS employees. MCS will provide direct deposit services through the National Automated Clearing House Association (NACHA). Employees may select financial institutions for their direct deposit by completing the Direct Deposit Authorization form provided by the payroll department. The direct deposit will be processed provided that the identified financial institution is capable of receiving such deposits.

Travel Compensation

School employees may be reimbursed mileage for travel incurred due to corporation/employment requirements according to the maximum rate allowed by the Internal Revenue Service (IRS). All mileage shall be reported on claim form 101 and submitted to the business office before payment will be made. Mileage allowance will be granted in accordance with Board policy and guidelines. Claims must be submitted within 60 days of when the expense is incurred.

Physical Examination

MCS recognizes that there may be some employment positions that require a physical examination prior to employment and annually thereafter. The cost of such required examinations shall be the burden of MCS.

Worker's Compensation

When an employee believes he or she has an injury resulting from the work place, he or she is to report the injury to the immediate supervisor/administrator the same day as the injury. The first report of injury form must be completed within 24 hours and submitted to the supervisor/administrator. Supervisors/Administrators should complete the Supervisor's Accident Investigation report to fax to the administration office with the first report of injury form. Employees must seek medical attention at Med Express (see map to Med Express). Our insurance carrier will not pay for treatment otherwise. Employees are not allowed to use benefit days if they are receiving compensation from the MCS Workman's Compensation insurance carrier.



Employee Accident/ Incident Reports

Marion Community Schools Work-related Injury

If you or one of your employees is injured on the job, please follow the procedures below:

1. Report the injury to your school nurse, secretary, principal, or direct supervisor the day you are injured.
2. Complete the required information regarding the accident **within 24 hours of the incident**. Please be as specific as possible.
3. If you need medical treatment beyond what can be provided by school building employees, the school nurse, secretary, principal, or supervisor should provide you with an authorization form for treatment at **Marion General Express, 1130 N. Baldwin** and a First Fill prescription form.
4. You must seek medical treatment at **Marion General Express**. Our worker compensation insurance company will not pay for treatment by any other doctor unless you are referred by Marion General Express, and it is approved by our worker compensation insurance company.
5. If your injury occurs during the hours that Marion General Express is not available, you must go to the Emergency Room at Marion General Hospital. Please inform ER admitting that you are there for a worker compensation (or work-related) injury.



Employee Conduct

Employee Work Rules

Marion Community Schools expects all employees to conduct themselves in a professional manner, reflecting positively on the corporation, the staff, and the students.

The rules of conduct are extremely important in leading to a safe and efficient workplace. Infraction of these rules will be sufficient grounds for disciplinary action ranging from appropriate penalties to immediate termination.

The following and related types of misconduct are prohibited:

1. Insubordination – the refusal or intentional failure to perform assigned work or to follow the directions of a supervisor.
2. Quitting work early or leaving a work area before the established quitting time, at lunch, or at the end of a shift without permission.
3. Leaving the department, work area, or building during working hours without permission.
4. Excessive or habitual tardiness or absence from work. Employees who have used all accumulated benefit days and continue to be absent from work for unauthorized reasons may be subject to disciplinary action including termination of employment.
5. Disregard for rules, instruction, or common practices relating to safety, fire, or health.
6. Falsification or use of misleading information on employment credentials, applications, material requisitions, or any other Corporation records.
7. Stealing or misappropriation of any property from or on MCS premises.
8. Intimidation, coercion, or interference with the rights of another employee. Fighting, threatening bodily injury or use of profane, abusive, or threatening language while on MCS time or property.
9. Tampering and/or altering an employee's time card.
10. Unauthorized possession of weapons on MCS premises.
11. Inappropriate or disrespectful language and behavior toward colleagues and supervisors. This includes failure to foster collegiality, harmony, positive attitude, and good relationships in the workplace.

12. Inappropriate contact with students (including texting and social media network interaction).
13. Failing to maintain the confidentiality of the corporation, the staff, or student information.
14. Violation of Board Policy.

The above are only examples of common sense rules which experience has shown to be both necessary and most effective in maintaining sound working relationships. They are only typical cases, which can result in disciplinary action ranging from verbal warning to termination, and are not to be construed as limiting or restricting disciplinary action to only specific cases.

Reporting of Absences

Employees are expected to have all absences from work approved by their supervisor. Absences from work should be approved by the supervisor in advance of the absence. In the event of an emergency or unplanned illness, employees should contact their supervisor before the time their workday is to begin on the day the absence occurs.

Failure to report absences to supervisors will be treated as insubordination and may be grounds for termination.

Employee Discipline

Reasonable rules concerning personal conduct of employees are necessary if the schools are to function safely and effectively. Employees will be kept informed of rules by the supervisor or department head.

Types of counseling include, but are not limited to:

1. Oral Counseling: This is normally the first indication of a violation. It consists of a verbal conference with the employee.
2. Written Counseling: This is a formal notice of a violation. It serves, as a notice that continued infractions will result in more serious discipline. All written counseling will be seen by the employee and filed in his or her personnel file.
3. Suspension: For serious or repeated offenses an employee may be suspended from work, with or without pay, subject to due process and/or Indiana law.

These procedures are not necessarily sequential. At any point, pending the seriousness of the infraction, any procedure may be omitted and termination recommended.

Drug Free Workplace

The School Board believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting, which is not tainted by the use or evidence of use of any controlled substance.

1. Any MCS employee, who uses, possesses or is under the influence of controlled substances and/or alcohol (except under a physician's direction) at school, on school property or at school-sponsored activities, shall immediately be suspended from his or her duties without pay and may be terminated.
2. Any MCS employee who sells, delivers, distributes, or gives a controlled substance to any other person off school property and not at a school sponsored activity shall be terminated immediately.
3. Any MCS employee who sells, delivers, distributes, or gives a controlled substance and/or alcohol to any other person at school, on school property or at school sponsored activities (except when it is distributed in connection with his or her duties and it is given to a student pursuant to the instructions of the student's physician or parents) shall be terminated immediately.
4. Any termination because of the use, possession or distribution of "illegal drugs" or "other drugs" shall be in accordance with the laws of the State of Indiana.
5. Any employee who is involved in a serious on-the-job accident and any employee whose on-the-job behavior indicates that he or she may be under the influence of drugs or alcohol in violation of this policy will be tested for the use of drugs and alcohol. If the tests indicate evidence of illegal drugs or the improper use of other drugs or that the employee is under the influence of alcohol, appropriate disciplinary action will be taken up to and including termination.

