

# PERSONNEL

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**PERSONNEL POLICIES GOALS AND OBJECTIVES**

The personnel policies of a school district are an essential part of the program of public education in a community. The philosophy of a school district and the community is generally reflected in these policies.

Through its personnel policies, the Board wishes to establish conditions that will attract and hold the highest qualified personnel for all positions who will devote themselves to the education and welfare of our students.

Policy development must be approached with attitudes of mutual faith and goodwill. Cooperation and participation of the employees' associations, administration, and the Board are essentials in the formulation of personnel policies that will provide a genuine team approach. This will include staff involvement and planning, decision making, and evaluation when appropriate. As long as the predominant values and standards are based upon a democratic philosophy, the personnel policies and procedures will add to the dignity of each individual as well.

Provisions for the implementation of adopted personnel policies should include channels of communication and procedures for the handling of professional and ethical problems, through which all persons or groups affected may voice their opinions.

To keep its personnel policies, and the corresponding administrative regulations, in the highest state of effectiveness to achieve the above purposes, the Superintendent is directed to establish the procedures needed.

**EQUAL OPPORTUNITY COMPLIANCE**

The Spring Lake Board of Education complies with all federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U.S. Department of Education. It is the policy of the Spring Lake Board of Education that no person on the basis of race, color, religion, national origin or ancestry, age, sex, marital status, or handicap shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to, discrimination in any program or activity to which it is responsible or for which it receives financial assistance from the U.S. Department of Education.

**STAFF INVOLVEMENT IN DECISION MAKING**

It shall be the policy of the Board to encourage employee participation in decision making for the school district. The Superintendent is authorized to establish avenues of communication in order to get staff input, as well as appoint committees as necessary to recommend policies and rules for proper functioning of the district.

The Superintendent is also responsible to see that provisions of master agreements which provide for staff input and/or consideration in the decision making process are implemented.

Both the Superintendent and Board shall weigh with care the recommendations of employees or employee groups. However, (except in those instances prohibited by law or master agreements), the Superintendent in making administrative decisions, and the Board in making policy decisions, reserve the authority to make final determinations on issues concerning the school district.

CONTRACT REF: SLEA Contract

**CODE OF ETHICS: TEACHERS**

The Board endorses the following adaptation of the NEA Code of Ethics:

**PREAMBLE**

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards .

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, or parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct.

**PRINCIPLE I – Commitment to the Student**

The educator strives to help each student realize his or her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator –

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning.
2. Shall not unreasonably deny the student access to varying points of view.
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress.
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
5. Shall not intentionally expose the student to unnecessary embarrassment or disparagement.
6. Shall not on the basis of race, color, creed, sex, national origin, marital status, handicaps, political or religious beliefs, or family, social, or cultural background, or sexual orientation, unfairly:
  - a. Exclude any student from participation in any program;
  - b. Deny benefits to any student;
  - c. Grant any advantage to any student.

7. Shall not use professional relationships with students for private advantage.
8. Shall not disclose information about students obtained in the course of professional service, unless disclosure serves a compelling professional purpose or is required by law.

PRINCIPAL II – Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards to promote a climate that encourages the exercise of professional judgment, to achieve conditions which attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator –

1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent his/her professional qualifications.
3. Shall not assist entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
5. Shall not assist a non-educator in the unauthorized practice of teaching.
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
7. Shall not knowingly make false or malicious statements about a colleague.
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or actions.

**CONFLICT OF INTEREST AND NON-SCHOOL EMPLOYMENT**

The personal life of staff members shall be the concern of and warrant the attention of the Board of Education only as it may prevent the employee from properly performing assigned functions during duty hours; or violate local, state, national or common law; or be prejudicial to effective performance on the job. The employee, however, shall not use his/her position to influence students or patrons of the school district for personal gain. In this light, the Board establishes the following:

1. The school district shall make no purchases of supplies, materials or equipment from school employees nor from the member of the household of an employee except as provided in DJGC, which refers to employee purchases.
2. School employees shall not endorse projects or services in such a manner that will identify them as employees of the school.
3. School employees shall make no personal sales of supplies, materials or equipment to students with whom they come in regular contact, nor shall they use their positions to influence such sales.
4. School employees are not permitted to solicit funds, sell products or services on their own behalf on school or during school hours.
5. Employees shall not participate in any activities for which they receive financial remuneration wherein their positions as employees of the school district are used or could be interpreted as being used to sell or promote the sale of goods or services to pupils or patrons of the school district.
6. Employees shall not engage in any other employment or in any private business during the hours necessary to fulfill appropriate assigned duties.
7. Employees shall not engage in work of any type wherein the source of information concerning customer, client or employer originates from any information obtained through the school district.
8. Employees shall not solicit students for attendance at camps, special schools or tutoring through which the employee shall realize financial gain without approval of the Superintendent of Schools.

**NON-SCHOOL EMPLOYMENT OF THE PROFESSIONAL STAFF**

1. A professional staff member shall not hold outside employment and elected office which is incompatible with his/her professional status and responsibilities, which interferes with the performance of his/her professional assignments or which impairs his/her health and ability to discharge his/her professional responsibilities. Nor shall a professional staff member sell or solicit the sale of goods or services on school premises.

2. When a person is hired on a regular full-time basis, the Board considers that it has given the individual full-time employment. It shall, therefore, expect all employees to give the responsibility of their position in the district precedence over any type of outside employment for which compensation is given but which is not within the responsibilities of the employee's regular position in the school system.
3. A professional staff member may, however, accept employment during off-duty time, provided that the following conditions are met:
  - A. The employment in no way conflicts with school related responsibilities (including extracurricular duties) nor controls the degree of effectiveness of the employee in performing his/her work with the school system.
  - B. The employment does not adversely affect the employee's professional status or impair his/her relationship with students, associates or the community.
  - C. The employment does not reflect detrimentally on the school system.
  - D. The employment does not raise a question of conflict of interest, such as the employee having access to information or other advantages useful to him/herself in performance of the outside work or to his/her outside employer.
  - E. The employment does not require or imply the use of any school district facilities or equipment.

It is strongly suggested that employees considering outside employment confer with the Superintendent before accepting such employment to be certain that the type of employment does not conflict with the above conditions.

CONTRACT REF: SLEA Contract and Support Staff Contract  
CROSS REF: File GBC (Staff Ethics);  
File DJGC (Employee and Board Member Purchases  
Through the School)

**STAFF CONDUCT**

Responsibility for acceptable conduct and dress will rest primarily with the employee as a professional individual. The Board, however, expects employees to enforce a standard of conduct and grooming which shall contribute to a high morale and wholesome school reputation and which shall set forth a model worthy of emulation by students.

The administrative superior of the employee may, when deemed advisable, require acceptable conduct or dress on the part of the employee. Such requirements may be imposed to:

1. Guard against jeopardizing the employee/student relationship.
2. Enhance the concept of the school employee as a model for students.
3. Prevent the affronting of community tastes and standards.

All staff members have the responsibility to make themselves familiar with, and abide by, the laws of the state as these affect their work, the policies of the Board of Education and the administrative regulations designed to implement them. All staff members shall be expected to carry out their assigned duties with conscientious concern.

Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities:

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of Board policies and administrative regulations.
3. Diligence in submitting required reports promptly at times specified.
4. Care and protection of school property.
5. Concern and attention toward the staff member's own and the school system's legal responsibility for safety and welfare of students, including the need to assure that students are under proper supervision at all times.
6. Commitment to performing the assignment in such a manner that it contributes most effectively to the education and development of the children with whom the staff member comes in contact.

CONTRACT REF: SLEA Contract

CROSS REF:       File GBC ( Staff Ethics)  
                      File JGA (Corporal Punishment)

**STAFF CONDUCT**

Principals and department supervisors shall assume the major responsibility for interpreting Policy GBCB, taking into consideration the nature of the position, the maturity of students with whom the employee is working and community tastes and standards. To assist administrators, the following guidelines are suggested:

1. Dress and grooming should be clean, neat and appropriate for the position held.
2. Obscene language or profanity have no place in the classroom, on the playground, on the bus, during school sponsored activities or at any time in which the student/employee relationship exists.
3. Dress and grooming which is obscene, bizarre or tends to detract from the educational atmosphere should be considered unacceptable.
4. Smoking or use of alcohol or drugs while performing assigned responsibilities involving students shall not be permitted.
5. School employees should be aware that they are in a position of influencing young people during the most formative years and therefore their conduct and appearance should meet the accepted tastes and standards of the community.

## **FRAUD**

### **Policy**

The corporate fraud policy is established to facilitate the development of controls that will aid in the detection and prevention of fraud against Spring Lake Public Schools. It is the intent of Spring Lake Public Schools to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

Management is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Each member of the management team will be familiar with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of irregularity.

Any irregularity that is detected or suspected must be reported immediately to the Superintendent, who coordinates all investigations.

### **Scope of Policy**

This policy applies to any irregularity, or suspected irregularity, involving employees as well as board members, consultants, vendors, contractors, and/or any other parties with a business relationship with Spring Lake Public Schools (also called the School).

### **Actions Constituting Fraud**

The terms defalcation, misappropriation, and other fiscal irregularities refer to but are not limited to:

- Any dishonest or fraudulent act
- Misappropriation of funds, securities, supplies, or other assets
- Impropriety in the handling or reporting of money or financial transactions
- Profiteering as a result of insider knowledge of school activities
- Disclosing confidential and proprietary information to outside parties
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the School.  
Exception: Gifts less than \$100 in value
- Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment
- Any similar or related irregularity

### **Other Irregularities**

Irregularities concerning an employee's moral, ethical, or behavioral conduct should be resolved by departmental management and the Central Office.

If there is a question as to whether an action constitutes fraud, contact the Superintendent for guidance.

**Investigation Responsibilities**

The Superintendent has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. If the investigation substantiates that fraudulent activities have occurred, the Superintendent will issue reports to the appropriate designated personnel and, if appropriate, to the Board of Directors.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel as will final decisions on disposition of the case.

**Confidentiality**

The Superintendent treats all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify the Superintendent immediately, and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act (see Reporting Procedure section below).

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the School from potential civil liability.

