



EMPLOYMENT INFORMATION  
**HANDBOOK**  
FOR ALL EMPLOYEES



Becoming the Model for **Urban Education**

[www.dmschools.org](http://www.dmschools.org)

## WELCOME

Des Moines Public Schools welcomes you to the 2020-2021 school year. We are living in an unprecedented time during the COVID-19 pandemic, and certainly this year will present new challenges. From students arriving in the fall having not completed the grade-level expectations last spring despite our best efforts to provide internet and computer access and distance learning resources, to issues of social distancing, mask-wearing and hygiene, this year will stretch us in ways we never thought possible just one year ago.

However, DMPS employees are no strangers to unique challenges and we will not wilt before this one. Together, we will find inspiration in our students and ways to support one another that will create space for our work to be rewarding and fulfilling.

We are thankful that you have chosen to share your talents, skills, knowledge, wisdom, and abilities with the students of DMPS and with your colleagues. Your contribution is needed.

Although this school year brings more than its fair share of uphill battles, each year also brings forth a multitude of special rewards. This year will be no different in that regard. When then U.S. Secretary of Education Arne Duncan visited DMPS a handful of years ago, he said we were “becoming a model for urban education in the United States.” The words rang so true, we made it our vision statement. This year we will lead the way again. As we navigate this new terrain together, we will use our skills, wisdom and fortitude to make this school year a success for each of our 33,000 students.

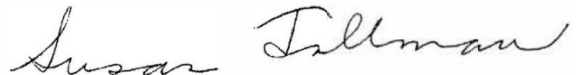
We hope you will find this Employment Handbook helpful regarding employment expectations, and the policies, practices, procedures, and overall philosophy of DMPS. We encourage you to have discussions with your supervisors if you have any questions regarding the contents of this Employee Handbook.

We hope your employment with Des Moines Public Schools will be a long, fulfilling, and rewarding experience. We look forward to working together to meet the needs of our students and support you in our most important mission – educating the future of Iowa.

Sincerely,



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## PREFACE

This Employee Handbook is prepared for informational purposes. It does not constitute a contract of employment between the Des Moines Public School District (hereinafter the District) and its employees, and it should not be construed as such. The Employment Handbook is a resource that helps inform employees of expectations and available services. By thoroughly reading this resource and any applicable contract and/or [Comprehensive Agreement](#), employees will be informed of benefits and opportunities as well as of potential consequences of failure to meet the expectations of the District.

The policies contained in the Employment Handbook may be changed or amended at any time with or without notice for many employees. For other employees, agreements for specified time periods may be entered into only with the recommendation and approval of the Superintendent, the Chief Human Resources Officer or the Chief Financial Officer. It is the employee's responsibility to refer to the [DMPS website](#) for updated policies.

Employees are required to review this Employee Handbook annually and to certify that they understand their responsibility to comply with District policies, practices, work rules and employee conduct. Violations of this responsibility may constitute cause for disciplinary action up to and including termination of employment.

**New or updated content for 2020-2021** that is pertinent for employees / supervisors to be informed and aware of is **highlighted in yellow** for reference. Content that is **new or updated during 2020-2021** that is pertinent for employees / supervisors to be informed and aware of is **highlighted in blue** for reference.

**Federal and State law and District policy prohibit discrimination** on the basis of race, color, national origin, sex, disability, religion, creed, age (for employment), marital status (for programs), sexual orientation, gender identity and socioeconomic status (for programs) in its educational programs and its employment practices. **These protections apply to applicants for employment as well as employees. The District has a [grievance procedure](#) for processing complaints of discrimination. If you believe you have (or your child has) been discriminated against or treated unjustly at school, please contact [Jake Cummings, Equity and Inclusion Program Manager and Title IX Coordinator, 2100 Fleur Drive, 515-242-7709, \[Jacob.Cummings@dmschools.org\]\(mailto:Jacob.Cummings@dmschools.org\)](#).**

### Administrative Offices

The following is the **main** office address for administrative and support staff of the Des Moines Independent Community School District.

Des Moines Public Schools  
2100 Fleur Drive  
Des Moines, Iowa 50321-1158  
515-242-7709

Office hours are 8:00a.m. to 4:30p.m. Offices are closed on Saturday and Sunday except by appointment. You may also reach any employee by their e-mail: [first.last@dmschools.org](mailto:first.last@dmschools.org).

All forms referenced in the Employment Handbook can be accessed through [@DMPS Resource Center](#) or on [www.dmschools.org](http://www.dmschools.org).



## EDUCATIONAL PHILOSOPHY

### Vision

Becoming the model for urban education in the United States.

### Mission Statement

The Des Moines Public Schools Exist So That Graduates Possess the Knowledge, Skills and Abilities to Be Successful at the Next Stage of Their Lives.

### Student Expectations

Students demonstrate proficiency and understanding of a rigorous core curriculum:

1. They demonstrate proficiency in literacy; mathematics; and science. Students demonstrating below grade level performance will demonstrate significant growth each school year.
  - a. Gaps between the lowest and highest performing students will be eliminated, including disproportionality by race, socio-economic status, and/or zip code of residence.
  - b. Gaps in performance between students identified as Males of Color and other student groups will be eliminated.
  - c. Third grade students will read at grade level. Students grades K-3 demonstrating below grade level performance in literacy skills will demonstrate significant growth each year.
  - d. Students will demonstrate proficiency and understanding of Algebra.
  - e. DMPS Preschool students will be socially, emotionally and academically ready for Kindergarten.
2. They demonstrate financial and economic literacy.
3. They demonstrate an understanding of the value of fine and performing arts in society.
4. They demonstrate proficiency in technological and information literacy.