MCS requires a consent form to be signed by the individual prior to testing. Any employee who refuses to sign or submit to testing will be questioned as to the reason(s) for refusal. Unless there is a valid reason for refusal, the employee will be subject to disciplinary action including termination.

Drug tests will be conducted by a qualified laboratory, and proper chain of custody procedures will be observed for samples. When employment status will be affected, confirmatory testing will be carried out.

Records and information about testing and the test results will be treated as private and confidential to the extent possible.

Internet Usage

District-provided access to electronic information, services, networks, personal email and Internet use is covered by Board Policy 7540. Every employee must sign a Staff Network and Internet Acceptable Use and Safety Agreement.

The deliberate use of school-provided Internet access listed below is not permitted by staff or students:

1. To access, upload, download, or distribute pornographic, obscene, or sexually explicit material.
2. To transmit obscene, abusive, sexually explicit, or threatening language.
3. To violate any local, state, or federal statute.
4. To vandalize, damage, or disable the property of another individual or organization.
5. To access another individual's materials, information, or files without permission.
6. To violate copyright or otherwise use the intellectual property of another individual or organization without permission.

Employee Evaluation

The purpose of the evaluation process is to promote and document employee professional growth and development. All employees will be evaluated, in writing, at least one time during their employment year. The evaluation will be reviewed with the employee. This document will be turned in to the Human Resources department and placed in the employee's personnel file. Evaluations are due to the Director of Human Resources by the last Friday in May annually.



Discrimination

Marion Community Schools Discrimination Procedures

MCS recognizes that an employee has the right to work in an environment untainted by sexual or other forms of harassment or discrimination. Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature. Other forms of prohibited conduct include discrimination based on gender, religion, race, color, ethnicity, age, disability, or limited English proficiency.

The Board shall comply with all Federal laws and administrative guidelines prohibiting discrimination and with all requirements and administrative guidelines of the U.S. Department of Education. It is the policy of the Board that no support staff member or candidate for a position in this Corporation on the basis of race, color, religion, national origin, creed or ancestry, age, sex, marital status, or disability shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise subjected to, discrimination in any program or activity for which the Board is responsible or for which it receives financial assistance from the U.S. Department of Education.

Discrimination compliance officers' names and phone numbers are provided below for your information.

For Staff

504 and ADA Compliance Officer

Mrs. Shelley Preston, Human Resources

765-662-2546

Title IX Compliance Officer

Mrs. Shelley Preston, Human Resources

765-662-2546

Title VI Compliance Officer

Mrs. Shelley Preston, Human Resources

7665-662-2546

For Students

504 and ADA Compliance Officer

Mrs. Melissa Pogue, Special Services

765-662-2546

Title IX Compliance Officer

Mrs. Melissa Pogue, Special Services

765-662-2546

Title VI Compliance Officer

Mrs. Melissa Pogue, Special Services

765-662-2546

Any employee who has a basis for complaint shall utilize the following steps:

Step 1: A written statement of the discrimination, signed by the complainant, shall be submitted to the employee's immediate supervisor. The employee's immediate supervisor shall investigate the matters and reply in writing to the complainant promptly upon conclusion of the investigation.

Step 2: If the complainant wishes to appeal the decision of the employee's immediate supervisor, the employee may submit a signed statement of appeal to the Director of Human Resources within five (5) business days after the receipt of the employee's immediate supervisor's response. The Director of Human Resources shall investigate the matter and reply in writing to the complainant promptly upon conclusion of the investigation.

Marion Community Schools Complaint Procedures for Harassment Based Upon Sex, Race, or Disability

Complaint Procedures

Any person who alleges sexual or racial harassment or harassment on the basis of a disability by any employee or student in the school corporation may use the complaint procedure under “Reporting Harassment” below or may complain directly to his or her immediate supervisor, building principal, or the Director of Human Resources (MCS Title VI & IX Compliance Officer). Filing of a complaint or otherwise reporting harassment will not reflect upon the individual’s status nor will it affect future employment, grades, or work assignments.

The right of confidentiality, both of the complainant and of the accused, will be respected consistent with the school corporation’s legal obligations and the necessity to investigate allegations of misconduct and to take corrective action when such conduct has occurred.

Reporting Harassment

- Take the complaint seriously. Calmly discuss the concern with the student, parent, or employee.
- Reports must be in writing on forms supplied by Marion Community Schools (if a verbal complaint is made, the school official should file a written report);
- Reports must name the person(s) charged with harassment and state the facts;
- Reports must be presented to one of the persons identified in paragraph 1 above.

Investigation

- The recipient of the report will notify the Human Resources Director, who shall cause an investigation to be conducted and the results of the investigation will be reported back to those with a need to know. If, as a result of the investigation, discipline is recommended, it shall take place through appropriate channels, including, where required, a recommendation of the Superintendent and action by the Board.
- Keep a record of all informal complaints, which notes name, date, type of concern, investigation notes (if applicable) and action taken.

Sanctions for Misconduct

A substantiated charge against an employee in the school corporation shall subject such employee to disciplinary action including but not limited to reassignment, suspension, or discharge.

False Reporting

Any person who knowingly files false charges against an employee in an attempt to demean, harass, abuse, or embarrass that individual shall be subject to disciplinary action consistent with school policy.

Notification of the Policy

Notice of this policy will be circulated to all schools/units of the Marion Community Schools and incorporated in each employee handbook.

Grievance Procedures for Title VI, IX, Section 504, and A.D.A

SECTION I

If any person believes that the Marion Community Schools Corporation or any of the Corporation's staff has inadequately applied the principles and/or regulations of (1) Title VI of the Civil Rights Act of 1964, (2) Title IX of the Education Amendment Act of 1972, (3) Section 504 of the Rehabilitation Act of 1973, or (4) The Americans with Disabilities Act of 1990, (P.L. 101-336, enacted July 26, 1990), s/he may bring forward a complaint which shall be informally handled by the building principal or program supervisor. If the complaint is not resolved by the building principal/supervisor, s/he may file a formal grievance with the appropriate coordinator.

Title IX

Title IX insures an equal education, non-discriminatory school/work environment, and non-discriminatory employment practices regardless of your sex. This includes freedom from sexual harassment.

Title VI

Title VI prohibits discrimination based on race, color, and national origin, including limited English proficiency.

Americans with Disabilities Act Section 504

If you have a physical or mental impairment which substantially limits your opportunity to benefit from your education, you may be entitled to accommodations under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

The Americans with Disabilities Act protects qualified individuals with disabilities from employment discrimination. If you have a physical or mental impairment that substantially limits your ability to perform your job, you may be entitled to accommodations under the ADA or Section 504 of the Rehabilitation Act of 1973.