**Authorization for Investigating Suspected Fraud**

The Superintendent will have:

- ❑ Free and unrestricted access to all School records and premises, whether owned or rented; and
- ❑ The authority to examine, copy, and/or remove all or any portion of contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of their investigation.

**Reporting Procedures**

Great care must be taken in the investigations of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way

An employee who discovers or suspects fraudulent activity will contact the Superintendent immediately. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the Superintendent. No information concerning the status of an investigation will be given out. The proper response to any inquiries is: "I am not at liberty to discuss this matter" Under no circumstances should any reference be made to "the allegation," "the crime," "the fraud," "the forgery," "the misappropriation," or any other specific reference.

The reporting individual should be informed of the following:

- Do not contact the suspected individual in an effort to determine facts or demand restitution
- Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the Superintendent.

**Administration**

The Superintendent is responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed annually and revised as needed.

**BOARD/STAFF COMMUNICATIONS**

It is the position of the Board that communication lines with staff are open through the administration, Curriculum Advisory Council, and regular Board meetings.

Therefore, except in unusual circumstances, it shall be the policy of the Board not to meet with specific employee groups on a regular basis.

**STAFF HEALTH AND SAFETY**  
(Physical Examinations)

It is the objective of the Board to encourage employees to maintain good health, avoid exposure to communicable diseases and promptly diagnose conditions which reduce, or may reduce, the effectiveness of professional performance.

The superintendent may require a physical or mental examination of all employees. Specific health or handicap problems shall not affect the employment status unless a condition prevents the individual from performing his/her assignment in a satisfactory manner.

The Superintendent shall establish a procedure for such examinations as may be required to determine the existence of an impairment to the proper discharge of professional duties, or the fitness of an employee to return from leave.

An examination requested by the Board shall be at the expense of the district, and may be made by the school physician or by such other physician or physicians as may reasonably be indicated.

All employees shall submit, as required, certification of their compliance with State laws or regulations or Board policies pertaining to physical examinations, immunization or other required procedures.

LEGAL REF: Department of Health Administrative Rules 325.898  
Michigan Compiled Laws 257.305 Bus Drivers' Physicals

**DUTIES: TEACHERS**

See applicable agreement between the Board of Education of the School District of Spring Lake and:

The Spring Lake Education Association

Teachers will be responsible to the principal for carrying out of policies of the school board as they relate to the function of the school, to the classroom, and to the immediate contact with students and parents. Teachers will be expected to furnish such after-school time as is needed for assisting students, conferring with parents and doing other necessary out-of-school work.

Teacher's specific responsibilities shall be:

1. To direct and evaluate the learning experiences of students in both curricular and extracurricular activities.
2. To provide guidance to students which will promote their proper educational development and welfare.
3. To be responsible for student accounting.
4. To provide for the care and protection of school property.
5. To supervise elementary students on the school grounds during scheduled recess periods.
6. To cooperate with and participate in the planning and the evaluation of the school program.
7. To participate in the business and activities of the faculty.
8. To take part in the inservice education program of the schools.
9. To maintain cordial relationships with colleagues.
10. To follow the ethics of the profession.
11. To support actively all parent-teacher organizations.
12. To enforce policies and regulations as established by the board and professional staff.

### Accident Procedures

If an employee is involved in an accident while in the line of duty, it is necessary to file an accident report within twenty-four hours.

### Supervision of Children

No group of children, either in the classroom or on the playground, should be left unattended by the teacher. Teachers, at all times, are responsible for the conduct and safety of children, and will see that children observe safety rules.

### Plans and Plan Books

All teachers will be provided with plan books. The purpose of these plan books is, first, to provide the teacher with a convenient systematic way of organizing and planning the classroom work for at least one week in advance; and, second, to provide an adequate guide for the substitute who may be called in to take over the class.

These plan books with plans prepared for the following week, may be requested for review at any time by the supervisor or principal. Principals are expected to check plan books from time to time.

It is not intended that these plans be involved or detailed. They are to be brief, general statements of what is planned to be done.

### Bulletin Boards

Teachers are urged to keep bulletin boards as attractive as possible—change them frequently. Having the students responsible for their own bulletin boards can be a worthwhile project in itself.

### Attendance

Attendance at all designated inservice education meetings shall be mandatory.

### Cooperation with Custodians

The work of the custodians in protecting the health of everyone in school makes their job one of utmost importance. Cooperation of all staff members with the custodial staff in keeping the school environment clean and safe will be appreciated. If one has suggestions to make about the way a room or area is being cleaned, referrals should be made to the principal, not directly to the custodial personnel.

### Students' Access to Rooms

A teacher must be present when students are using a room or building of the school. Students or other unauthorized personnel are not to be loaned keys.

Use of School Telephone

School telephones are maintained for the primary purpose of conducting school business. Of a necessity, conversation should be as brief as possible. Only in cases of emergency should teachers or students be called to the phone during class time. In such cases a number should be taken so the party may return the call, thus leaving the line open. In no instance may students or teachers make long distance calls without the approval of the principal.

Leaving Campus during School Hours

No teacher shall leave the school campus during school hours without previous notification and approval of the principal.

Central Office Information, Current

It is the teacher's responsibility to keep the following restricted information currently correct at all times with the personnel office through the principal:

1. Name
2. Address
3. Telephone number
4. Credits earned to meet requirements of the salary schedule
5. Next of kin
6. Dependents (W4)
7. School
8. Updated insurance information

**STAFF PARTICIPATION IN COMMUNITY ACTIVITIES**

Employees of the school district shall be encouraged to take an active part in the activities of the community. Through this participation many avenues may be opened for building community support.

The Superintendent especially is urged to identify him/herself personally with the many facets of community life, thus providing opportunities for all citizens to experience relationship with the schools.

Principals, as leaders of their schools, are encouraged to be active in leading members of the school community.

The degree to which other school employees, especially teachers, are known and accepted as citizens in the community, reflects upon the relationship between the school and community and the general understanding the community has of its schools and the goodwill it has toward them.

**STAFF/STUDENT RELATIONSHIPS**

Staff members shall be expected to regard each student as an individual and to accord each the rights and respect due any individual. The role of the staff member shall be seen not as dictator or controller, but as a facilitator in the learning process. Students shall be treated with courtesy and consideration. Neither insults nor sarcasm shall be used before a student's peers as a means of forcing compliance with the staff member's requirements or expectations.

Likewise, each student shall regard staff members as individuals who have specific knowledge and capabilities and who are employed by the school district to direct the learning process. Whether or not they are members of the teacher's classes or classrooms, students show respect to all teachers; students shall recognize that all teachers have authority to direct and/or reprimand them.

In the best interest of the education and welfare of students, inappropriate personal relationships between a staff member and an individual student shall be avoided. Cultivating such relationships could lead to disciplinary action.

Teachers should be available to provide extra help before and after school for a reasonable amount of time for students who have been absent or need additional assistance. Students should be encouraged to seek the extra help.

CONTRACT REF: SLEA Contract

**STAFF SOLICITATION AND GIFTS**

Because it is the intention of this policy to prevent employees from using children to secure sales from anyone, no employee, officer or agent of the Spring Lake Public Schools shall sell or solicit directly or indirectly, goods or services on the school premises.

Solicitation of money for special community or staff projects from and by staff members shall be permitted only if authorized by the Superintendent or his/her designee according to regulations promulgated by the Superintendent.

**Gifts To and By Staff Members**

The presentation of gifts to school employees by students, parents and/or patrons on such occasions as Christmas shall not be encouraged. When and if such gifts are made, they should not be elaborate or expensive.

Sending letters of appreciation or gratitude in lieu of gifts shall be encouraged.

The above provision shall also apply to the presentation of gifts by school employees to those in administration or supervisory positions.

The provision herein stated shall not preclude significant gifts or tributes in special situations, such as retirement or leaving the system.

**STAFF SOLICITATION AND GIFTS**

In general, any project which requires soliciting funds from school employees shall be approved by the Superintendent. Such solicitation shall be limited and usually involve a total community effort for some cause benefiting the entire community.

When solicitation of funds is approved by the Superintendent, the building principal shall assume the responsibility of directing the project or appoint a staff member to do so.

As with any project in the schools involving money, care must be taken in handling and accounting for such funds. Chairpersons for fund raising projects should develop an accounting process which states where the money comes from, the amount of each donation, etc. Receipts should be used for all transactions. Money in the form of cash should not be sent through the U.S. mail or through the inter-school mail.

Principals shall have the authority to permit solicitation of funds within their own buildings for fellow staff members when the individual has suffered an extreme personal loss (e.g. loss of home because of fire, serious illness, etc.) or when a staff member is retiring. The person or persons desiring to solicit funds for such a purpose must obtain permission from the principal before starting the project.

Approval of the Superintendent is required to solicit funds in buildings other than the assigned building of the staff member for whom funds are being solicited.

**DISTRICT HEALTH CARE PLAN PRIVACY POLICY**

**I. INTRODUCTION**

Spring Lake Public Schools (the "Employer") sponsors the Spring Lake Public School Health Care Plan (the "Plan") to provide certain benefits to eligible employees (the "covered employee"). The Plan provides group health care among other benefits to covered employees, their spouses, and dependents (an "individual"). For purposes of this Privacy Policy, the term "Plan" will mean only those provisions providing group health plan benefits, which include medical spending accounts, hospitalization, basic medical coverage, prescription drug, dental coverage, and vision coverage.

The Employer intends to comply fully with the Privacy Rule requirements of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). Since members of the Employer's workforce may have access to the individually identifiable health information of an individual for administrative functions of the Plan on behalf of either the Plan or the Employer, all members of the Employer's workforce who have access to protected health information must comply with this Privacy Policy.

*Protected Health Information.* Protected health information ("PHI") means information that:

- is created or received by the Plan and relates to the
  - past, present, or future, physical or mental health or condition of an individual;
  - provision of health care to an individual; or
  - past, present, or future payment for the provision of health care to an individual; and
- identifies or can reasonably be used to identify an individual.

PHI includes information of persons living or deceased. PHI does not include information the Employer gathers in its role as an employer, including the administration of disability and life insurance, and employer policies and practices such as workers' compensation, FMLA, or short-term disability benefits.