### [100 Educational Philosophy](#)

### [District Policies and Procedures](#)

All employees will have access to the District's current Policies and Procedures via the District's website at [www.dmschools.org](http://www.dmschools.org)

### [Board Goals](#)

#### Early Literacy

Goal 1: The percent of all third grade students on track in reading will increase from 52% to 72% by June 2023, as measured by FAST.

Goal 2: The percent of black male third grade students on track in reading will increase from 35% to 72% by June 2023, as measured by FAST.

#### Algebra

Goal 3: The percent of black male students earning a 'B' or higher in Algebra 1 by the end of 9th grade will increase from 17% to 35% by August 2023.

#### Social Emotional Learning

A goal will be developed once a baseline measure for social emotional learning is determined.

### Governance Policies

The Des Moines School Board relies upon [policy governance](#) to help define and focus the role, vision and values of the board. This creates a clear structure for the School Board to be accountable to the community.

Policy governance enables the School Board to focus on the larger issues, delegate authority, direct management's job without interfering, and evaluate what is accomplished.

### [Governance Policies](#)

## Equal Opportunity Employment

The Des Moines Public School District prohibits discrimination in educational and employment programs and activities based on age, race, creed, color, gender, marital status, national origin, religion, sexual orientation, gender identity, or disability. In addition, the District prohibits acts of intolerance or any form of harassment toward employees including applicants for employment, students and others who participate in the District's educational program or activities. For information regarding Title IX or for complaints of discrimination, contact [Jake Cummings](#), Equity and Inclusion Program Manager and Title IX Coordinator, 2100 Fleur Drive, 515-242-7709, [Jacob.Cummings@dmschools.org](mailto:Jacob.Cummings@dmschools.org).

### Policies and Procedures

*[Code 402 Policy Title: Non-Discrimination, Affirmative Action and Equal Employment Opportunity](#)*

*[Code 406 Policy Title: Hostile Work Environment](#)*

*[Code 407 Procedure Title: Sexual Harassment](#)*

## COMPENSATION AND BENEFITS

### Compensation and Licensure

An employee required to hold a license or certification for his/her position is solely responsible for ensuring it is current. Failure to do so could, and likely will, result in termination because by law the District cannot employ or pay an employee who does not have a current license, authorization or certification. Employees in these positions must provide a copy of their certificate or license to [Human Resources](#).

Specific information regarding a teacher, coach, or administrator license or certification may be obtained from the Iowa Board of Educational Examiners (BOEE). The BOEE may be contacted by calling (515) 281-3245 or by visiting their website, located at [www.boee.iowa.gov](http://www.boee.iowa.gov).

### Employee Assistance Program

The District [Employee Assistance Program \(EAP\)](#) is offered through Magellan HealthCare. Our [EAP](#) provides a confidential resource for you to consult with about a variety of topics such as emotional wellness, stress management, career goals, wellness balance and personal and family goals. The professional EAP counselors can discuss with you the nature of your concerns and provide guidance and direction in alleviating those concerns. A variety of appointment times and convenient locations are available to best meet your needs and the first three sessions are free, **per person, per year**.

The [EAP](#) is a valuable resource that you and your eligible family/household members can contact for a variety of services designed to help you be your best at home and work. All inquiries made through the [EAP](#) are confidential, free and are part of your benefits package. If any additional costs are incurred for services beyond the free sessions offered by the [EAP](#), those costs may be eligible for payment under the behavioral health provisions of your medical benefits plan.

In addition to confidential counseling services the [Magellan EAP](#) provides work/life referrals for a variety of issues including childcare providers, elder care options, adoption resources, tutors, senior housing, pet care, college planning, home repair services and travel planning.

The [Magellan EAP](#) plan also can provide help with Legal/Financial concerns through: **two free 30 minute phone consultations with a professional financial expert per year, one free 60 minute phone consultation with a legal professional per year**, referrals to legal financial professionals for in-person services, plus discounted rates for ongoing assistance and online access to education resources, tools and downloadable documents.

The [Magellan EAP](#) is offered 24/7 and is completely confidential. You can access them via phone or [website](#).

Phone: 1-800-356-7089

Website: <https://www.magellanascend.com>

- Click on 'Find My Company/Log In'
- Enter the name of our organization, Des Moines Public Schools
- Agree to the Terms of Use and select 'Go'

## Employee Benefits

The District offers a comprehensive benefit package for employees. Please refer to [Employee Benefits](#) at [dmschools.org](http://www.dmschools.org) <http://www.dmschools.org/departments/human-resources/employee-benefits/> or your [Comprehensive Agreement](#) for information on employee benefits.

[DMPS website](#) / [School District Departments](#) / [Human Resources](#) / [Employee Benefits](#)

## General Liability

The District provides liability insurance, which covers employees for claims involving bodily injury or property damage to other people. The District's liability insurance coverage applies to all claims arising out of an act or omission occurring within the scope of the individual's employment or duties.

## Holiday Pay for All Employees

Employees are required to be in paid status the afternoon of the working day prior to the holiday or break period, and the morning of the working day following the holiday or break period in order to be eligible for holiday pay. Please refer to any applicable [Comprehensive Agreement](#) for more details.

## Payout of Leave Balance at Resignation

Employees are required to physically work their last day unless they are medically unable to do so. An employee who has a documented medical condition can use all leaves, thus not working their last day. Employees who resign are paid out vacation in a lump sum and are not permitted to use vacation or other paid leaves to extend their termination date.

## Retirement Benefits

All employees are required by law to participate in Social Security and in the Iowa Public Employees Retirement System (IPERS). Forms must be filled out and returned during the first week of employment.

Effective July 1, 2020 enrollment in Des Moines Teacher Retirement System Plan (DMTRS) is no longer available for new staff members per board action on June 2, 2020.