For Staff

504 and ADA Compliance Officer

Mrs. Shelley Preston, Human Resources

765-662-2546

Title IX Compliance Officer

Mrs. Shelley Preston, Human Resources

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Title VI Compliance Officer

Mrs. Shelley Preston, Human Resources

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For Students

504 and ADA Compliance Officer

Mrs. Melissa Pogue, Special Services

765-662-2546

Title IX Compliance Officer

Mrs. Melissa Pogue, Special Services

765-662-2546

Title VI Compliance Officer

Mrs. Melissa Pogue, Special Services

765-662-2546

Section II

The person who believes s/he has a valid basis for grievance shall file the grievance with the appropriate coordinator, who shall in turn investigate the complaint and reply with an answer to the complainant. S/He may initiate formal procedures according to the following steps:

Step 1

A written statement of the grievance signed by the complainant shall be submitted to the appropriate coordinator. The coordinator shall investigate the matters of the grievance and reply in writing to the complainant within five (5) business days of receipt of the written grievance.

Step 2

If the complainant wishes to appeal the decision of the local coordinator, s/he may submit a signed statement of appeal to the Superintendent of Schools within five (5) business days after receipt of the coordinator's response. The Superintendent shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within ten (10) business days of the conference.

Step 3

If the complainant remains unsatisfied, s/he may appeal through a signed written statement to the Board of Schools Trustees within five (5) business days of his/her receipt of the Superintendent's response in step two. In an attempt to resolve the grievance, the Board of Schools Trustees shall meet with the concerned parties and their representative within forty (40) days of the receipt of such

an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting.

Step 4

If at this point the grievance has not been satisfactorily settled, further appeal may be made to the agency listed below:

Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)
Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661
Voice Phone (312) 730-1560
FAX (312) 730-1576
TDD (877) 521-2172

Email: OCR.Chicago@ed.gov

The corporation's grievance procedure is available at www.marion.k12.in.us

A copy of each of the Acts and the regulations on which this notice is based may be found in the office of each building principal.

Marion Community Schools Complaint Form

Marion Community Schools:

- A. Insures an equal education and non-discriminatory school/work environment regardless of your sex, which includes freedom from sexual harassment.
- B. Insures an equal education and non-discriminatory school/work environment regardless of your race, national origin, age, ethnicity, religion or language.
- C. Offers special accommodations if you have a physical or mental impairment which substantially limits your opportunity to benefit from your education or perform your job.

If you believe that discrimination has occurred please complete, sign, and submit this form to your school's principal.

Date: _____

Complaint made on behalf of: _____

Complainant is: _____ Student
 _____ Student's Parent(s)
 _____ Employee
 _____ Other

Name of Complainant: _____

Address: _____

City, State, Zip: _____

Telephone: _____

Describe the alleged violation in specific terms. Include: 1) the specific incident or activity that is viewed as discrimination; 2) the individuals involved; 3) dates, times, and locations involved; and 4) the disability that forms the basis of the complaint (attach additional pages if needed).

Describe any communication that has already occurred with respect to the incident. Please specify the type of communication, dates of communication, and names of individuals involved (attach additional pages if needed).

Describe how you propose to resolve this issue (attach additional pages if needed).

Please return this form to your school's principal.

Marion Community Schools Non-Discrimination Policy

It is the policy of the Marion Community School Corporation not to discriminate on basis of race, color, religion, sex, national origin, age, or disability in its educational programs or employment policies as required by the Indiana Civil Rights Act (I.C. 22-9-1), I.C. 20-8.1-2, Titles VI and VII of the Civil Rights Act of 1964, the Equal Pay Act of 1973, Title IX (1972 Education Amendments), Section 504 of the Rehabilitation Act of 1973.

Inquiries regarding compliance with Title IX, Section 504 or the Americans with Disabilities Act should be directed to the Director of Human Resources of the Marion Community School Corporation, 1240 S. Adams St., Marion, IN or to the Office of Civil Rights, U.S. Department of Education, Washington, D.C.



Emergency Procedures

SCHOOL/STUDENT SAFETY

- All Marion Community Schools school buildings have access restricted by buzz-in from the office. All buildings have security badge access. All have security cameras.
- All visitors to schools must enter through a secure entrance and check in with the school office. For the safety of all children and staff, we adhere to a strict sign-in and badge policy for visitors. Visitors who refuse to sign in or wear a visitor badge will not be allowed on school property. School staff will involve security officers or law enforcement if necessary for uncooperative or confrontational visitors.
- MCS has a Director of School Safety who coordinates security and safety planning. Each school building also has a certified school safety specialist on staff.
- All school employees are given a copy of MCS's safety/emergency guidelines, which address plans for various hazards and emergencies. We practice drills periodically with students and staff in each building, including evacuation, lockdown/intruder, tornado, and earthquake.
- Marion Community Schools have off-duty police officers available during all school Hours. Marion Community Schools works closely with local emergency responders, some of whom serve on our District Safety Team. Emergency personnel also observe safety drills and collaborate on our safety and security plans.
- Each building is equipped with an automated external defibrillator.
- MCS's School/Student Safety Hotline is available 24 hours a day, 7 days a week. If you know of anything that threatens the safety of our students or schools please call or text message 765-997-8585, or email hotline@marion.k12.in.us. MCS doesn't tolerate threats, violence, harassment, bullying, vandalism, weapons, theft or abuse. YOU have the power to make a difference in our schools.

If you have questions or concerns about emergency plans or any other school/student safety information, contact Marion Community Schools Director of Safety at 662-2546.

DISASTER PROCEDURES

In case of a disaster, such as a sighted tornado, all students, staff, and any visitors present in the building should follow disaster procedures that are posted in each room. All school employees are given a copy of MCS's safety/emergency guidelines, which address plans for various hazards and emergencies. We practice drills periodically with students and staff in each building, including evacuation, lockdown/intruder, tornado, and earthquake.

Students will NOT be released to parents during an emergency school lockdown. Marion Community Schools works closely with local emergency responders, some of whom serve on our District Safety Team. Emergency personnel also observe safety drills and collaborate on our safety and security plans.

Marion Community Schools in collaboration with the Marion Police Department, has adopted an emergency response to a dangerous intruder policy that is aligned with recommendations from the US Department of Education and the US Department of Homeland Security among other federal and state agencies.