*Insurers.* Some of the health benefits provided by the Plan are administered by insurers. This Privacy Policy does not apply to PHI in the control of the insurance companies and the privacy policies of the insurance companies do not apply to the Employer.

**II. PLAN'S RESPONSIBILITIES AS COVERED ENTITY**

**A. Privacy Officer and Contact Person**

The Director of Business will be the Privacy Officer for the Plan. The Privacy Officer will be responsible for the development and implementation of policies

and procedures relating to privacy, including but not limited to this Privacy Policy. The Benefits Coordinator will serve as the contact person for covered individuals who have questions, concerns, or complaints about the privacy of their PHI.

**B. Workforce Training**

The Privacy Officer will develop training schedules and programs so that all employees who have access to PHI receive the training necessary and appropriate to permit them to carry out their functions within the Plan.

**C. Technical and Physical Safeguards and Firewall**

The Employer will establish appropriate technical and physical safeguards on behalf of the Plan to prevent PHI from intentionally or unintentionally being used or disclosed in violation of HIPAA's requirements. These safeguards include:

- limiting access to information by creating computer firewalls.
- locking doors or filing cabinets.
- limiting the number of employees who will have access to PHI.
- password protected e-mail addresses for employees with access to PHI. All e-mails must contain the following message:

“CONFIDENTIALITY NOTICE: This message, including any attachments, is for the sole use of the intended recipients(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.”

- faxes will be sent and received by employees with access. Authorized employees must follow the listed procedures:
  - Use a confidential fax cover sheet for distributing, PHI containing the following attachment at the bottom of the facsimile cover page:

"CONFIDENTIALITY NOTICE: This facsimile message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply facsimile and destroy all copies of the original message."
  - Make sure the fax cover sheet contains standard information including: date and time of the fax; sender's name, address, telephone number and fax number; the authorized recipient's

name, telephone number and fax number, and number of pages transmitted.

- When expecting the arrival of a fax containing PHI, coordinate timing with the sender so you can promptly retrieve the fax.
- Faxes with PHI should be deposited in a secure/confidential place when they are delivered and not, for example, left in an in-box that passersby could see.
- Confirm the accuracy of fax numbers (and security of recipient machines) by calling the intended recipients to double-check the numbers, verify the security of their machines, notify them that your fax is on the way, and request verification of its receipt.
- Verify each outgoing transmission is transmitted successfully.
- In the event of a misdirected fax, ensure improperly faxed documents are either immediately returned or destroyed by the recipient. Document that the fax was misrouted, and take (and document) steps to prevent a recurrence of the error.

The Employer will establish firewalls to ensure that only authorized employees will have access to PHI and that these authorized employees:

- will have access to only the minimum amount of PHI necessary for plan administrative functions, and
- will not further use or disclose PHI in violation of HIPAA's privacy rules.

#### D. Privacy Notice

##### 1. Benefits Administered by Us

The Privacy Officer is responsible for developing and maintaining a notice of privacy practices (the "Notice") for the Plan and distributing the Notice to all concerned workforce members. The Notice describes:

- the uses and disclosures of PI-11 that may be made by the Plan;
- an individual's rights; and
- the Plan's legal duties with respect to the PHI.

The Notice informs individuals that the Employer will have access to PHI in connection with its plan administrative functions, including but not limited to payment and health care operations. The Notice also provides a description of the Employer's complaint procedures, the name and telephone number of the contact person for further information, and the effective date of the Notice.

The Notice will be individually delivered to all individuals:

- no later than January 1, 2006;
- on an on-going basis, at the time of an individual's enrollment in the Plan; and
- within 60 days after a material change to the notice.

## 2. Benefits Provided Through Insurance Policies

For group health benefits provided under a policy of insurance, the insurance company will develop and distribute a Notice of Privacy Practices describing how the insurance company will use and disclose medical information. The Notice of Privacy Practices prepared by the insurance company will govern the uses and disclosures of medical information by the insurance company.

## E. Complaints

The Benefits Coordinator, Spring Lake Public Schools, 345 Hammond, Spring Lake, MI 49456 (616) 846-5500 will be the Plan's contact person for receiving complaints. Complaints that are not resolved within 30 days by the Benefits Coordinator may be appealed to the Privacy Officer. The Privacy Officer is responsible for enforcing the process for individuals to lodge complaints about the Plan's use and disclosure of PHI.

## F. Sanctions for Violations of Privacy Policy

The Privacy Officer may apply sanctions (discipline) for using or disclosing PHI in violation of this Privacy Policy in accordance with the Employer's discipline policy, up to and including termination.

First Violation - Written warning

Second Violation - Three (3) day suspension without pay

Third Violation - Termination of employment

## G. Mitigation of Inadvertent Disclosures of Protected Health Information

The Employer will mitigate, to the extent possible, any harmful effects that become known to it of a violation of this Privacy Policy. If an employee becomes aware of a disclosure of PHI that is not in compliance with this Privacy Policy, either by an employee of the Plan or an outside consultant or contractor, the employee must immediately contact the Contact Person or the Privacy Officer so that the appropriate steps to mitigate harm to the individual can be taken.

## H. No Intimidating or Retaliatory Acts; No Waiver of HIPAA Privacy

No employee may intimidate, threaten, coerce, discriminate against, or take other retaliatory action against individuals for exercising their rights, filing a complaint, participating in an investigation, or opposing any improper practice under HIPAA.

No individual will be required to waive his or her privacy rights under HIPAA as a condition of treatment, payment, enrollment, or eligibility.

#### I. Documentation

This Privacy Policy will be documented and maintained for at least six (6) years by the Privacy Officer. This Privacy Policy must be changed as necessary or appropriate to comply with changes in the law, standards, requirements, and implementation specifications (including changes and modifications in regulations). Any changes to this Privacy Policy must be promptly documented. If a change in law impacts this Privacy Policy, the Notice will be promptly revised and made available. Such change is effective only with respect to PHI created or received after the effective date of the revised Notice.

The Plan will document certain events and actions (including authorizations, requests for information, sanctions, and complaints) relating to an individual's privacy rights and maintain records of such events for six (6) years. The documentation of any policies and procedures, actions, activities, and designations may be maintained in either written or electronic form.

### **III. POLICIES ON USE AND DISCLOSURE OF PHI**

#### A. Access to PHI is Limited to Certain Employees

The following employees of the Employer ("employees with access") have access to PHI to perform administrative functions for the Plan. No other employees of the Employer are permitted to have access to PHI.

- Director of Business
- Benefits Coordinator
- Other employees of the Employer who perform functions directly on behalf of the Group Health Plan or who have access to PHI on behalf of the Employer for its use in "plan administrative functions".

These employees may use and disclose PHI for Plan administrative functions, and they may disclose PHI to other employees with access for Plan administrative functions (but the PHI disclosed must be limited to the minimum amount necessary to perform the plan administrative function). Employees with access may not disclose PHI except to other employees with access, unless an authorization is in place or the disclosure otherwise is in compliance with this Privacy Policy. Employees who have access to PHI must comply with this Privacy Policy.

Employees with access may also perform duties for the employer that are not necessary for the administration of the plan, collectively referred to as "employer functions." Some of these employer functions, such as administration of attendance, FMLA, worker's compensation and disability policies, may require the use of individually identifiable health information that is not PHI ("IIHI"). Employees with access will not use or consider PHI in the performance of any employer function unless pursuant to an authorization that specifically permits the disclosure of PHI to the Employer for that purpose. All IIHI collected for employer functions will be maintained separately from Plan files.

#### D. Use and Disclosure Defined

The Employer and the Plan will use and disclose PHI only as permitted under HIPAA. The terms "use" and "disclosure" are defined as follows:

- *Use.* The sharing, employment, application, utilization, examination, or analysis of PHI by any person working for or within the Human Resources Department of the Employer, or by a Business Associate (defined below) of the Plan.
- *Disclosure.* For information that is protected health information, disclosure means any release, transfer, provision of access to, or divulging in any other manner of PHI to persons not employed by or working within the Human Resources Department of the Employer and involved in the administration of the Plan.

#### C. Permitted Uses and Disclosures: Payment and Health Care Operations

PHI may be disclosed for the Plan's own payment or health care operations. PHI may be disclosed to another covered entity or health insurance issuer that participates with the Plan in an organized healthcare arrangement for any health care operations activities of the arrangement. PHI may be disclosed to another covered entity for the payment purposes of that covered entity, or for purposes of the other covered entity's quality assessment and improvement, case management, or health care fraud and abuse detection programs, if the other covered entity has (or had) a relationship with the covered employee and the PHI requested pertains to that relationship.

*Payment.* Payment includes activities undertaken to obtain Plan contributions or to determine or fulfill the Plan's responsibility for provision of benefits under the Plan, or to obtain or provide reimbursement for health care. Payment also includes but is not limited to:

- eligibility and coverage determinations including coordination of benefits and adjudication or subrogation of health benefit claims;
- risk adjusting based on enrollee status and demographic characteristics; and

- ❑ billing, claims management, collection activities, obtaining payment under a contract for reinsurance (including stop-loss insurance and excess loss insurance), and related health care data processing.

*Health Care Operations.* Health care operations means any of the following activities to the extent that they are related to Plan administration, including but not limited to:

- ❑ conducting quality assessment and improvement activities;
- ❑ reviewing health plan performance;
- ❑ underwriting and premium rating;
- ❑ conducting or arranging for medical review, legal services and auditing functions;
- ❑ business planning and development: and
- ❑ business management and general administrative activities.

**D. No Disclosure of PHI for Non-Health Plan Purposes**

PHI may not be used or disclosed for the payment or operations of the Employer's "non-health" benefits (e.g., disability, workers' compensation, life insurance, etc.), unless the covered employee has provided an authorization for such use or disclosure (as discussed in "Disclosures Pursuant to an Authorization") or such use or disclosure is required by applicable state law and particular requirements under HIPAA are met.

**E. Mandatory Disclosures of PHI: to Individual and DHHS**

An individual's PHI must be disclosed as required by HIPAA in two situations:

- ❑ the disclosure is to the individual who is the subject of the information (see the policy for "Access to Protected Information and Request for Amendment" that follows); and
- ❑ the disclosure is made to the U.S. Department of Health and Human Services or DHHS for purposes of enforcing HIPAA.