## Travel Compensation

To encourage school employees to attend professional meetings, the District may provide travel allowances when the immediate supervisor grants specific authorization for such trips. The District will provide travel allowances for school employees who furnish their own transportation while conducting school business. Employees using their own vehicle for school business will be reimbursed at current federal travel reimbursement guidelines.

## EMPLOYEE RELATIONS

### Americans with Disability Act (ADA)

To ensure equal employment opportunities to qualified individuals with a disability, the District will make reasonable accommodations for the known disability of an otherwise qualified individual, [consistent with the District's obligations under federal and state law](#).

Employees who may require a reasonable accommodation [due to disability](#) should contact [Cathy McKay, Director Employee Services, \[catherine.mckay@dmschools.org\]\(mailto:catherine.mckay@dmschools.org\)](#).

## District Employees as Agents

It is a conflict of interest for employees of the District to also sell goods or services to the District. No officer, employee, or agent of the District shall participate in the selection, award, or administration of a contract supported by federal funds, if a conflict of interest, real or apparent would be involved.

Such a conflict would arise when:

- The employee, officer or agent,
- Any member of his or her immediate family,
- His or her partner, or
- An organization which employs, or is about to employ any of the above,
- Has a financial or other interest in the firm selected for award of any contract.

To the extent permitted by federal, state or local law or regulations, violations of these standards may cause penalties, sanctions or other disciplinary actions to be taken against the District's officers, employees or agents. See 2 C.F.R. § 200.318 (c) (1) Iowa Code § 301.28.

For further information on the procurement practices to be followed by all District personnel please reference the [Purchasing Manual](#).

## Confidentiality

The Family Educational Rights and Privacy Act ("FERPA") is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. The [District's FERPA policy](#) can be located on the [District website: News & Information / Public Records / Student and Personnel Records](#).

All employees are to be professional at all times and maintain all information **obtained in the scope of their employment** in a confidential manner. Employees should not discuss student/parent concerns or **information** in any setting without all **employees** present having a need to know under FERPA. Confidential information regarding students, or their families may not be shared with anyone **without prior written consent of the student's parent/guardian or as otherwise permitted by FERPA**. To foster a **harmonious work environment and prevent disruption to the same**, employees are also expected to **refrain from discussion confidential information about other employees without the consent of that employees or as otherwise directed by the District**.

## Employee Physicals

**Federal and/or state** law requires some public school employees to receive a physical examination upon initial employment. The examination must be completed following the offer of employment and prior to the first day of work. Certain categories of school employees are required by law to submit to periodic physicals throughout their employment with the District. Currently those employees that require CDL licensure as a condition of employment must undergo a DOT physical examination every two years **or more frequently if on restrictions**. Metro employees and preschool childcare workers are required to undergo a physical that includes **screening** for tuberculosis every two years. Completed physicals are submitted to [Human Resources](#) for processing and are placed in the employee's health file. Employees are encouraged to retain a copy of the physical for their records.

## Gender Identity and Sexual Orientation

The District promotes a welcoming environment for all individuals. **Discrimination against employees and students on the basis of their actual or perceived gender identity or sexual orientation is prohibited**. Complaints of discrimination or harassment based on an employee's actual or perceived gender identity or sexual orientation must be handled in accordance with [District Policy 402](#).

## Definitions

1. Gender identity: A person's gender-related identity, which may be the same as or different from the person's sex assigned at birth.
2. Sexual orientation: an individual's enduring pattern of physical, romantic, or other attraction to another person. Sexual orientation is not the same as gender identity.

## Employee Names and Pronouns

Every employee is entitled to be addressed by the name and pronoun that correspond to the employee's identity including gender identity that is consistently asserted by the employee. Employees are not required to obtain a court-ordered name or gender change as a prerequisite to being addressed by the name and pronoun that correspond to their gender identity. Supervisors and coworkers should be made aware of and honor an employee's request to be referred to by their preferred name and gender that correspond to their gender identity.

## District-Maintained Records

The District may be required to maintain certain records including the employee's name and sex, which may include the employee's sex assigned at birth. These records will only be maintained and used as required by law, policy, or rule, and will only be disclosed in accordance with such law, policy, or rule.

Other than documents where the employee's name and sex assigned at birth are required by law to be listed, any reference to the employee's name and gender should match the gender identity of the employee.

The employee's personnel file, including medical or other documentation that might relate to the employee's gender identity, shall be kept confidential in accordance with the provisions of Iowa Code section 22.7(11) and any other applicable law.

## Restrooms and Locker Rooms

Employees may use the restroom and/or locker room corresponding to their gender identity. Employees, including but not limited to transgender employees, who are uncomfortable using a restroom deemed available more than one person or for a particular gender may use a separate or single-use restroom if one is available at their worksite. Transgender employees will not be required to use a separate or single-use facility if they do not voluntarily wish to do so.

## Employee Dress

Employees are allowed to dress in clothing consistent with any generally applicable work rules relating to appropriateness of dress. Employees required to wear a uniform, personal protective equipment, or other job-specific clothing must do so regardless of gender identity.

## GINA – The Genetic Information Nondiscrimination Act

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to requests for medical information. 'Genetic information,' as defined by GINA, includes an individual's family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

## Mandatory Reporting of Arrests and Convictions

Human Resources shall require employees to complete a [Notification of Arrest Form](#) outlining the date, nature, and current status of the charge, arrest, or complaint within 3 business days of the event. Additionally, the form shall require employees to provide any information they may have with regard to future court dates and/or disposition proceedings. It shall be the responsibility of the employee to

supplement and update the information originally provided on the Notification of Arrest Form with any new or changed information.