Emergency Response to Dangerous Intruder/Police Activity

Lockdown Options During Active Violent Intruder

ALERT (emergency ONLY)

- Get on the Intercom
- Say "This is not a drill"
- State Reason: "WHO, WHAT, WHERE"
- Call 911

LOCKDOWN

Based on ALERT information CHOOSE lockdown or evacuation

LOCKDOWN OPTION

- Ensure door is locked
- Make room dark and cover windows
- Barricade door with large heavy items
- Prepared for possible counter strategies

INFORM

- Provide and listen to real time information
- Base decisions on information received

COUNTER (To be used as an absolute LAST RESORT ONLY)

- Cause distractions - create noise and movement
- Keep distance: evacuate if possible
- You have the right to survive a violent situation – how you choose to respond if directly confronted by an *active shooter* is up to you

EVACUATE

- Exit building away from danger (avoid long hallways)
- Report to outdoor safety zone/designated rally point
- Keep hands up and follow law enforcement instructions

For police activity in the area or a chemical spill, etc. the following Shelter-in-Place should be followed:

Shelter-in-place

A safety threat has been identified. (Give information as to what that is: police activity, gas leak, etc.) Lock all doors and no outdoor activities. Keep students in classroom under adult supervision. No students or staff in hallways. Continue classroom instruction.



Bullying

Maintaining a safe and supportive learning environment is vital to the successful education and emotional well-being of our students. Please read the following MCS policy concerning bullying. If a student reports bullying to you or you witness bullying, it must be reported to the office immediately and then followed up with a written report to the principal by the end of the day.

Series 5000 – Students Bullying Policy #5517.1

The Board is committed to providing a safe, positive, productive, and nurturing educational environment for all its students. The Board encourages the promotion of positive interpersonal relations between members of the school community. Marion Community Schools will not tolerate bullying in any form. Bullying behavior toward a student whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes physical, verbal, and psychological abuse as provided herein.

Marion Community Schools defines bullying as aggressive behaviors that involve unwanted negative actions that are repeated over time and involves an imbalance of power or strength. Bullying as defined by IC 20-33-8-0.2 means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors that are committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the targeted student and create for the targeted student an objectively hostile student environment that:

1. places the targeted student in reasonable fear of harm to the targeted student's person or property;
2. has a substantially detrimental effect on the targeted student's physical or mental health;
3. has the effect of substantially interfering with the targeted student's academic performance; or
4. has the effect of substantially interfering with the target student's ability to participate in or benefit from the services, activities, and privileges provided by the school.

This type of behavior is a form of harassment, although it need not be based on any of the legally protected characteristics such as sex, race, color, national origin, marital status, or disability. It would include, but not be limited to, such behaviors as stalking, intimidating, menacing, coercion, name-calling, taunting, making threats, and hazing.

This policy may be applied regardless of the physical location in which the bullying behavior occurred, whenever:

1. the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and
2. disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

Marion Community Schools, in accordance with state law, has:

1. developed and implemented bullying prevention programs for all students;
2. established investigation and reporting procedures related to bullying; and
3. adopted discipline rules that comply with Indiana Code guidelines.

In addition, Marion Community Schools shall provide training to the school corporation's employees and volunteers who have direct, ongoing contact with students concerning this policy.

The Superintendent or his designee will be responsible for administrative guidelines to enforce this policy.

Policy References:

I.C. 20-33-8-0.2 and 20-33-8-13.5

References:

I.C. 20-33-8-0.2 and 20-33-8-13.5

Adoption Date: Apr 11, 2012 Revision Date: Aug 28, 2013



Miscellaneous

Grievance Procedure

The following procedure is available to employees when problems arise that do not involve discrimination or harassment complaints. The intent of this procedure is to provide a quick, fair and reasonable solution to the employee grievances. Any employee who has a grievance should use the guidelines below in seeking resolution:

- Step 1: Within five (5) working days of the occurrence of the event that initiates the concern, the employee must speak with the employee's immediate supervisor. The supervisor may provide a written response to the employee promptly upon conclusion of the supervisor's investigation.
- Step 2: If mutual resolution is not achieved at step 1, within three (3) working days after the written response from the immediate supervisor, the employee shall submit in writing the nature of the employee's concern to the coordinator/supervisor, director. The immediate supervisor may also be requested to submit the immediate supervisor's position of the concern. All three parties will meet to resolve the concern. If no resolution can be agreed upon, the coordinator/supervisor/director may make a recommendation regarding their position on the concern and put the recommendation in writing to the employee and supervisor.
- Step 3: If the employee desires, within three (3) working days of receiving the written response from the employee's supervisor, the employee may take the concern to the Director of Human Resources. The employee shall submit the concern in writing to the Director of Human Resources. The coordinator/supervisor/director may be asked to submit their response to the Director of Human Resources. The Director of Human Resources will conduct an investigation and may elect to interview all parties separately or in a group. A copy of the Director of Human Resource's position on the concern will be shared with all parties and is final.

Posting of Vacancies

Notice of job vacancies (over 4 hours per day) may be posted in schools. During this time employees may submit an application for such jobs. Postings will be available at the Education Service Center and on the Region 8 website (<http://www.r8esc.k12.in.us/services/online-application-services>).

Promotion, Transfer, Demotion, or Reduction in Force

MCS encourages the policy of open promotion, transfer, demotion or reduction in force of individuals to staff positions on the basis of qualifications and suitability without regard to race, color, religion, sex, national origin, age, disability, or veteran status, and in keeping with federal and state employment laws and regulations. Seniority will not be a factor in making decisions regarding promotion, transfer, demotion or reduction in force of individuals to staff positions.

Hazardous Weather Days

Specific information by employee group for hazardous weather days is provided in the Statement of Benefits. It is expected that employees will read the Statement of Benefits and comply with the hazardous weather rules for their employee group.

Highly Qualified Status

Per the No Child Left Behind Act, all paraprofessionals or other employees who work with children in an instructional capacity must be considered highly qualified. This status can be obtained by completing one of the following:

- Pass the Paraprofessional Exam offered by the Educational Testing Services (www.ETS.org).
- Present verification of an Associate's Degree or passage of 48 credit hours of university courses.
- Present verification of a Bachelor's Degree or above from an accredited college or university.

AHERA Standard

In accordance with the US EPA's AHERA Standard (ref: 40 CFR 763.80) all information concerning asbestos-containing materials in the schools of the Marion Community Schools is available for review and copying by staff during normal business hours.

Expanded Criminal History Checks

Policy 4121 – Criminal History Information requires that all employees of Marion Community Schools have an expanded criminal history check on file. Expanded criminal history checks for current employees are valid for five years. Candidates will be required to complete an expanded criminal history check before being employed with Marion Community Schools. Once hired by MCS, employees will be required to complete an expanded criminal history check every five years.