**F. Permissive Disclosures of PHI: for Legal and Public Policy Purposes**

PHI may be disclosed in the following situations without an individual's authorization, when specific requirements are satisfied, including prior approval of the Privacy Officer. Disclosures are permitted:

1. about victims of abuse, neglect, or domestic violence, if:
  - the individual agrees with the disclosure; or

- the disclosure is expressly authorized by statute or regulation and the disclosure prevents harm to the individual (or other victim) or the individual is incapacitated and unable to agree and information will not be used against the individual and is necessary for an imminent enforcement activity. In this case, the individual must be promptly informed of the disclosure unless this would place the individual at risk or if informing would involve a personal representative who is believed to be responsible for the abuse, neglect, or violence.
2. for judicial and administrative proceedings in response to:
    - an order of a court or administrative tribunal (disclosure must be limited to PHI expressly authorized by the order); and
    - a subpoena, discovery request, or other lawful process, not accompanied by a court order or administrative tribunal, upon receipt of assurances that the individual has been given notice of the request. or that the party seeking the information has made reasonable efforts to receive a qualified protective order.
  3. for law enforcement purposes, if
    - pursuant to a process and as otherwise required by law, but only if the information sought is relevant and material, the request is specific and limited to amounts reasonably necessary, and it is not possible to use de-identified information;
    - information requested is limited information needed to identify or locate a suspect, fugitive, material witness, or missing person;
    - information about a suspected victim of a crime (a) if the individual agrees to disclosure, or (b) without agreement from the individual, if the information is not to be used against the victim, if the need for information is urgent, and if disclosure is in the best interest of the individual;
    - information about a deceased individual upon suspicion that the individual's death resulted from criminal conduct; or
    - information that constitutes evidence of criminal conduct that occurred on the Employer's premises.
  4. for public health activities;
  5. for health oversight activities;
  6. to a coroner or medical examiner about decedents, for the purpose of identifying a deceased person, determining the cause of death, or other duties as authorized by law;

7. that relate to workers' compensation programs, to the extent necessary to comply with laws relating to workers' compensation or other similar programs; and
8. for other legal or Public Policy purposes authorized by the HIPAA Privacy Regulations, 45 C.F.R. § 164.512.

#### G. Disclosures of PHI Pursuant to an Authorization

PHI may be disclosed for any purpose if our authorization form, or a form acceptable to us, is fully completed and signed by the individual or the individual's representative. A copy of the signed form will be returned to the individual after it is received by the Plan. All uses and disclosures made pursuant to a signed authorization must be consistent with the terms and conditions of the authorization. Information disclosed pursuant to an authorization may be re-disclosed by the recipient and will no longer be subject to this Privacy Policy. The authorization may be revoked by writing to the Privacy Officer at any time, but revocation will not affect disclosures made prior to the revocation.

To be effective all information on the authorization must be completed. This includes specifically and meaningfully describing the information to be disclosed and the purpose of the disclosure, and identifying the persons authorized to disclose the PHI and the persons to whom disclosure may be made. The authorization must specify an expiration date or time period, and will not be used beyond that date. It must be signed and dated by the individual, or if signed by a representative of an individual, must include a statement describing the representative's authority to act for the individual. If payment, treatment or enrollment is conditioned upon receipt of the authorization, the form will state this.

#### H. Complying With the "Minimum-Necessary" Standard

*Minimum Necessary When Disclosing and Requesting PHI.* For making disclosures or requests for PHI to any party for any purpose, information must be the minimum necessary to accomplish the purpose of the disclosure.

The "minimum-necessary" standard does not apply to any of the following:

- uses or disclosures made to the individual;
- uses or disclosures made pursuant to a valid authorization;
- disclosures made to the DOL;
- uses or disclosures required by law;
- uses or disclosures required to comply with HIPAA; and
- disclosures made to a health care provider for treatment, payment, or health care operations.

**I. Disclosures of PHI to Business Associates**

Employees with access may disclose PHI to the Plan's business associates and allow the Plan's business associates to create or receive PHI on its behalf. However, prior to doing so, the Plan must first obtain assurances from the business associate that it will appropriately safeguard the information. Before sharing PHI with outside consultants or contractors who meet the definition of a "business associate," employees with access must contact the Privacy Officer and verify that a business associate contract is in place.

*Business Associate* is an entity that:

- performs or assists in performing a Plan function or activity involving the use or disclosure of protected health information (including claims processing or administration, data analysis, underwriting, etc.); or
- provides legal, accounting, actuarial, consulting, data aggregation, management, accreditation, or financial services, where the performance of such services involves giving the service provider access to PHI.

**J. Disclosures of De-Identified Information**

The Plan may freely use and disclose "de-identified" information. De-identified information is health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual. The two ways a covered entity can de-identify information are by professional statistical analysis or by removing 18 specific identifiers specified in 45 C.F.R. § 164.514.

**K. Requests for Disclosure of PHI From Spouses, Family Members, and Friends**

The Plan will not disclose PHI to family and friends of an individual except as required or permitted by HIPAA. The Plan may disclose a limited amount of PHI (excluding diagnosis) in an explanation of benefits as part of the Plan's payment functions.

PHI, including diagnosis, may be disclosed without an authorization if the spouse, family member, or personal friend is:

1. the parent of the individual and the individual is a minor child;
2. the personal representative of the individual, in which case the PHI may be released by following the procedure for "Verification of Identity of Those Requesting Protected Health Information"; or
3. the covered employee, and the individual participates in the Plan as the dependent of the covered employee, and the covered employee contacts the Plan to discuss payment related to the individual's health care. In this circumstance the Plan may reasonably infer that it is in the individual's best interest to allow the covered employee to act on behalf of the individual and

the Plan may disclose PHI directly relevant to the covered employee's involvement with the individual's care or payment. The Plan will not disclose information to a non-employee spouse or parent who is not a personal representative of the individual.

An individual may revoke the Plan's authority to disclose PHI pursuant to 2, or 3 above by filing a written request for restriction of disclosure with the Plan. All other requests from spouses, family members, and friends must be authorized by the individual whose PHI is involved pursuant to the procedures for "Disclosures Pursuant to Individual Authorization."

#### **IV. POLICIES ON INDIVIDUAL RIGHTS**

##### **A. Access to Protected Health Information and Requests for Amendment**

HIPAA gives individuals the right to access and obtain copies of their PHI that the Plan (or its business associates) maintains in designated record sets. HIPAA also provides that individuals may request to have their PHI amended. The Plan will provide access to PHI and it will consider requests for amendment that are submitted in writing by individuals pursuant to the procedures specified in the Notice. The Privacy Officer may deny requests for documents that were compiled for a legal proceeding or information obtained under a promise of confidentiality. *Designated Record Set* is a group of records maintained by or for the Plan that includes:

- the enrollment, payment, and claims adjudication record of an individual maintained by or for the Plan; or
- other PHI used, in whole or in part, by or for the Plan to make coverage decisions about an individual.

##### **B. Accounting**

An individual has the right to obtain an accounting of certain disclosures of his or her own PHI by submitting a written request to the Privacy Officer. This right to an accounting extends to disclosures made in the last six (6) years, other than disclosures:

- to carry out treatment, payment, or health care operations;
- to individuals about their own PHI;
- pursuant to an otherwise permitted use or disclosure;
- pursuant to an authorization;
- for purposes of creation of a facility directory or to persons involved in the patient's care or other notification purposes;
- as part of a limited data set; or

- for other national security or law enforcement purposes.

The Plan will respond to an accounting request within 60 days. If the Plan is unable to provide the accounting within 60 days, it may extend the period by 30 days, provided that it gives the individual notice (including the reason for the delay and the date the information will be provided) within the original 60-day period.

The accounting must include the date of the disclosure, the name of the receiving party, a brief description of the information disclosed, and a brief statement of the purpose of the disclosure (or a copy of the written request for disclosure, if any).

The first accounting in any 12-month period will be provided free of charge. The Privacy Officer may impose reasonable production and mailing costs for subsequent accountings.

#### C. Requests for Alternative Communication Means or Locations

Individuals may request to receive communications regarding their PHI by alternative means or at alternative locations. For example, individuals may ask to be called only at work rather than at home. Such requests may be honored if, in the sole discretion of the Privacy Officer, the requests are reasonable and do not impose an administrative burden on the Plan.

However, the Plan will accommodate reasonable requests for the communication of PHI by alternate means or at alternate locations if the individual clearly provides information that the disclosure of all or part of that information could endanger the individual. The Privacy Officer has the responsibility for administering requests for confidential communications.

#### D. Requests for Restrictions on Uses and Disclosures of Protected Health Information

An individual may request restrictions on the use and disclosure of the individual's PHI. It is the Plan's policy to attempt to honor such a request only in rare and unusual circumstances and only if, in the sole discretion of the Privacy Officer, the request is reasonable. The Privacy Officer is responsible for administering requests for restrictions.

#### E. Verification of Identity of Those Requesting Protected Health Information

The identity of individuals who request access to PHI will be verified. The authority of any person requesting access to PHI will be verified if the identity or authority of such person is not known.

*Request Made by Individual.* When an individual requests access to his or her own PHI, the individual, unless personally known to the Plan representative, must present a valid driver's license, passport, or other photo identification issued by a

government agency. A copy of the identification will be made and filed with the individual's designated record set.

*Request Made by Parent Seeking PHI of Minor Child.* When a parent requests access to the PHI of the parent's minor child, the person's relationship with the child will be verified by confirming enrollment of the child in the parent's plan as a dependent, and the same identification procedure will be followed as for an individual's request.

*Request Made by Personal Representative.* When a personal representative requests access to an individual's PHI, a copy of a valid power of attorney will be copied and filed with the individual's designated record set.