The Chief Human Resources Officer or designee shall have the authority to verify any and all information provided on the Notification of Arrest Form. If any information provided on the form is determined to be incomplete, false, or misleading for any reason other than a clerical mistake, the employee may be subject to discipline, up to and including termination.

The District may consider and use the information contained in the Notification of Arrest Form for any purpose which protects the District's interests. However, all information provided to the District on the Notification of Arrest Form will be treated and maintained as part of the employee's **personnel file consistent with the requirements of Iowa Code § 22.7(11)**.

The following terms as used in these procedures and corresponding Board Policy are defined as follows:

**Child Abuse or Abuse under Iowa Code § 232.68 includes but is not limited to:**

- Any non-accidental physical injury, or injury which is at variance with the history given of it, suffered by a child under 18 years of age.
- The commission of a sexual offense with or to a child, including but not limited to sexual abuse, incest, and sexual exploitation of a minor.
- The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing, or other care necessary for the child's health and welfare.

### **Criminal Charges**

All charges of committing a public offense, such as a felony or a misdemeanor, when such offense is prohibited by statute or ordinance, and punishable by fine or imprisonment.

### **Simple Misdemeanor**

Crime resulting in a penalty of either imprisonment not to exceed thirty days, or a fine of at least fifty dollars, but not to exceed one hundred dollars.

[Code 418 Policy Title: Notification of Arrest, Criminal Charges or Child Abuse Complaints](#)

### **Nepotism**

Administrators, specialists, and others in a position to influence hiring decisions are prohibited from hiring directly or indirectly, or through a subordinate, member(s) of their immediate family (spouse, children, siblings, parents, stepchildren, or in-laws). Family members can and do work within the District. However, direct or indirect supervision will be avoided if at all possible. This policy applies to full-time, part-time, temporary, casual, and intermittent positions as well as private contractors not subject to bidding procedures. Failure by an employee to disclose a familial relationship of a candidate during the hiring process is grounds for disciplinary action up to and including termination of employment. When a potential circumstance arises it must be submitted to a Director of Human Resources or designee and receive final approval in writing by the Superintendent.

[Policy 402.3 Nepotism](#)

### **Retaliation**

The District prohibits retaliation against an individual who, in good faith, files a complaint, or assists or participates in a complaint **or** investigation, or **who** opposes language or conduct that violates **federal or state law or** District policies. Any individual found to have engaged in retaliation may be subject to disciplinary action up to and including termination of employment.

## SafeSchools

All staff members are required to complete SafeSchools training modules annually. The modules selected for employee groups are specific to their job responsibilities and many are [required by state and federal law](#). The modules are designed to provide safety and compliance information to mitigate risks.

All assigned modules need to be completed before March 31, 2021. Staff that do not complete all assigned modules will receive written discipline. If you do not meet district expectations for completing SafeSchools online modules in the future, progressive discipline may be applied.

## Staff Calendars

Please refer to the [Staff Calendars](#) located on dmschools.org for specific days worked for each work group.

[DMPS Website](#) / [School District Departments](#) / [Human Resources](#) / [Staff Calendars](#)

Student calendars: [DMPS Website](#) / [About DMPS](#) / [District Calendar - regular](#) and [Downtown](#)

## Staff Comprehensive Agreements

[Bargaining unit employees](#) should refer to their applicable [Comprehensive Agreements](#).

[DMPS Website](#) / [School District Departments](#) / [Human Resources](#) / [Comprehensive Agreements](#)

## Violations of Employment Handbook, Policy and Procedures Complaint Process

### Definition

A complaint is a claim by an employee that one of the specific provisions of this Employment Handbook or any District policy has been violated.

The District maintains a separate [procedure for complaints of discrimination and harassment, including sexual harassment](#) under Title IX. Employees with complaints relating to discrimination or harassment should refer to that [complaint procedure](#).

[District website](#) / [School District Departments](#) / [Office of the Superintendent](#) / [Equity at DMPS](#) / [Complaint Procedure](#)

### Violations of Employee Handbook Procedure

Step 1: A complaint should be presented orally to the immediate supervisor within ten working days of the alleged violation for the purpose of resolving the matter informally.

If the complaint is about the **immediate** supervisor, **the complaint should be taken to** their supervisor. The supervisor shall render a written decision within ten working days after receiving the complaint.

Step 2: If the employee is not satisfied with the decision at step 1, an appeal may be forwarded within ten working days to the Chief Human Resources Officer. The Chief Human Resources Officer or designee may conduct a conference with the complainant and issue a written decision regarding the complaint within ten working days following the conference.

### Personnel Investigations

All District employees are expected to cooperate fully and truthfully in any review or investigation of alleged misconduct. District policies and procedures protect employees from retaliation for participating in such a review or investigation.



In the event that a District employee is asked to participate in an on-going investigation of alleged wrongdoing by another employee or a student, the employee must cooperate with the District investigator(s). Failure to cooperate fully in a District investigation or any failure to provide complete and accurate information in response to an inquiry from a District investigator may result in a disciplinary action up to and including termination of employment.

If you are an employee who is covered under a [Comprehensive Agreement](#) and you have a complaint that a provision of the Comprehensive Agreement has been violated, please refer to the "Grievance Procedures" section of the Comprehensive Agreement.

## DISTRICT PROCEDURES AND GUIDELINES

### Change of Address and Telephone Number

It is the responsibility of the employee to keep a current and up-to-date address and telephone number with the District. Employees should access [Employee Online](#) to make changes and updates.

### Compensatory Time for Eligible Employees

Employees in some non-certified positions may accumulate pre-approved and use pre-approved compensatory (comp) time under certain conditions as determined by the employer. Only non-exempt employees are eligible.