Policies and Forms

Series 2000 - Program Copying Copyright Materials Policy #2531

The Board encourages teachers to make judicious use of appropriate printed materials, sound recordings, and electronic programs in the curriculum. It recognizes, however, that Federal law, applicable to Corporations, protects authors and composers from the unauthorized use of their copyright work.

In order to define the fair and reasonable use the professional staff members may make of copyrighted works for educational purposes, without the permission of the copyright owner and to reduce the risk of copyright infringement, guidelines regarding the copying and distribution of copyrighted materials for instructional purposes should be distributed at least once a year to all professional staff in accordance with the terms of the master contract.

Policy References:

17 U.S.C. 101 et seq.

Master Contract 1989-94; Section 6.400

Adoption Date: 6/15/2002
2000 – PROGRAM

Series 2000 & 3000

Administrative Guidelines on Appropriate Behavior and Boundaries with Children

Policy #3212 and Policy #4213

- Avoid being completely alone with a single child, particularly in a place that is not commonly viewed as a normal meeting area. This includes trips in vehicles. Such trips must include either more than one adult, or more than one child. This does not mean that you can't take a child aside for a brief confidential discussion about their behavior or some matter that they have asked to discuss with you. It does mean that such a meeting should ideally take place in full view of other people, if even from a distance or in the presence of a second adult.
- If you are tutoring a child, providing a private lesson or providing academic guidance, the door should remain open.
- Use good judgment about physical closeness. Avoid contact that may be misinterpreted. This does not mean that you can't give a child a pat on the back or touch their arm to get their attention. However, you should not touch a child against his or her will or engage in highly physical contact, such as picking them up, giving them back rubs, tickling, roughhousing, or using physical means to move a child.
- Use good judgment about bathroom trips. Do not go into the stall with a child. It is best to bring more than one child at a time to the bathroom, but if that is not possible, maintain an appropriate distance from the stall.
- Written, verbal and electronic information concerning a student is to be held in strict confidence by all employees, and is considered confidential in nature. The obligation of confidentiality must be carefully fulfilled not only regarding the information on the student's records but also regarding confidential matters learned in the exercise of daily operation and job duties. Under no circumstances should this information be discussed with anyone unless authorization is obtained. Moreover, the records must be duly safeguarded against inspection by those who have no right to see them. Do not discuss such information with other employees unless it is necessary for the educational benefit and/or safety of the student. When such exchange of information is necessary, conversations should be held in privacy. Any requests for information from the media should be referred to administration or other authorized district spokesperson. Do not disclose or respond to questions involving relationships or sexual orientation. Use discretion and consider the age of the child when discussing personal issues.
- Use words with care. Never berate, intimidate, harass, or belittle a child. Giving praise is appropriate but use discretion when complimenting children. Do not get too personal. Be constantly aware of your responsibilities and position as a role model.
- Do not take pictures of children for personal use. If you have or are provided with pictures of children in your charge, do not distribute them on social networking sites.

- Do not "friend" children or approach them on social networks.
- If you are ever unsure about what is appropriate, seek advice from a supervisor or director.
- "Child Abuse" is defined as inflicting or allowing to be inflicted upon such child physical injury by other than accidental means that causes or creates a substantial risk of death, serious or protracted disfigurement, protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ (This includes abuse that can be characterized as sexual in nature). "Child Neglect" is defined as a child whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his or her parent or other person legally responsible for his or her care to exercise a minimum degree of care. If you suspect or have reason to believe that a child has been abused or neglected, or if a child confides that they have been abused or neglected, you must report it immediately to the DCS Hotline 1-800-800-5556.

Violations of This Policy

Individuals who violate this policy could be subject to disciplinary action up to and including dismissal. Outside vendors that violate this policy could be subject to action up to and including removal from the campus and termination of the contract.

I have reviewed this policy with the employee, and given an opportunity for the employee to ask for clarification on any bulleted item.

Signature _____ **Date** _____

This policy has been reviewed and explained to me. My signature below indicates that I fully understand and agree to abide by the policy.

Employee Signature _____ **Date** _____

Printed Name _____

pc: Personnel File

Series 4000 – Support Staff

Sexual and Other Forms of Harassment Policy # 4362

The Board recognizes that a support staff member has the right to work in an environment untainted by sexual or other forms of harassment or discrimination.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature. Other forms of prohibited conduct includes discrimination based on gender, religion, race, color, ethnicity, age, disability, and/or limited English proficiency. A support staff member who feels that s/he has been harassed should consult and follow the procedures in the Discrimination Procedures Manual.

The harassment of a staff member or student of this Corporation is strictly forbidden. If after following the procedures in the Discrimination Procedures Manual any support staff member or agent of this Board is found to have harassed a professional staff member, student, or other employee of this Corporation, s/he will be subject to discipline in accordance with law and/or terms of any applicable collective bargaining agreement.

The Superintendent shall ensure that the policy, names or compliance officers, and Discrimination Procedures Manual are available to all support staff members in appropriate places throughout the Corporation.

Policy References:

- 29 CFR 1604.11
- 42 USC 2000d et seq.
- 42 USC 2000e et. Seq.
- 29 USC 621 et seq.
- 29 USC Section 794
- 42 USC Section 12101 et seq.
- 20 USC 1681 et seq.

Adoption Date: 12/27/1993, Revised: 8/28/1996
4000 – SUPPORT STAFF

Series 4000 – Support Staff
Affirmative Action
Policy # 4122.01

Consistent with the established policy, goals, and objectives of the Corporation and with the directives provided by the Federal and State Government; affirmative action procedures will be established to ensure employment opportunities for all racial minorities and women.

The Corporation wishes to reaffirm its moral and legal commitment to fully support an affirmative action toward equal opportunities in employment. The Corporation further reaffirms its policy not to discriminate against any employee or applicant for employment or promotion because of race, color, creed, national origin, physical disability, age or sex.