*Request Made by Public Official.* If a public official requests access to PHI, and if the request is for one of the purposes set forth above in "Mandatory Disclosures of PHI," or "Permissive Disclosures of PHI," one or more of the following actions will be taken to verify the official's identity and authority:

- ❑ An agency identification badge, other official credentials, or other proof of government status will be copied and filed with the individual's designated record set.
- ❑ If the request is in writing, it will be verified that the request is on the appropriate government letterhead.
- ❑ If the request is by a person purporting to act on behalf of a public official, a written statement on appropriate government letterhead will be requested stating that the person is acting under the government's authority, or other evidence or documentation of agency, such as a contract for services, memorandum of understanding, or purchase order, that establishes that the person is acting on behalf of the public official.
- ❑ A written statement of the legal *authority* under which the information is requested or, if a written statement would be impracticable, an oral statement of such legal authority will also be required. If the individual's request is made pursuant to legal process, warrant, subpoena, order, or other legal process issued by a grand jury or a Judicial or administrative tribunal, contact the Privacy Officer.

**V. EFFECTIVE DATE**

The Privacy Policy is effective January 1, 2006.

This Privacy Policy is adopted this 19<sup>th</sup> day of December, 2005.

SPRING LAKE PUBLIC SCHOOLS  
HEALTH CARE PLAN  
by and through its Plan Sponsor,

SPRING LAKE PUBLIC SCHOOLS

By \_\_\_\_\_

Its \_\_\_\_\_

**PERSONNEL RECORDS**

A personnel folder shall be maintained for each employee of the school district and shall generally include but not be limited to the following: application, recommendations, college or educational credentials, transcripts, correspondence, pertinent data concerning employees, anecdotal notes and evaluation reports. No material, except for statistical information, may be placed within an employee's personnel file without the employee being informed prior to or at the time the material is being placed therein.

Personnel folders shall be considered confidential, exempt from disclosure under the Freedom of Information Act (Act 422 of the Public Acts of 1976), and kept in locked files. Personnel folders of employees who have left the district's employment shall be similarly kept, but in an inactive file.

Administrators or persons in supervisory positions shall have access to the personnel folders of those employees with whom they have an employer-employee relationship.

As the employer, the Board of Education may have access to personnel folders of employees when such access is deemed necessary by the Board in the employer-employee relationship. Individual Board members, however, shall not have access to personnel records of employees except such records as may be deemed appropriate for disclosure to any citizen under the Freedom of Information Act.

Personnel records shall not be available to third parties, except to a party who is authorized by the employee.

Personnel records shall be defined as records kept by the school district, which identify the employee to the extent that the record is used or has been used, or which may affect an area relative to that employee's qualifications for employment, promotion, transfer, additional compensation or disciplinary action. The following shall not be considered personnel records as defined in Public Act 397 of the Public Acts of 1978:

1. Employee references supplied to an employer if the identity of the person making the reference would be disclosed.
2. Materials related to the employer's staff planning with respect to more than one employee, including salary increases, management bonus plans, promotions and job assignments.
3. Medical reports and records made or obtained by the employer if such are available to the employee from their original source.
4. Information of a personal nature within the personnel folder concerning a person other than the employee, when disclosure would constitute an unwarranted invasion of privacy.
5. Information relating to an investigation that is kept separately from other records pursuant to Section 9 of Public Act 397 of the Public Acts of 1978.

6. Records related to grievance investigations which are kept separate and are not used for the purpose of employment, promotion, transfer, etc.
7. Records kept by an executive, administrator or professional employee that are kept in the sole possession of the maker of the record and which are not accessible or shared with other persons. Such information may be made a part of the personnel record if entered not more than six months after the date of the occurrence or the date the fact becomes known.

Personnel record information not included in the personnel record of an employee but which should have been, may not be used in a judicial or quasi-judicial proceeding except when the judge or hearing officer determines that the information was not intentionally excluded or if the employee agrees or has been given a reasonable time to review the information. Material which should have been included may be used at the request of the employee.

Requests to review records shall be made in writing to the Superintendent of Schools or his/her designee. Arrangements for an appointment for the review shall be made by the end of the work day following the receipt of the request. Records shall be reviewed in the office of the Superintendent of Schools or place designated by him/her during normal office hours at a time which will not interfere with the employee's work assignment. Other arrangements will be made, however, if the time and/or place make it impossible for the employee to review the records without taking time off from his/her work assignment.

After reviewing the records and at the employee's request, copies of the information or parts of the information in the employee's record shall be made available to the employee. A fee for copying such information shall be charged according to fees established under the Freedom of Information Act. If arrangements cannot be made to review the record with the employee, copies of the record shall be mailed to the employee upon his/her written request.

If an employee disagrees with information contained in his/her personnel record, its removal or correction may be mutually agreed upon or the employee may submit a written statement explaining his/her position. Such statement shall not exceed five (5) sheets of 8-1/2 x 11 inch paper and shall be included when the information is divulged to a third party as long as the original information is a part of the file.

Employee records shall not contain records of an employee's association, political activities, publication or communications of nonemployment activities unless:

1. The information is submitted in writing by or authorized to be kept or gathered by the employee; or

2. The activities occur on the employer's premises or during the employee's working hours in such a way as to interfere with the performance of the employee's duties or those of other employees. If kept, such information shall be a part of the personnel record available to the employee.

A separate file may be maintained relative to an investigation when the school district has reasonable cause to believe that an employee is engaged in criminal activity which could cause damage or disruption to the school district. At the end of the investigation or at the end of two years, whichever comes first, the employee must be notified that an investigation has taken place or is in progress. If disciplinary action is not taken as a result of the investigation, all copies of the material shall be destroyed.

This policy does not preclude the right of the employer to give oral or written information to a prospective employer concerning the employee's work. However, no reference shall be made to information developed concerning a disciplinary record, letter of reprimand or other disciplinary action unless:

1. Written notice to the employee is sent by first class mail to the employee's last known address on or before the date the information is divulged.
2. The employee has specifically waived written notice as part of a written employment application with the prospective employer.

No discipline reports, letters of reprimand or other records of disciplinary action shall be divulged to a third party if such records are more than four years old.

LEGAL REF: Michigan Compiled Laws, 423.501-423.512 (Act 397 of Public Acts of 1978); Michigan Compiled Laws 15.231-15.246; 423.501-423.512 (Act 397 of the Public Acts of 1978)

**UNAUTHORIZED RELEASE OF INFORMATION**

Employees of Spring Lake Public Schools have an ongoing opportunity to access confidential information or records that are only available to the general public on a limited review or purchase basis. Much of the information processed by Spring Lake Public School employees is confidential, and its release is governed by law; for example, driver record and vehicle registration information. Employees must not divulge information contained in the records and files of the Department of State, except to other employees who may need such information in connection with their duties.

If an employee is approached to provide information inappropriately, the employee must refuse to release the requested information in accordance with applicable procedures, or refer the requestor to the employee's immediate supervisor.

It is a very serious offense (with a penalty as severe as dismissal), for an employee to release or use for personal purposes, confidential information obtained from the Department of State in the course of employment. Any employee who inappropriately releases information, or uses confidential information for personal reasons, will be disciplined in accordance with established policies and procedures.

**STAFF COMPLAINTS AND GRIEVANCES**

The Board of Education recognizes the need to provide for the orderly resolution of disagreements or complaints arising out of alleged violation of Board policies or administrative rules or regulations which are not covered under the collective bargaining agreement with the union representing the involved employee(s). Every attempt should be made to resolve the complaint with the immediate supervisor of the employee. If this is not possible, an orderly review procedure will be developed by the Superintendent.

The procedures established for resolution of grievances in contracts negotiated with recognized employee organizations shall apply only to grievances as defined by the particular agreement.

**CONTRACT REF:** SLEA Contract and SLESPA Contract

**STAFF COMPLAINTS AND GRIEVANCES**

Complaints or disagreements by staff members who do not have a grievance procedure specified by a labor agreement and concerned about a Board policy or its implementation, shall be resolved by the following procedures:

1. The complaint or concern shall be discussed informally with the employee's immediate supervisor in an attempt to resolve the problem.
2. If the problem is not solved at the informal session, the employee shall formally file the complaint in writing with the immediate supervisor who shall answer in writing within five (5) days.
3. If the employee is not satisfied with the proposed solution, he/she shall within five (5) days file the complaint in writing with the Superintendent of Schools. The Superintendent shall investigate the problem and arrange to meet with the employee (and if deemed advisable, a joint meeting with the employee and immediate supervisor), in an attempt to bring about a satisfactory solution. The Superintendent shall answer the employee in writing within ten (10) days.

**SEXUAL HARASSMENT AND INTIMIDATION**

The superintendent shall maintain a working environment in the district that is free from discriminatory insult and sexual intimidation or harassment.

Any incident of sexual insult, intimidation, or harassment in any form shall be promptly reported to the employee's immediate supervisor, or the building principal in the case of students. The immediate supervisor or principal shall report such incidents to the superintendent.

Any employee who engages in sexual insults, intimidation, or harassment could receive discipline up to and including discharge. At the absolute minimum, the employee shall be reprimanded and counseled to refrain from such conduct. Continuing to engage in such behavior shall result in progressively severe discipline up to and including discharge.

**Definition of Sexual Harassment**

Unwelcome sexual advances; requests for sexual favors; or other verbal or physical conduct of a sexual nature may constitute sexual harassment where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or educational development;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual; and
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

The Board of Education, or their designee, shall have the responsibility of selecting the grievance officer. The grievance officer shall be vested with the authority and responsibility for processing all sexual harassment complaints in accordance with the procedures to follow:

**Procedures**

Anyone in the district who believes that they have been subjected to sexual harassment shall report the incident(s) to the grievance officer. The grievance officer shall attempt to resolve the problem in an informal manner through the following steps:

1. The grievance officer shall confer with the charging party in order to obtain a clear understanding of that party's statement of the facts;
2. The grievance officer shall attempt to meet with the charged party in order to obtain a response to the complaint;
3. The grievance officer may hold as many meetings with the parties as is necessary to gather facts; and

4. On the basis of the grievance officer's perception of the situation, may:
  - A. Attempt to resolve the matter informally through conciliation; or
  - B.
    1. If the grievance officer is not the Superintendent, report the incident and transfer the record to the Superintendent and so notify the parties by certified mail. The Superintendent may attempt to gather any more evidence necessary to decide the case, and thereafter impose any sanctions deemed appropriate, including a recommendation to the Board for termination or expulsion.
    2. If the grievance officer is the Superintendent, proceed to impose any sanctions deemed appropriate, including a recommendation to the Board for termination or expulsion.