The decision to grant compensatory time for a special project by an individual remains the discretion of the employer and must be pre-approved by the school principal or the department supervisor. When an eligible employee requests to accumulate compensatory time in order to complete a certain project, the rationale and expected length of time necessary to accomplish the assignment must be specified within the request. Under no circumstances will an employee accumulate compensatory time without pre-approval from their immediate supervisor.

If you will need to be out a half or full day, you are encouraged to use appropriate leave, including accumulated comp time, personal leave, or vacation depending upon the reason for the absence.

### Earning Compensatory Time

- Foregoing your lunch period for the sake of earning comp time is not allowed. Everyone is encouraged to take a lunch break. Under no circumstances will unused breaks be included as accumulated compensatory time. Unused lunch breaks or other break times may not be used to acquire comp time.
- Requests to start work early or stay later if you are aware of an upcoming appointment which will require less than a half-day would be considered flextime and not comp time. This can be authorized by your supervisor if a substitute is not needed and it does not decrease the level of service to students, school or department.
- Comp time cannot be accumulated or used to extend a vacation or holiday period.
- Additional hours beyond the employee's scheduled workday/workweek shall not be authorized by the employee's supervisor unless necessary to the District.
- Comp time cannot be accumulated to be absent from District duties because of a second job.
- Employees may accrue a maximum of eighty (80) hours of comp time. The District will pay out any time worked by the employee in excess of this limit.

### Use of Compensatory Time

Employees are required to secure the approval of their immediate supervisor before using accumulated compensatory time. Accumulated compensatory time is to be taken when it will cause the least interruption of instruction or disruption of the school or department.

It is an expectation of both the employee and immediate supervisor that all comp time be used by employees as follows:

- Comp time must be pre-approved by the supervisor prior to earning and using.
- Comp time must be recorded in NOVAtime for approval by the supervisor.
- Comp time will be **accrued after 40 hours per week** for non-bargained non-exempt employees.
- Employees in bargaining units will refer to applicable [Comprehensive Agreement](#).
- If earned between 7/1 and 6/30, an employee is allowed to accumulate up to 24 hours in their balance as of 6/30 and it can be carried over from year to year.
- Comp time can be used for a late start/early out.
- Supervisors are responsible for ensuring employees follow the revised guidelines (no greater than a balance of 24.0 hours of comp time as of 6/30) and for monitoring balances regularly in NOVAtime.
- **When transferring from one assignment to another, all comp time should be used before the effective date of the transfer. Comp time should not be carried from one assignment to another. Exceptions will be reviewed on a case by case basis by the Director of Human Resources for Classified Staff.**

### **Crowdfunding**

Crowdfunding is the process of requesting donations to fund a specific purchase or project, typically through platforms designed for this purpose. Crowdfunding does not include the specific requests for donation the district makes using the District's own website or social media.

Because crowdfunding is a unique form of fundraising, **certain** rules will apply when gifts or donations are sought to benefit the District. If there is reason to believe the gifts are not following donor intent or if we are unable to track the assets received, we reserve the right to restrict future fundraisers through this platform. [See appendix for detailed procedures.](#)

### **Direct Deposit**

Direct deposit is required for all employees. Change of bank information for direct deposit is necessary and should be updated via [Employee Online](#). Allow up to 30 days for direct deposit after providing new bank information. Employee should leave their previous bank account open until direct deposit has been processed in the new account. Please email [Payroll@dmschools.org](mailto:Payroll@dmschools.org) with any questions.

For those employees grandfathered in receiving a paper check in the mail, the District is not responsible for lost or undelivered mail. If a check is lost, a new check will not be issued until 6 working days following pay day.

### **Direct Deposit Fraud**

Direct Deposit is a mandatory condition of employment to help ensure the safest and most efficient method of receiving pay. The safety and security of direct deposit can be breached if you give your employee information out to a family member, friend or an outside entity through a fraudulent e-mail scheme known as phishing. The District will never send you an e-mail asking for your employee information. If your [Employee Online](#) access is breached it could allow a criminal to change your direct deposit information and divert your pay to another account. In the event your direct deposit information is accessed and changed, report it to the police immediately, call your bank to close the account, notify your insurance carrier of lost wages, change your information online and contact the Payroll Department.

### **Email**

It is the responsibility of all employees to regularly check and respond to their email within the scheduled work week. This is the District expectation barring any emergency, vacation or unforeseen circumstances.

## Grant Application Protocols and Procedures

Employees who seek grant funding must go through a Grants Specialist for approval of all funding requests prior to submission, no matter the size of the request.

Grants provide non-repayable funds to the district to support various initiatives. Grants Specialists research, write, and submit grant applications to federal, state, local, and foundation funding sources. Proposal development can involve extensive planning and collaboration with several departments to ensure adherence to district policies and procedures, as well as fiscal compliance with laws and regulations (e.g., supplement versus supplant). Grant Specialists can identify potential funders for your grant needs, write and submit the proposal for you, or provide technical assistance for your proposal prior to submission.

If you are interested in grant funding, please complete a [Grant Request Form](#) available at the Resource Center under Business and Finance, Grants folder. This form will be routed to your principal or immediate supervisor for approval before moving on to a Grants Specialist. While all attempts will be made to match your grant needs to an available funding opportunity, many variables factor into the process (funder priorities, eligibility, deadlines, if multiple submissions are allowed, among other factors). If your request is matched to a funding opportunity, you will be contacted by the Grants Team with the next steps in the process.

It's important that you seek approval for all grant applications prior to submission. If you apply for a grant opportunity without going through the Grants Specialists, you may inadvertently disqualify the District from the funding opportunity or you may be required to return the grant funding to the funder.

If you are awarded a grant, please notify the Grants Specialist and the Grants Accountant before spending the funds. They will guide the next steps in the post-award process as to depositing the check, assigning account numbers, required grantor reporting, and other grant requirements.