The Board's policy not to discriminate in employment includes, but is not limited to the following:

- A. The Board will recruit, hire, and promote for all job classifications, without regard to race, creed, color, national origin, physical disability, age, or sex.
- B. The Corporation will provide equal opportunities for in-service training of employees for the purpose of consideration for promotion during their employment.
- C. The Corporation will ensure that all other personnel actions such as compensation, benefits, lay-off, promotions, and other personnel action not mentioned be administered on a non-discriminatory basis.
- D. The administration will hire staff consistent with Board policies.
- E. The recruitment team will make special efforts to search for and screen minority candidates and shall receive in-service training to prepare themselves for this responsibility.
- F. Administrators and all employees shall be informed in writing of this policy.
- G. As minority staff members are employed they shall be assigned throughout the Corporation.
- H. Consistent with positive employer-employee relationships, a member of the central staff will make follow-up contact with each new minority staff member at least one (1) time during the first year of employment to offer assistance if desired.
- I. The administration shall work cooperatively with teacher training institutions to seek minority student teachers for the Corporation.
- J. The Director of Human Resources shall, under the supervision of the Superintendent, be responsible for the implementation of this policy and shall compile data as are required to evaluate and maintain its effectiveness. On an annual basis or as directed by the Board,

the Superintendent will furnish the Board with a progress report detailing the action taken to implement this policy.

- K. All management personnel shall take the following steps to ensure compliance with the Affirmative Action Program:
 - 1. Disseminate a copy of this policy to all employees under this supervision.
 - 2. Ensure that all employees under their supervision know that the Director of Human Resources is responsible for the local program.
 - 3. Ensure unbiased administration of all personnel policies.
 - 4. Understand the performance of supervisory personnel in the EEO area will be a factor considered in performance evaluation.
- L. In line with the above statements, this Corporation will periodically conduct analysis of all personnel actions, develop goals and timetables, and implement plans to ensure that Equal Opportunity is supported through an affirmative action program.
- M. An Affirmative Action Committee shall be appointed by the Superintendent to monitor the affirmative action activities.

Adoption Date: 12/27/1993
4000 – SUPPORT STAFF

Series 4000 – Support Staff
Criminal History Information
Policy #4121

To help ensure a safe environment, it is the policy of the Corporation to require each potential employee, for non-certified employment with the Corporation, complete an expanded criminal history prior to a recommendation to the Board for employment. The expanded criminal history submitted to the Corporation must be no more than six (6) months old.

For purposes of this policy, “potential employee” means any individual who is applying for employment with the Corporation and/or seeking to enter into a contract to provide services to the Corporation.

An individual who has held a paid position in the school district during the previous 12 months (for 12 month positions) or during the previous school year (for school year positions) shall not be required to obtain a new expanded criminal history. If the individual has not been employed in the school district during the previous 12 months (for 12 month positions) or if the individual was not employed during the previous school year (for school year positions), he or she must obtain a current expanded criminal history.

Each potential employee interviewed will be questioned about the potential employee’s expanded criminal history, if necessary. Failure to answer honestly any question related to the expanded criminal history may be cause for termination of the potential employee if eventually hired.

All costs of obtaining the expanded criminal history are the responsibility of the potential employee. In all cases, the individual shall sign, prior to beginning employment duties, a “Records Release Form” or submit an expanded criminal history report obtained within the last six (6) months.

EMERGENCY PROVISION: In case of an emergency situation, which would delay a school activity or program, an individual may be hired on a provisional status pending receipt of a satisfactory expanded criminal history. Emergency would be defined as a late registration, illness, death, or similar unforeseen occurrence, which would disrupt or delay a school activity/program.

During the course of his or her employment with the School Corporation, support staff member shall be required to report any arrest, criminal charge including driving under the influence of drugs or alcohol, or conviction of criminal charge against him or her to the Superintendent within two (2) business days of the arrest, the charge or the conviction. The Superintendent shall obtain a review of each reported charge or conviction and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the charged or convicted employee.

All Marion Community Schools employees will be placed on a five-year rolling schedule for periodic rechecking of expanded criminal histories.

Policy Reference

I.C. 20-26-5-10

Series 4000 – Support Staff Drug-Free Workplace Policy #4122.02

The Board believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is not tainted by the use or evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol by any member of the Corporation's support staff at any time while on Corporation property or while involved in any Corporation-related activity or event involving students. Any staff member who violates this policy shall be subject to disciplinary action in accordance with Corporation guidelines and the terms of employee agreements.

The Superintendent shall establish administrative guidelines that will best ensure compliance with the intent of this policy and that will provide for appropriate disciplinary actions if and when needed.

Policy Reference

41 USC 701 et seq.

Adoption Date: 12/27/1993, Revised: 4/28/2004
4000 – SUPPORT STAFF

Series 4000 – Support Staff
Use of Tobacco by Support Staff
Policy # 4212

The Board recognizes that the use of tobacco or nicotine-based products presents a health hazard which can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

For purposes of this policy, “use of tobacco”, shall mean all uses of tobacco, including cigar, cigarette, pipe, snuff, chewing tobacco or any other matter or substance that contains tobacco, nicotine, nicotine delivering devices, chemicals or devices that produce the same flavor or effect of nicotine substances; and other tobacco or nicotine innovations.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board cannot, even by indirection, condone the use of tobacco, the Board prohibits the use of tobacco by staff on corporation property.

Staff members are prohibited from smoking when supervising or directing student activities or when present at such activities. This extends also to field trips and athletic events at locations away from school, including while on school vehicles when traveling to and from events.

Prohibitions against use of tobacco products will be posted in a prominent place.

References:

I.C. 16-41-37-1 et seq.

20 USC 7181 et seq.

Adoption Date: 6/9/2004, Revised: 3/7/2007; Effective August 1, 2007, Revised July 14, 2015

**Series 4000 – Support Staff
Student Well-Being
Policy #4213**

Support staff members may be confronted with situations, which if handled incorrectly, could result in liability to the Corporation and personal liability to the staff member.

It is the responsibility of the Superintendent to prepare administrative guidelines to ensure the maintenance of the following standards:

- A. Each support staff member shall report immediately to the principal any accident or safety hazard s/he detects.
- B. A support staff member shall not send students on any personal errands.
- C. A support staff member shall not associate with students at any time in a manner which gives the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances as tobacco, alcohol, or drugs.

This provision should not be construed as precluding a support staff member from associating with students in private for legitimate or proper reasons.

- D. A support staff member shall not transport students in a private care without the approval of the principal.
- E. A student shall not be required to perform work or services that may be detrimental to his/her health.

Adoption Date: 12/27/1993
4000 – SUPPORT STAFF

Series 5000 – Students Student Conduct Policy #5500

The Board holds all students responsible for appropriate conduct as defined in all Board policies and regulations, school handbooks and this document. Board policies and regulations are available at each school and at the Education Service Center, 1240 S. Adams Street, Marion, Indiana.

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law regarding minors. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty shall be maintained in the schools of this Corporation.

The Superintendent shall establish procedures to carry out Board policy and philosophy, and shall hold school personnel, students, and parents responsible for the conduct of students in schools, in school vehicles, at bus stops, to and from school, and at school-related activities and events.