All matters involving sexual harassment complaints shall remain confidential to the extent possible.

**EMPLOYEE DRUG PREVENTION POLICY**

The Board of Education, as an employer, is concerned with the well-being of its employees, the need to maintain employee productivity and the successful accomplishment of its mandate to provide education to the students of the Spring Lake Public Schools. Moreover, the Board of Education recognizes that its employees serve as role models to students. Substance abuse by employees constitutes a grave threat to their physical and mental well-being, significantly impedes their work objectives and job performance, and is a detriment to their effectiveness as a positive role model. Accordingly, it is the policy of the Board of Education to implement a drug prevention program and to prohibit the unlawful possession, use, distribution or being under the influence of illicit drugs and alcohol by all employees on school premises or as part of any school business, activity or function pursuant to Public Law 101-226, otherwise known as the Drug-Free Schools and Communities Act Amendments of 1989, 20 USC, (3171) et. seq., and its promulgated regulations, 34 CFR Part 86.

**Definitions:**

“Illicit substances” include alcohol or alcoholic beverages in any form; illegal drugs, including but not limited to those substances defined as “controlled substances” pursuant to Federal and Michigan law; anabolic steroids, human growth hormones or other performance-enhancing drugs; substances purported to be illegal, abusive or performance-enhancing, i.e., “look-alike drugs.” See e.g., 21 USC, 802; MCL 333.87104, MCL 333.17766a., MCL 436.2.

“School premises” include any school building or any other school property which is owned, leased or otherwise occupied for school purposes or in connection with any school business, activity or function; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or a school business, activity or function off school property.

“School business, activity or function” includes any school-sponsored or school-approved activity, event or function, such as, for example, a field trip or athletic event, where students are under the jurisdiction of the school district; any activity performed by the employee which is within the scope of his or her employment, duties or job description.

**Responsibility**

The Board of Education delegates to the Superintendent the responsibility to implement and oversee the requirements of this policy, including but not limited to:

1. The provision of a written certification to the Michigan Department of Education that the Board of Education has adopted and implemented an employee drug prevention program pursuant to the Drug-Free Schools and Communities Act.
2. The distribution to all employees of the Board of Education’s policy

regarding the drug prevention program for employees, which includes a copy of the standards of conduct required by the policy and the statement of disciplinary sanctions, as well as notification that compliance with the standards of conduct is mandatory.

3. A biennial review of its employee drug prevention program to:
  - a. determine its effectiveness and implement changes to the program if they are needed; and
  - b. ensure that the program's disciplinary sanctions are consistently enforced.
4. The provision of access to personnel, records, documents, and any other information necessary to review the adoption and implementation of the school district's drug prevention program if the Michigan Department of Education selects the Spring Lake Public Schools for review.
5. The provision of information, upon request, to the Secretary of Education, the Department of Education, and the public about the elements of the school district's drug prevention program, including the results of its biennial review.
6. Maintenance of records related to the school district's compliance with the certification requirements of the Drug-Free Schools and Communities Act.

Standards of Conduct:

The unlawful possession, use (including but not limited to application, injection, inhalation, or ingestion), distribution or being under the influence of illicit substances by any employee while on school premises, performing school business or as part of any school activity or function is strictly prohibited. Compliance with the standards of conduct in this policy is mandatory and shall not be construed to be voluntary.

Disciplinary Sanctions:

Disciplinary sanctions, up to and including termination of employment, will be imposed on employees who violate the above standards of conduct. It is the intention of the Spring Lake Public Schools to impose disciplinary sanctions in a consistent manner. An employee who violates the terms of this policy may be non-renewed or his or her employment may be suspended or terminated. An employee who violates the standards of conduct will also be reported to law enforcement officials, where appropriate. This enumeration of possible sanctions shall not be construed as limiting the Board's complete discretion to impose the sanction it deems appropriate or to require a particular sanction to be imposed.

At the discretion of the Board, an employee who violates the terms of this policy shall satisfactorily participate in a drug abuse assistance or rehabilitation program approved by the Board. If the employee fails to satisfactorily participate in such a program, the employee shall be non-renewed or his or her employment may be suspended or terminated. The Board of Education recognizes that substance abuse in the form of alcoholism or chronic drug abuse may be characterized as an illness. Accordingly, an employee who violates the standards of conduct may be eligible for an appropriate counseling, rehabilitation and/or re-entry program under the following criteria:

1. The employee's conduct is not episodic, but rather represents an addictive behavior.
2. There is a reasonable expectation of recovery.
3. The employee's participation is voluntary.

Disciplinary sanctions against employees, including non-renewal, suspension and termination of employment shall be in accordance with the prescribed procedural and substantive requirements of school district administrative regulations and procedures, any applicable collective bargaining agreement or individual contract, and applicable statutes.

#### Counseling, Rehabilitation and Re-entry Programs

Information about any drug and alcohol counseling, rehabilitation and/or re-entry programs is available to employees from the Superintendent's Office. The school district's provision of this information neither constitutes an endorsement of the counseling, rehabilitation and/or re-entry program, nor is it an expressed or implied offer to pay, in full or in part, any expenses which the employee may incur for his or her participation in such a program.

#### Legal Authority

20 USC (3171) et seq.; 34 CFR Part 86 et seq.; MCL 37.1211; MCL 380.1275; MCL 380.1300.

**PROFESSIONAL STAFF POSITIONS**

New professional staff positions shall be established by the Board upon recommendation of the Superintendent. Elimination of such positions shall also require Board approval upon the recommendation of the Superintendent.

The Superintendent shall be responsible for developing job descriptions for the various positions. Such descriptions shall be presented to the Board at the time the recommendation is made to approve the position.

**REGULAR LEAVE OF ABSENCE**

It is the objective of the Board to make reasonable provision for the personal illness of teachers, to protect pupils and employees from the possible spread of infection, to provide for illness in the immediate family, to protect the teachers and the district from abuses of sick leave privileges, to make provision for the transaction of personal business and to promote good teacher attendance; thus, maintaining the integrity and sequence of the educational program and containing unnecessary expenditures.

**ABSENTEEISM AND TARDINESS**

It is the objective of the Board to promote staff punctuality and attendance, to protect the students, teachers and administration from hardships created by staff absences and tardiness and to provide a procedure for the reporting and disposition of absenteeism and tardiness.

Under no circumstances shall a teacher be absent from school without the advance knowledge and approval of the building principal or his/her designee, except as otherwise expressly permitted by these policies.

The Superintendent or his/her designee shall establish a reporting time for each teaching position and failure to be present and prepared to perform the assignment at the established time and place shall constitute tardiness.

It is the responsibility of each teacher to reasonably anticipate events which will necessarily result in tardiness or absence. Each teacher shall be responsible for promptly reporting his/her tardiness or absence and the reason to the principal of the building. In case of an unexcused absence or tardiness, deduction may be made for each day of absence or proportionate part.

Habitual absenteeism or tardiness shall constitute reasonable and just cause for suspension, demotion or termination.

**PROFESSIONAL STAFF RECRUITING**

The Board of Education recognizes that a dynamic and efficient staff, dedicated to education, is necessary to maintain a constantly improving educational program. The Board is interested in its personnel as individuals and recognizes its responsibility for promoting the general welfare of the entire school staff. It is the objective of the Board to maintain a stable staff of competent personnel with such skills and experience as may from time to time be required to effectively develop and implement the educational policies and programs of the district. Assignment of all employees will be the responsibility of the Superintendent or his/her administrative staff. The goal of assigning and recruiting staff is to provide the best possible educational system for the students of the Spring Lake Public Schools.

The Superintendent of Schools and/or the administrator(s) designated by him/her shall recruit, interview and recommend to the Board appointments to all teaching and administrative positions in the school district except that of Superintendent of Schools. The Superintendent's recommendation shall be in writing. The Board shall accept or reject those so recommended. In case of rejection, it is the duty of the Superintendent to make another recommendation; which may be made immediately or at a subsequent meeting.

It shall be the duty of the Superintendent to see that persons nominated for employment meet all certification requirements and the requirements of the Board for the type of position for which the nomination is made.

In instances of vacancies in administrative positions, the Superintendent shall furnish the Board with a summary of the qualifications of the top three candidates considered for the position along with a listing and a brief statement concerning all candidates interviewed. The Superintendent shall, however, recommend one candidate for employment.

The following criteria and guidelines shall be used in the selection of professional personnel:

1. Each teacher shall hold a bachelor's degree and a valid teaching certificate which qualifies him/her to teach in the grade and subject area assigned. Teachers in grades 9-12 shall meet the standards of the North Central Association of Schools and Colleges. Deviations from North Central Association standards may be made only in emergency situations, and the appointment will not be for more than one school year. Teachers in grades seven and eight and teachers in special subject areas in the elementary school shall preferably possess at least a minor in the subject area or areas for which they are hired. There shall be a complete set of credentials on file for each applicant while being considered for a position.
2. All candidates recommended by the Superintendent shall have had a personal interview with the Superintendent or his/her designee.
3. District residency of teaching staff shall not be made a condition of employment, except when distance and travel time involved may interfere with the proper discharge of professional duties.

**PERSONNEL**

**File: \_\_\_\_\_ GCC (Cont.)**

4. Major factors to be considered in the selection of professional personnel shall include training and certification, college academic record, intelligence, emotional stability, personality, recommendations and compatibility and suitability for a specific position.
5. There shall be no discrimination in hiring practices due to religion, race, color, national origin, age, sex, height, weight, marital status or physical handicap.
6. Every attempt shall be made to develop a staff with wide variations in background, educational preparation and experience.
7. Recruitment procedures shall not overlook the talents and potential of individuals already employed in the school district.
8. Interviewing and recruitment procedures shall ensure that the administrator who is to be directly responsible for the work of a staff member has an opportunity to aid in the selection. However, the final selection shall be made or approved by the Superintendent.
9. In selecting personnel for specific assignments, the Superintendent shall at all times comply with appropriate and relevant provisions of the master contract.
10. Candidates shall not be disqualified by reason of concurrent employment of the candidate's spouse. No candidate, however, is to be employed for or assigned to a position where he/she shall be supervised in part or in whole by a member of his/her immediate family or to a position in which the candidate would have the responsibility of supervising a member of his/her immediate family. Immediate family shall be defined as husband, wife, child, mother, father, sister, brother or immediate in-law. This provision applies to all full-time and regular part-time employees, but not day-to-day substitutes.
11. All administrators shall be required to live within a 15-mile radius of 130<sup>TH</sup> Ave. and M104. Failure to do so will automatically void the administrator's contract and shall be so stipulated as a condition in their contract of employment.