Grants Specialist: Lori Brenno ([lori.brenno@dmschools.org](mailto:lori.brenno@dmschools.org) or 242-8215)

Grants Accountant: Kevin Oleson ([kevin.oleson@dmschools.org](mailto:kevin.oleson@dmschools.org) or 242-7834)

## Hiring Staff

Part-time, casual, or temporary hiring practices are the same as those for full-time or regular positions. All hiring must be authorized through Human Resources. This includes filling an existing vacant position or a new position approved by the Superintendent or his/her designee. New positions will be advertised, interviews held, and the best qualified candidate selected. The same practice will be followed when selecting individuals for grants. Human Resources sets the salaries for all positions, including those paid for by grants.

The Chief Human Resources Officer may authorize temporary emergency hiring, either through a temporary agency or direct hiring.

The offer of a job or a promise of a job without authorization from a Human Resources Director or Manager or designee is prohibited.

## Child and Dependent Adult Abuse Training – HF 731

Effective July 1, 2019, the mandatory reporter training for child and dependent adult abuse will be done solely through the [Iowa Department of Human Services](#). Updates are as follows:

- Certificates completed before July 1, 2019 through AEA or ISEA will be accepted and are valid for five years.
- Training completed through DHS after July 1, 2019 will be valid for three years.
- There is no fee for the training.
- You will need to download the certificate and send it to Human Resources. DMPS will not have access to the DHS training information.

- Human Resources will continue to send out reminders before your certificate expires. (120, 90, 60, 30, and 10 days prior to expiration)
- The child and adult training can no longer be combined into one 2-hour course. Both will be 2 hours each for completion.
- All mandatory reporters are required to take the core (2 hour) training initially but will be allowed to take a one-hour re-certification training every three years thereafter so long as they do so prior to the three-year expiration period.

## Request for Copies

You may be charged a fee for copies of records, check stubs, W-2s or other requested documents. Receipts will be provided for all payments.

## CONDUCT IN THE WORKPLACE

### [Non-Discrimination, Hostile Work Environment, and Bullying Complaint Procedure](#)

#### Code 402

This complaint procedure has been developed to handle complaints of discrimination, harassment, or sexual harassment. Employees, applicants for employment, parents, students, and volunteers can file a complaint. This [Complaint Form](#) may be used to submit the complaint online. Employees should also use the form to make internal complaints. Briefly, the complaint procedure includes the following steps:

1. Complainants may talk to their building principal or immediate supervisor to try to resolve the problem informally. If the complaint is based upon the conduct of the Complainant's principal or immediate supervisor, the Complainant may contact that person's immediate supervisor. Complaints should be reported as soon as possible after the event giving rise to the complaint.
2. If the Complainant prefers to proceed with a formal complaint, or if the matter has not been informally resolved, he or she may file a complaint with the Equity and Inclusion Program Manager based on the allegation. Formal complaints should be filed by the Complainant within 180 days after the event giving rise to the complaint or it is determined the complaint cannot be informally resolved.
3. Within 10 working days, the appropriate investigator will begin the investigation. An investigation will include taking a written statement from interviewing the Complainant, the Respondent(s) named in the complaint, and those witnesses who have been identified who have relevant information pertaining to the complaint. Relevant documentation will also be collected and considered. During the investigation. A respondent may elect to have a union representative, friend, counsel or any other individual present during interviews and subsequent meetings.
4. Within 30 working days, the investigator shall complete the investigation and issue a written report making findings with respect to the individual allegations set out in the complaint and rendering an ultimate finding as to whether the greater preponderance weight of the evidence, based on the entire record, indicates the District's policies have been violated. Under some circumstances, when many individuals are involved in the investigation or an extensive legal review must be done, the investigator will inform the Complainant of the expected date of completion beyond the 30 working days.
5. The District prohibits retaliation against an individual for filing a complaint. Any individual intentionally providing false information in a complaint investigation may be subject to disciplinary action up to and including termination of employment.

In the event the investigator finds:

- A. No violation of District policy, the findings will be shared by the investigator with the Complainant and the Respondent.

- B. A violation of the District's policies or no violation of the District's policies but other inappropriate behavior on the part of the Respondent, the findings will be reviewed:
1. By the investigator with the Complainant and the Respondent; and
  2. By the investigator and Respondent's principal or the immediate supervisor, the director responsible for Respondent, and a representative of Human Resources. The Human Resources representative will inform the Respondent of any decision regarding disciplinary action up to and including termination of employment.
  3. If disciplinary action is warranted, documentation of the disciplinary action will be placed in the employee's file or the student's file. All other information regarding the case will be kept in confidential files. Any disciplinary consequences will be kept confidential.
  4. The District has no jurisdiction to take disciplinary action over parents and volunteers. However, steps will be taken to ensure individuals do not continue to violate non-discrimination policies on District property, or at school-related activities.

The complaint will be closed after the investigator has provided the information to the Complainant and the Respondent unless, within ten days of receipt of the final investigative report, either side files a written appeal to the Superintendent setting out the reason(s) why they believe the decision should not stand.

In the event of an appeal, the Superintendent/designee shall review the written record and may meet with the appealing party. The Superintendent/designee may affirm, reverse, modify or remand the matter for further proceedings and shall, within twenty (20) days of the written appeal, confirm this decision in writing to the appealing party.

Except in the event of a termination of a certified employee, the Superintendent/designee decision shall be final.

The District encourages individuals to use the internal complaint procedure. However, the Complainant may seek legal advice of his or her choosing or file a formal complaint with the Des Moines Human Rights Commission, Iowa Civil Rights Commission, the Equal Employment Opportunity Commission, or other agencies. If the Complainant seeks other avenues of redress, the District may choose not to conduct its internal complaint procedures.