Adoption Date: 8/13/1997
5000 – STUDENTS

Series 5000 – Students
Student Cellular Phone/Electronic Device
Policy #5501

Marion Community Schools policies state that a student will not use during school hours any object that may distract from teaching and learning. Specifically, use of or possession of a pager/radio/listening or recording device (audio or video) or similar items during school hours is prohibited. In keeping with educational and behavioral guidelines, MCS policy herein prohibits the use of the electronic devices during school hours. Students who do not follow this policy may have items confiscated and could also be subjected to additional disciplinary consequences. Students may possess, but not use, a cellular device during school hours unless directed to do so by a teacher.

- First Offense: Parental notification and parental pick up.
- Second Offense: Parental notification and parental pick up. (Level 2 Offense)
- Third Offense: Parental notification and parental pick up. (Level 3 Offense)
- Fourth Offense: Parental notification and parental pick up. (Level 3 Offense)
- Fifth Offense: Parental notification and parental pick up; and, further disciplinary action.

Additionally, any student who refuses to surrender an electronic device to a staff member when directed or those who continue to violate this policy will receive (Level 3) disciplinary action.

Your signature does not imply agreement on your part, but that you have been informed of this policy and the consequences.

Student Signature: _____ **Date:** _____

Parent/Guardian Signature: _____ **Date:** _____

Step or number of offenses in the Procedure: _____

Adoption Date: 6/24/2009, Revised: 5/9/2012
5000 – STUDENTS

Series 5000 – Students

Sexual and Other Forms of Harassment

Policy #5517

The Board recognized that a student has the right to work in an environment untainted by sexual or other forms of harassment or discrimination.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature. Other forms of prohibited conduct include discrimination based on gender, religion, race, color, ethnicity, age, disability, and/or limited English proficiency. A student who feels that s/he has been harassed should notify an administrator.

The harassment of a staff member or student of this Corporation by a student is strictly forbidden. If after following the procedures in the Discrimination Procedures Manual any student is found to have harassed a professional staff member, student, or other employee of this Corporation, s/he will be subject to discipline in accordance with law, Corporation Discipline Policy, and the school student handbook.

The Superintendent shall ensure that the policy, names of compliance officers, and Discrimination Procedures Manual are available to all students in appropriate places throughout the Corporation.

Policy References:

Title IX, 20 U.S.C. 1681
42 USC 1983, Civil Rights Act
42 USC 2000d et seq.
42 USC 2000e et seq.
29 USC Section 794
42 USC Section 12101 et seq.
20 USC 1681 et seq.

Adoption Date: 12/27/1993, Revised: 8/28/1996
5000 – STUDENTS

Series 5000 – Students Corporal Punishment Policy #5630

While recognizing that students may require disciplinary action in various forms, the Board cannot condone the use of unreasonable force and fear as an appropriate procedure in student discipline. Therefore, corporal punishment is not allowed under any circumstances.

Professional staff should not find it necessary to resort to physical force or violence to compel obedience. If all other means fail, staff members may always resort to removal of the student from the classroom or school through suspension (in or out-of-school) or expulsion procedures.

Professional staff as well as support staff, within the scope of their employment may use and apply reasonable force and restraint to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon or within the control of the student, in self-defense or for the protection of persons or property.

Adoption Date: 10/13/1993, Revised: 5/26/2010
5000 – STUDENTS

Series 7000 – Property
COMPUTER, NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY AGREEMENT
Policy #7450

MCS Network and Internet Access –Marion Community Schools (MCS) network access is provided to MCS students, employees, volunteers, and university placed students, subject to the terms and conditions found in this document. The purpose of the access is to facilitate communications in support of research and education. Students utilizing MCS networks and Internet access must first have the permission of and be supervised by MCS's professional staff. MCS does filter Internet access to limit access to material that would violate the terms of this policy, but these technical means are not a foolproof means of enforcing these provisions. Parents and guardians have the option of requesting for their children alternative activities not requiring Internet use. Such a request is to be submitted to the building principal in writing.

Per Federal guidelines, the Corporation recognizes its responsibility to educate students regarding appropriate behavior on social networking and chat room sites and about cyber bullying. Students shall be provided instruction about appropriate online behavior, including interacting with other individuals on social networking and chat rooms sites and cyber bullying. The Curriculum Department of MCS shall be responsible for executing and insuring that this training takes place during each school year.

Filtering Software—All devices connected to the District's network, either district owned or personal, will be subject to MCS internet filtering.

Devices that contain District data—All devices (district owned or personal) that contain district data must be password protected. District data includes, but not limited to: All student information, Staff information, Student and Staff files, District email, and district financial information.

Privileges-- The use of Network/Internet is a privilege, not a right, and inappropriate use may result in cancellation of those privileges. The Superintendent or designee reserves the right to monitor all activity on the system and to inspect any files, including email, stored on the system. Users of the Network provided by the Marion Community School Corporation shall have no expectation of privacy in the material generated or received as a result of system access through this policy. Use of the MCS Network and provided Internet must be in support of education and research that is consistent with the educational objectives of the Marion Community School Corporation.

School Email –All school business should be communicated through the use of school provided email.

Unacceptable Uses—Unacceptable use includes, but is not limited to:

1. Access, upload, download, or distribute defamatory, abusive, obscene, profane, sexually oriented, threatening, harassing, racially offensive, illegally discriminatory, or other illegal materials.
2. Violation of any local, state, or federal statute, rule, regulation, code, ordinance, or other authority.
3. Vandalizing, damage, or tampering with technical equipment.
4. Access another person's materials, information, or files without permission of that person,

which includes logging in as another person.

5. Violate copyright, or otherwise using another person's intellectual property without his or her prior written approval.
6. Violate any district code of conduct.
7. Installation of or connection to any software or hardware.
8. Use of the Network in such a way that would disrupt the use of the Network by other users; this includes sending "chain" messages.
9. Use of the Network for commercial activities, product advertisement, or political lobbying.
10. Commit the School Corporation to any unauthorized financial obligation.
11. The download of any form of executable files, shareware/freeware programs. This includes, but is not limited to: weather programs, IE toolbars, iTunes (and other such programs), stock tickers, and desktop search programs (i.e. Google desktop search).
12. Modifying computer systems in any way – including moving computers, without written approval from the building principal and Technology Supervisor.
13. Any use not in support of education and/or research consistent with the educational objectives of MCS.
14. Excessive personal Internet usage.