**LEGAL REF:** Michigan Civil Rights Act of 1976  
General School Laws, 380.132 and 380.1231

**CROSS REF:** File GBA (Equal Employment Opportunity)  
File GCBA/GCBE (Professional Staff Contracts)

**SUBSTITUTE TEACHERS**

The Superintendent is authorized to employ as many substitute teachers as may be necessary to take the place of regular teachers who are temporarily absent. All substitute teachers must be certified by the Michigan Department of Education and shall, to the extent possible, be assigned to positions in their area of training and competence.

Substitute teachers shall be expected to provide educational services rather than to merely supply a pupil supervisory role. They shall be provided with as much support as possible by building administrators and teachers. All teachers shall provide a "sub file" which contains general plans for the substitute teacher to use. These plans shall be readily accessible and should cover a minimum of two (2) days time.

The Board of Education, upon recommendation of the Superintendent, shall establish daily compensation rates for substitute teachers which shall remain in effect until changed by the Board.

Eligibility of substitutes for unemployment benefits shall be as provided by law.

LEGAL REF: General School Laws, 380.1236  
Michigan Compiled Laws, 421.42 and 421.50

**PROFESSIONAL STAFF PROBATION AND TENURE**

Administering the Tenure Act

The Superintendent and principals are responsible for administering the Michigan Teacher Tenure Act. Provisions for evaluation of both probationary teachers and tenured teachers on a regular basis is a top priority and the Superintendent is responsible for developing procedures to meet this priority.

Appraisal of teaching service should serve three purposes:

1. To aid the individual teacher to grow professionally.
2. To raise the standards of the teaching profession as a whole.
3. To raise the quality of instruction and educational services to the children of our community.

The Superintendent shall annually notify the Board of those probationary teachers who in the judgment of the administration:

1. Should be terminated
2. Should be continued on probation
3. Should be granted tenure.

Such recommendations shall include documented rationale to justify the recommended action. Before arriving at a decision regarding an individual teacher's employment status, the Board shall consider the record and information available on that teacher.

All evidence to be used in teacher evaluation shall be in written form. Copies of this CONFIDENTIAL evaluation shall be placed on file in the superintendent's office.

LEGAL REF: Michigan Compiled Laws, 38.71-38.191  
Teacher Tenure Act

CROSS REF: File GCB (Professional Staff Contracts)  
File GCN (Evaluation of Professional Staff)  
File GCPB (Professional Staff Termination of Employment)  
File GCPC (Retirement)

**PROFESSIONAL STAFF MEETINGS**

Administrative officials shall have the authority to call staff meetings as deemed necessary for the efficient operation of the schools. As a part of their professional responsibilities, teachers are expected to attend all meetings called by superintendent, principals, and department chairpersons and remain for the entire length of the meeting unless excused in advance by the administrator in charge. Legitimate reasons for absence from meetings shall be essentially the same as those requiring absence from regular duty. Except in emergency situations, teachers shall be given at least twenty-four hours advance notice of all staff meetings. Meetings of staff members may be held before school in the morning, during the school day, or following the dismissal of classes in the afternoon. In scheduling the meetings, there shall be the least possible interference with the classroom activities of teachers and pupils.

**PROFESSIONAL STAFF DEVELOPMENT OPPORTUNITIES**

(Teaching Staff)

Professional Travel and Conference Attendance

It shall be the policy of the Board of Education to encourage travel and conference participation for professional staff members when it is in the best interest of the school system and within the financial resources of the school district. Funds for such participation shall be as included in the annual budget.

Attendance at conferences, workshops and other inservice programs shall require the approval of the building principal and Superintendent.

LEGAL REF: General School Laws, 380.1254

CROSS REF: File DLC and DLC-R (Reimbursement of Expenses)

**PROFESSIONAL LIBRARY**

The Board of Education recognizes the importance of the availability and use of adequate teaching reference materials in maintaining a high level of professional performance. In furtherance of that recognition, the Board shall provide a collection of professional books and other materials for use by staff members in the media center reference library.

**EVALUATION OF TEACHERS**

Appraisal of the teaching service should serve three purposes:

1. To aid the individual teacher to grow professionally.
2. To raise the standards of the teaching professional as a whole.
3. To raise the quality of instruction and educational services to the children of our community.

The Board of Education delegates to the administration and the professional staff the responsibility of developing, organizing, and implementing a system-wide program for evaluating the instructional process as one means to insure quality control of instruction.

Subsequent to the evaluation, the evaluating administrator shall review it with the employee and, if he/she is other than the Superintendent, shall make recommendation to the Superintendent concerning continued employment or dismissal or whether or not any disciplinary action should be taken against any employee.

If the Superintendent or the Board believes complaints or concerns about an employee indicate that the evaluation should be reviewed by the Board, the employee shall be given the opportunity to determine whether or not the review should be carried on in a closed or open meeting.

All evaluation material placed in a teacher's file, except confidential material from college placement offices, former employers or other similar reference, shall be made available to the teacher for his/her periodic review in the manner and time frame as provided for in these policies. A teacher may request that an Association representative be present when evaluations are reviewed with the teacher. The teacher shall have the right to place a written statement in the file concerning any information or opinions contained in it. The written statement will become a part of the teacher's file.

The process of evaluation in all respects shall comply with provisions related to evaluation contained in the master agreement covering teaching staff members.

LEGAL REF: Michigan Compiled Laws 15.268, PA 167 of 1976  
Michigan Compiled Laws 38.71-38.191  
(Teacher Tenure Act)

**PROFESSIONAL STAFF TERMINATION OF EMPLOYMENT**  
**RESIGNATION**

Under state law, teachers may resign by giving written notice to the Board at least sixty (60) days before September 1 of the ensuing school year, unless other arrangements are mutually acceptable. As a matter of courtesy, it is expected that a teacher will give notice as soon as the decision to resign has been made.

In instances where an employee wishes to leave on shorter notice, the Board or its authorized representative may permit an earlier release on condition that satisfactory arrangements can be made for replacement.

Any teacher discontinuing his/her service in any other manner may at the Board's discretion forfeit rights to continuing tenure previously acquired, and such action shall become part of the personnel record of said teacher.

LEGAL REF:           Michigan Compiled Laws 37.2201-37.2211,  
                          38.71-38.121  
                          Federal Age Discrimination in Employment Act,  
                          PL 90-202, as amended by Public Law 90

CROSS REF:           File GCN (Evaluation of Teachers)  
                          File GBM (Staff Complaints and Grievances)  
                          File GCG (Professional Staff Probation and Tenure)

**PROFESSIONAL STAFF TERMINATION OF EMPLOYMENT  
SUSPENSION AND DISMISSAL OF PROFESSIONAL STAFF**

The Board may dismiss or demote any probationary or tenured teacher upon recommendation by the Superintendent, in accordance with the Michigan Tenure Act and within the provisions of the negotiated teachers' contract currently in force. Certificated employees are dismissed only when all efforts to assist the teacher to achieve professional standards of teaching competence have been undertaken.

In conformance with state statute, the Board shall recognize the following considerations concerning dismissals or suspensions:

- A. Inefficiency or incompetence.
- B. Insubordination against reasonable rules of the Board.
- C. Moral misconduct.
- D. Disability, as shown by competent medical evidence.
- E. Elimination of the position to which the teacher was appointed, if no other position exists to which he/she may be appointed if qualified.
- F. Other due and sufficient cause.

The Superintendent shall make written recommendations to the Board concerning an employee on tenure who, in his/her judgment, should be considered for dismissal. Those procedural steps required by the Michigan Teacher Tenure Act will be initiated.

The Superintendent is authorized by the Board to suspend from active duty a teacher against whom formal charges are anticipated being or have already been filed, until a decision is rendered or until the Board acts to reinstate said teacher. The teacher's salary shall continue during such suspension.

The Board may suspend a teacher for disciplinary reasons. However, prior to suspension without pay, procedural steps of the Michigan Teacher Tenure Act shall be followed. The Superintendent is granted the authority to temporarily suspend with pay pending action by the Board if, in his/her judgment, immediate action is warranted.

LEGAL REF: Michigan Compiled Laws 37.2201-37.2211, 38.71-38.121  
Federal Age Discrimination in Employment Act,  
PL 90-202, as amended by Public Law 90

CROSS REF: File GCN (Evaluation of Teachers)  
File GBM (Staff Complaints and Grievances)  
File GCG (Professional Staff Probation and Tenure)

**PROFESSIONAL STAFF CONSULTING ACTIVITIES**

Professional staff may engage in limited consultant services, provided that such services do not interfere with assigned teaching, administrative or extracurricular duties. Prior to acceptance of any such assignment, staff members shall discuss said assignment with the Superintendent of Schools.

In no case shall a staff member be granted either paid or unpaid leave to participate in consultant activities.

**TUTORING FOR PAY**

No professional staff member shall receive pay for tutoring students during his/her regular duty hours as specified in the master contract. Nor shall he/she provide tutorial or professional services for a fee to those students for whom he/she has educational responsibilities, nor provide such services to any student on the school premises without prior written approval. However, tutorial activities paid for by the school district shall be exempt from this portion of the policy.

In general, school facilities shall not be used by teachers for tutoring purposes unless circumstances dictate that the principal recommend such use. Approval ordinarily will not be given unless there is no other reasonable or feasible way of serving the needs of such students.

The term "tutoring" is defined to include giving private or group music lessons, or instruction of any kind which is related to school activities.

Those teachers assuming tutoring responsibilities shall always be aware of ethical relationships with other staff members and shall refrain from criticizing other teachers or implying that a student's teacher has been negligent or ineffective in the performance of his/her duties.

Exceptions to this policy may be made by the Superintendent of Schools when, in his/her judgment, there is no other reasonable or feasible manner of serving the educational needs of the student or when the student or his/her parent would be greatly inconvenienced by making other arrangements.