*Board Policies: Code 402, 402.1, 406, and 407; Code 601  
Approved January 19, 1993; revised August 6, 1996; revised July 25, 2006; August 2007*

### **Use of Personal Equipment on District Property**

Occasionally employees bring personal items to work in an effort to help them with the performance of their job. We do not encourage relying on personal equipment to perform District work functions. The District asks that all personal equipment be removed from District facilities and requests for needed equipment should be forwarded to the attention of the immediate supervisor if replacement equipment is needed. If personal equipment has mistakenly been identified with a DMPS tag, it should not be removed from the District until the issue is resolved.

The District shall not be responsible for lost, stolen or damaged personal property. Any such claims will be the responsibility of the employee and his/her respective insurance company.

### **Sexual Harassment**

In accordance with Title IX of the Education Amendments Act of 1972, Des Moines Community School District prohibits sex discrimination, including sexual harassment as defined by the regulations implementing Title IX (34 C.F.R. § 106.30), against any individual participating in any education program or activity of the District. This prohibition on discrimination applies to students, employees, and applicants for employment.

The Board authorizes the Superintendent to adopt procedures for any individual to report sexual harassment to the District's Title IX Coordinator, for the provision of supportive measures to anyone who has been subjected to sexual harassment whether or not they proceed with a formal complaint under those procedures, and for the investigation and resolution of such complaints, as required by Title IX. This Title IX grievance process shall be used to respond to all complaints of sexual harassment that fall within the scope of Title IX. For complaints of sexual harassment that do not fall within the scope of Title IX, the District may still offer supportive measures to the target of such conduct and shall apply any other policy or procedure applicable to the alleged conduct.

Any individual with questions about the District's Title IX policy and procedures, or who would like to make a report or file a formal complaint of sex discrimination or sexual harassment may contact the District's designated Title IX Coordinator, E Jacob Cummings, 2100 Fleur Drive, Des Moines, IA 50321; phone: 515-242-7709; email: jacob.cummings@dmschools.org

Retaliation against a person who made a report or complaint of sexual harassment, assisted, or participated in any manner in an investigation or resolution of a sexual harassment report or complaint is strictly prohibited. Retaliation includes threats, coercion, discrimination, intimidation, reprisals, and/or adverse actions related to employment or education. Any individual who believed they have been retaliated against in violation of this Policy should immediately contact the District's Title IX Coordinator.

Reference [Appendix A](#) for the full Sexual Harassment Procedures Manual.

## EMPLOYEE STANDARDS OF CONDUCT

### Appropriate Attire

Any employee who deals with the public should ensure that he or she is appropriately dressed for the occasion. We trust we can rely on the professional judgment of our staff in choosing attire that is appropriate for their particular job responsibilities. Staff is expected to wear attire that is considered acceptable in a business environment. Your attire should help project a professional atmosphere with students, staff, parents and other guests at our offices and schools. Individual buildings or departments may maintain a more detailed dress code than the general guidelines contained in the Employment Handbook.

Employees shall not wear apparel that **is inappropriately revealing**. Shorts should be "dress-casual" and cut-offs are not allowed. Screen-printed t-shirts and tops with inappropriate pictures and phrases are also not allowed. Denim dresses, skirts and slacks are appropriate if worn in a casual setting. Barefoot sandals are appropriate for summer; however, flip-flops are not allowed in the interest of safety.

Shirts and tops that endorse or oppose any political or religious affiliation or otherwise express personal opinions or beliefs of an employee that may be reasonably considered controversial or inflammatory by other employees or constituents of the District are strongly discouraged.

Supervisors may require that apparel they deem inappropriate not be worn again by an employee on duty in the workplace.

Supervisors may require specific uniforms based on the department to be worn during working hours while on duty.

As professionals in our schools, we realize and value the public's perception of our roles as mentors and models for students. Therefore, the following dress code will apply to all employees throughout the school District. The dress code shall be in effect all the days students are in attendance, registration, parent-teacher conferences, or any other day deemed necessary by administration.

#### Acceptable attire

- Clothes that maintain a professional and appropriate appearance



- Clothes that are neat, clean, and in good repair

#### Guidelines

- No shorts or slits in skirts/dresses that are shorter than 4 inches above the knee
- **Appropriate necklines or collars**
- No spaghetti straps or shirt with straps less than two inches wide, unless covered by a jacket or top that is worn at all times
- No graphic T-shirts
- No hats
- No showing of skin between shirts and pants/skirts
- All staff will wear their District-issued ID badges in a visible location
- No flip flops (a sandal, typically of plastic, leather or rubber, with a strap between the big and second toe).
- School principal/supervisor discretion on questionable clothing
- The District permits employees to wear jewelry or to display tattoos at the workplace within the guidelines listed below. Management will take into consideration whether jewelry or tattoos pose a conflict with the employee's job or work environment. This includes but is not limited to the following:
  1. Anything that compromises the personal safety of self or others, damage to company property
  2. Interferes with productivity or performance expectations
  3. Offensiveness to co-workers, customers, vendors or others in the workplace based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protected nature
  4. Corporate or societal norms
 

If administration determines an employee's jewelry or tattoos may present such a conflict, the employee will be encouraged to identify appropriate options, such as removal of excess or offensive jewelry, covering of tattoos, or other reasonable means to resolve the conflict.

School District staff members who do not, in the judgment of the principal/supervisor, reasonably conform to this dress code shall receive a notice from their principal/ supervisor. Repeated violations or refusal to comply with the directions of the principal/ supervisor by an employee could result in disciplinary action up to and including termination of employment.