Installations-- All installations of software and hardware are subject to these requirements. Software or hardware found on MCS computers or networks in violation of this policy will be removed immediately, reported to the building principal and Technology Department.

Software-- License requirements regarding the method and number of installations for all software programs will be strictly followed, including the registration of shareware programs. Software may only be installed by MCS Computer Technicians, Network Administrator and building level technology coordinators; and only under the following conditions:

1. License requirements are met.
2. Software is approved by a building principal Instructional Services Department, and the Technology Supervisor.
3. Original program media and licensing information are kept in the possession of technology department personnel.

Hardware-- Non-MCS hardware and peripherals may not be connected to MCS computers or network unless approved by the building principal and the Technology Department. This includes, but is not limited to, computers, printers, scanners, cameras, PDAs, hubs, and wireless access points.

Vandalism-- Vandalism includes, but is not limited to, defacing, disassembling, or destroying any part of the computer hardware, software, or software settings, attempting to destroy or harm data. This includes, but is not limited to, the uploading or creating of viruses. Payment for the repair or replacement of damaged hardware or for services needed to undo software changes may be required of the offender.

Privacy-- Users should not expect that any files or messages stored on any school-based computer or network server will be private. The Technology Department, Network Administrator and building principals may review files and messages to maintain system integrity and to ensure that users are acting responsibly.

Network Etiquette-- Users are expected to abide by the generally accepted rules of Network Etiquette. These include, but are not limited to, the following:

1. Do not be abusive in your messages to others
2. Do not swear, use vulgarities, or any other inappropriate language
3. Do not reveal your personal home address or phone number, or those of students or colleagues
4. E-mail is not guaranteed to be private. Staff members who maintain the e-mail system have access to all mail
5. Do not use the Network in a way that would disrupt the use of the Network by others
6. Do not send or transmit any message or communication of any kind which contains or implies any threat of harm, violence, or illegal behavior, or which advocates such acts.

Corporation-Provided Mobile Technology--

1. Overview

MCS may provide mobile technology (laptops, tablets, iPods, iPads) to staff members and/or students to be used at school and off MCS property. The purpose of such mobile technology is to provide opportunities for collaboration within the school corporation and to provide tools to work at home on school-related materials. The corporation-provided mobile technology is not to be considered as personal property. It is corporation-owned property and should be treated accordingly. The following guidelines have been established for use.

2. Purpose

- a. Mobility for moving from room to room, within the building or around MCS schools using the wireless network.
- b. Professional development/collaboration purposes, and/or school related assignments
- c. Use at home for educational productivity

3. Educational Use

- a. While at school, staff and students will ensure that the mobile device is always kept secure when not in use.
- b. Mobile devices can print to the assigned network copier/printer, but are not able to print to any others in the building or district
- c. Periodically, the mobile device must remain at school for necessary updates. Advanced notice will be given along with an approximate timeframe for such work. Updates/maintenance may occur during the school year or during summer months as needed.

4. Home Use

- a. Mobile devices are to be used only by staff or student; other family members may not use the school-owned mobile device
- b. If a mobile device has performance issues, then files may need to be erased and the device reformatted. Because of this potential fix, any information saved to the mobile device will be lost unless it has been backed-up to an external memory source.

- c. Personal files (pictures, videos, music, documents, etc.) may be saved to the mobile device, but should be backed up to an external memory device.
- d. If accessing the Internet from home on the mobile device, access will be filtered as it is at school (via content filtering software).
- e. The Technology Staff does NOT support home or personal use, including but not limited to: troubleshooting home internet service provider issues, installing personal software, printers, or providing access to non-educational websites.

5. Liability

- a. MCS Staff and Students are responsible for maintaining and securing confidential files that may be stored on the mobile device.
- b. MCS Staff and Students may be financially responsible for the replacement cost of the mobile device or its accessories if damaged or stolen while outside the MCS community. If concerned about liability, then the mobile device should remain on MCS grounds at all times.
- c. If damage occurs while on MCS property, disciplinary action may be taken.
- d. MCS is not responsible for damages resulting from the use of the mobile device, which includes, but not limited to: home service interruption, spread of viruses to other personal mobile devices and loss of personal data.

Disciplinary Consequences: Any violation of the aforementioned expectations will result in appropriate disciplinary action – up to and including termination.

Disclaimer

Any violation of District policy and rules may result in loss of District-provided access to the Internet. Additional disciplinary action may be determined at the building level in keeping with existing procedures and practices regarding inappropriate language or behavior. When and where applicable, law enforcement agencies may be involved.

Marion Community Schools makes no warranties of any kind, neither expressed nor implied, for the Internet access it is providing. The District will not be responsible for any damages users suffer, including, but not limited to, loss of data resulting from delays or interruption in service. The District will not be responsible for the accuracy, nature, or quality of information stored on District diskettes, hard drives, or servers; nor for the accuracy, nature, or quality of information gathered through District-provided Internet access. The District will not be responsible for personal property. The District will not be responsible for unauthorized financial obligations resulting from District provided access to the Internet.

Staff members accessing the Internet through the Corporation's computers/Network assume personal responsibility and liability, both criminal and civil, for their own unauthorized or inappropriate use of the Internet.

FCC 11-125

Series 7000 – Property

District Provided Access – Technology Purchasing Guidelines

Policy #7540AG

Technology Purchasing Guidelines

In the realm of computer equipment and related software, there are a vast array of models, vendors, and brands to choose from. In order to make the most appropriate technology purchases possible, it is important to follow the guidelines, regardless of the funding source, as stated below.

Rationale

- To ensure compatibility with all hardware and software purchase
- To maintain an accurate inventory of technology equipment
- To ensure the most economical purchasing
- To ensure purchases can be supported by existing technical staff
- To provide equitable computer systems to all students
- To continue the four-year replacement cycle as planned

Guidelines

- All requests must be submitted to the Technology Department via the “Technology Requisition Form” which has been provided. If you need additional forms, contact the Technology Department. **This form must be signed by the building principal.**
- The technology department must approve all computer hardware purchases. This includes, but is not limited to, the following: **computers, printers, scanners, projectors, video cameras, digital cameras, computer monitors, computer headphones and microphones, keyboards, mice, network devices, and servers.**
- All instructional computer software purchases must be approved first by the Instructional Services Department. Once approved, requests must then be approved by the Technology Department.
- As a general rule, the purchase of additional computers for your building will not be approved if it falls outside of the four-year replacement cycle. It is important that the building principals and the technology department plan accordingly.

Policy References:

Policy #7540

Adoption Date: 1/31/2007
7000 – PROPERTY