**TUTORING FOR PAY**

School buildings shall not be used by teachers for tutoring or giving private lessons except when special circumstances dictate that the principal recommend such use to the Superintendent for final approval. The following guidelines may assist the principal in making such recommendation:

1. When because of transportation problems such use would be a definite advantage to the student and parents;
2. When special equipment or facilities are available only at the school and are needed to perform the tutoring or private instruction function;
3. When the tutor's or private instructor's residence is outside the community, making it difficult for the student to avail him/herself of the services.

In determining whether or not school facilities shall be used for tutoring purposes, all alternatives should be explored, including whether or not another person might perform the function without any disadvantage to the student, which would eliminate the need to use school facilities.

**PROFESSIONAL RESEARCH AND PUBLISHING**

Members of the staff are encouraged to contribute professional articles to such publications as are interested in publishing them. It should be remembered, however, that a staff member's major responsibility shall be the education of students within the school district and such endeavors should not interfere with this responsibility.

Staff members submitting articles in which the school system is mentioned, are requested to submit such articles to the Superintendent before releasing them for publication.

The Board of Education recognizes that staff members under contract to the school district may, in carrying out their professional responsibilities either individually or as members of committees, develop educational materials for use in the school program. Such materials developed as a part of regular employment are the property of the school district. Educational materials, however, created by a staff member during the leisure hours when he/she is not fulfilling contractual duties to the school system are the property of the staff member.

Instructional material authored by staff members may be presented for the district's basic adoption or supplementary use, but shall be subject to the same criteria as similar materials produced outside the system. In order to avoid possible accusations or conflict of interest, however, the royalties due members of the staff from said instructional material purchased by the district shall be waived by these staff members.

Copyrights shall be obtained for all instructional materials produced by the school district when said materials are deemed worthy of copyrighting by the Superintendent of Schools. Release of said copyrights, whether or not for monetary return, shall be at the discretion of the Board of Education.

The Superintendent is authorized to sell instructional materials which have been prepared by the school district to other school systems.

**EXCHANGE TEACHING**

The Board of Education recognizes that much value may accrue to the local school district by an interchange of teachers with foreign countries and therefore shall, when appropriate, participate in such programs. Participation in exchange teaching programs shall require Board approval. The following guidelines shall govern approval and participation in such programs:

1. Applicants shall be teachers under regular contract with the district and shall have taught in the district for at least four years immediately preceding the date of application. Application shall be made in writing by January 1 of the school year prior to the year under consideration.
2. Such leaves shall be granted for one year, but may be extended for an additional year upon consent of the two school systems.
3. Conditions affecting salary shall be as follows:
  - A. Salary increment, retirement and other benefits shall continue during participation in the program.
  - B. Local teachers shall receive their pay from the district unless paid directly by the school system of the country in which they teach; foreign teachers shall receive their pay from their home school system.
  - C. Salaries shall include no extra compensation for positions such as department heads, nor activity or extracurricular payments which may have normally been received from the district.

**SUPPORT STAFF CONTRACTS AND COMPENSATION PLANS**

The Superintendent shall be responsible for presenting to the Board salary and fringe benefit recommendations for all support staff employees. The Board shall give consideration to such recommendations and give its approval to the recommendations, or to the recommendations as amended.

**SUPPORT STAFF FRINGE BENEFITS**

Benefits shall occur as set forth in the employee's respective formal or informal written labor agreement.

**SUPPORT STAFF LEAVE OF ABSENCE**

Leaves of absence shall occur as set for in the respective employee's formal or informal written labor agreement.

**RECRUITMENT OF SUPPORT STAFF**

In recruiting support staff, it is the objective of the Board to maintain a stable staff of competent personnel with such skills and experiences as may be required to effectively implement the policies of the Board and programs of the school district.

The recruitment and selection of candidates for support staff positions shall be the responsibility of the Superintendent or his/her designee, who may confer with principals and other supervisory personnel in making the selection. Every effort shall be made through advertising, posting or other means to recruit the best person possible for these positions.

The Superintendent shall make recommendations for appointment to support staff positions to the Board for approval. The Board may accept or reject such recommendations. If the recommendation is rejected, the Superintendent shall submit another either immediately or at a subsequent meeting. The Superintendent may fill support staff vacancies temporarily pending Board approval. Board members shall not involve themselves in recommending or promoting specific candidates for support staff positions.

The Superintendent is authorized to fill vacant positions, make transfers and reassignments of support staff personnel.

No person shall be denied employment, re-employment or advancement, nor be evaluated on the basis of sex, marital status, race, color, creed or national origin. Residency in the district shall not be made a condition of employment except where distance and time involved may interfere with the proper discharge of professional duties.

Candidates shall not be disqualified by reason of concurrent employment of the candidate's spouse. No candidate, however, is to be employed for or assigned to a position where he/she shall be supervised in part or in whole by a member of his/her immediate family or to a position in which the candidate would have the responsibility of supervising a member of his/her immediate family. Immediate family shall be defined as husband, wife, child, mother, father, sister, brother, or immediate in-law. This provision applies to all full-time and regular part-time employees, but not day-to day substitutes.

In recruiting, filling vacancies, assignment and transfer there shall be complete adherence to the provisions of the master agreements with support staff collective bargaining agreements.

CROSS REF:            GBA (Equal Opportunity of Employment  
                             AC (Non-discrimination)

**PART-TIME AND SUBSTITUTE SUPPORT STAFF EMPLOYEES**

The Superintendent or his/her designee is authorized to employ part-time personnel for support service work, provided that provisions of master agreements with such groups are not violated.

The Superintendent or his/her designee shall be responsible for developing and instituting a procedure for arranging for substitutes in case of support staff absences.

**PART-TIME AND SUBSTITUTE SUPPORT STAFF EMPLOYEES**

(Arrangement for Substitutes)

1. Support staff shall notify the appropriate supervisor in case of absence.
2. The supervisor or his/her designee shall determine whether or not a substitute is needed. A report shall be made to the payroll clerk regarding substitutes employed, for whom they worked, and the time for which they were employed.
3. If no substitute is available and overtime of other employees is necessary to perform the duties of the absent employee either in whole or in part, authorization of the overtime shall be obtained from the Superintendent or his/her designee.

**SUPPORT STAFF ORIENTATION**

The Superintendent and administrative staff shall provide for the orientation of support staff employees. Such orientation shall not only include the specific job assignment, but also a general orientation to the school system, its function, the importance of the individual and his/her job to total school operation, and the basic premise that all employees, regardless of their positions, contribute to the education of children, and that this contribution is the justification for their employment.

**SUPPORT STAFF TIME SCHEDULES**

Time schedules for support staff personnel shall be determined by the Superintendent or his/her designee in consultation with the employee's immediate supervisor.

In general, support staff employees shall not be scheduled to work more than forty (40) hours per week, except in emergency situations. All overtime for support staff personnel shall be approved in advance by the Superintendent or his/her designee. In emergency situations when approval cannot be obtained from the Superintendent or his/her designee, the employee's immediate supervisor may approve overtime. Justification for approval may be made to the Superintendent.

All time schedules shall be in compliance with various employee master agreements.

**SUPPORT STAFF CONFERENCE AND TRAVEL**

The Board of Education shall, when possible within the economic resources of the school district, budget funds for in-service opportunities for support staff employees.

The Superintendent shall be responsible for administering such funds to the best advantage of the district. All inservice programs, conference or workshop attendance, or other inservice opportunities shall require prior approval of the Superintendent or his/her designee.

Expenses incurred by employees for their involvement in in-service programs shall be reimbursed according to the school district's policy on reimbursement of expenses.

The Board shall reimburse support staff employees for authorized school business use of their privately owned vehicles at a per mile rate determined by the Board or as provided in the master agreement with said employee. Requests for reimbursement shall itemize the date, time, destination, reason for trip, and actual mileage driven.

LEGAL REF: Michigan School Laws, 380.1254

CROSS REF: File DLC and DLC-R (Expense Reimbursement)

**SUPPORT STAFF TERMINATION OF EMPLOYMENT****Reduction in Support Staff**

Where reduction in staff is necessary for support staff employees, a recommendation shall be made to the Superintendent for approval. Although seniority may be considered as a criterion for making such determination, it need not be the major factor unless the employment contract specifies otherwise.

**Resignation of Support Staff**

Any support staff member desiring to resign from his/her position with the school system shall submit a written resignation to the Superintendent at least ten (10) working days prior to the effective date of the resignation.

Earned vacation time shall be prorated and paid accordingly.

The Superintendent is authorized to accept resignations of support staff personnel on behalf of the Board, which become final upon such acceptance. The Superintendent shall acknowledge the acceptance in writing.

**Suspension, Discipline, or Dismissal of Support Staff**

The Superintendent or his/her designee may suspend, discipline, or dismiss support staff employees. Prior to taking action, the Superintendent or his/her designee shall give the employee an opportunity to meet informally to present his/her side of the issue. The decision may be appealed to the Board for a hearing. Such a meeting shall be open or closed at the request of the employee. The Superintendent is authorized to suspend a support staff person with or without pay pending action of the Board.

Provisions of the master agreement with support staff shall be adhered to in all disciplinary action.

**NON-SCHOOL EMPLOYMENT OF SUPPORT STAFF**

When a person is hired on a regular full-time basis, the Board considers that it has given the individual full-time employment. It shall, therefore, expect all employees to give the responsibility of their positions in the district precedence over any type of outside employment or activities which are not within the responsibilities of the employee's regular position in the school system.

A support staff member may, however, accept employment or be involved in outside activities during off-duty time, provided the following conditions are met:

1. The employment in no way conflicts with school related responsibilities nor controls the degree of effectiveness of the employee in performing his/her work with the school system.
2. The employment does not adversely affect or impair his/her school contacts or the community.
3. The employment does not reflect detrimentally on the school system.
4. The employment does not raise a question of conflict of interest such as the employee having access to information or other advantages useful to him/herself in performance of the outside work or to his/her outside employer.
5. The employment does not require or imply the use of any school district facilities or equipment.

It is strongly suggested that employees considering outside employment confer with the Superintendent before accepting such employment to be certain that the type of employment does not conflict with the above conditions.