#### Employee Conduct

The District has expectations for the behavior of the staff. Some of these expectations are written in Board Policy, most staff- related policies are in the [400 series](#) on the [District website](#). Others may be found in the **applicable** [Comprehensive Agreement](#). All staff members are expected to be familiar with **these** pertinent policies and guidelines.

Employees need to be aware of all Board policies applicable to employee conduct. You are acknowledging that you understand your responsibility to comply with the following employee conduct stipulations. Violations of conduct expectations can result in disciplinary action up to and including termination of employment.

Following are examples of offenses and disciplinary solutions that can be administered and should not be considered a complete listing.

Offenses that can result in disciplinary action include but are not limited to the following:

- Uncivil conduct
- Tardiness
- Unauthorized or excessive absence from the employee's job assignment



- Personal use of e-mail or Internet
- Failure to maintain satisfactory and harmonious working relationships with the public or other employees
- Smoking or using tobacco or e-cigarettes on District property
- Foul and abusive language
- Inefficiency, incompetence, or negligence in the performance of duties
- Gambling in District facilities or on District property
- Careless, negligent, or improper use of property
- Unauthorized or improper use of any type of leave
- Unauthorized use of District equipment
- Failure to report to work without notification for a period of one or two days
- Sleeping on the job
- Insubordination
- Failure to fully cooperate or provide truthful information in a District investigation

Offenses that may result in a disciplinary action up to and including termination:

- Fighting
- Refusal to work
- Theft
- Willful destruction of property
- Gross insubordination
- Gross misconduct unbecoming an employee
- Conviction of a felony charged by court of proper jurisdiction, provided the felony is relevant to the position
- Intentionally releasing confidential information without proper authority
- Falsifying reported time cards or inappropriately altering payroll information
- Interference in a District investigation or the intentional frustrating of District purposes and goals
- Indecent conduct or inappropriate conduct of a sexual nature
- Use of undue influence to gain or attempt to gain promotion, leave, favorable assignment, or other individual benefit
- Falsification, fraud, or omission of information in applying for a position or in completing job responsibilities
- Failure to report to work without notifying immediate supervisor of an appropriate reason, for a period of three consecutive days will be considered to have voluntarily quit their position with the District
- Failure or inability to complete a required training program that is a part of a job assignment, including SafeSchools
- Possession of a controlled substance
- Possession of weapons on District property
- Failure to obtain or maintain a current license or certificate required by law or organizational standards as a condition of employment
- Violation of, or failure to comply with, an executive order or published rules and regulations of the District, i.e. sexual harassment, hostile work environment harassment, Chapter 102 (student abuse), Chapter 103, discrimination, etc.
- Any other act which endangers the safety, health, or well-being of another person, or which is of sufficient magnitude that the consequences cause or act to cause disruption of work or gross discredit to the organization

## Evaluations

### Certified

Evaluations for teachers are based on the Iowa Teaching Standards & Criteria which have been referenced to the Marzano Teaching Standards. Administrators are evaluated based on the Iowa Standards for School Leaders.

### Beginning Teachers

Pursuant to the rules of the Iowa Board of Educational Examiners, the first two years of a new-to-profession ("Beginning") teacher shall be served under an initial educator license. During each year that a Beginning teacher serves under an initial educator license, that teacher will receive three formal observations as part of their evaluation.

### Probationary Teachers

Under Iowa Code section 279.19, the first three consecutive years of employment of a teacher in the District are designated as probationary. However, if the teacher successfully completed a probationary period of employment for another Iowa school district, the probationary period shall not exceed two years. Each probationary teacher who is not a beginning teacher shall be formally observed for the purpose of evaluation at least two times during the first semester of employment, one time during the second semester of employment, and at least once every year after that for the remainder of their probationary period. Any employee may receive additional observations at any time during their employment with the District.

### Non-Probationary Teachers

All non-probationary teachers shall be observed and evaluated at least once every three years. Any employee may receive additional evaluations at any time during their employment with the District. Each non-probationary teacher whom the principal or appropriate supervisor considers likely to be evaluated as less than "meets" shall be formally observed.

### Non-Certified Staff

New employees will be evaluated at least once during the first 12 months of employment and then will be scheduled for formal evaluation at least once every three years. Any employee may receive additional evaluations at any time during their employment with the District.

### Gifts

All District employees are considered public employees. Per [Iowa Code § 68B.22](#), public employees may accept "nonmonetary items with a value of three dollars or less." In addition, Board policy [437](#) states "only those gifts and honoraria permitted by law may be received by a district official, employee, or members of their immediate family." Except for incidental gifts of negligible monetary value, gifts from parents or students to staff members who have direct influence over the student are prohibited.

[437 Policy Title: Gifts to District Officials and Employees](#)

### Staff Technology Use -Laptop/Mobile Device Agreement

1. Computer use is only for legal, authorized purposes: Unauthorized or illegal uses include but are not limited to harassment; destruction of or damage to equipment, software, or data belonging to others; unauthorized copying of copyrighted materials; private business unrelated to school activities.
2. Authorized Users: Must be District staff member or student. The computer must be in the possession of the staff member at all times. In order to allow group usage of the computer it is permissible for additional District users to access the computer within the presence of District staff; appropriate use is the responsibility of the staff member to monitor.

3. Use Restrictions: The use must follow District computer user rules which states that users must never engage in any activity that might be harmful to systems or to any information stored thereon, such as creating or propagating viruses, disrupting services, or damaging files or making unauthorized or non-approved changes. Use must also comply with all other applicable District policies and procedures, including but not limited to policies regarding confidentiality/FERPA non-discrimination, and anti-bullying/anti-harassment.
4. Loss and Damage to Computer and/or Equipment: Staff member shall return laptop to the District in the same condition received except for ordinary wear, at the location in which it was received. You will be charged for missing computer, power supply, mouse or bag.
5. Use Outside of District: Staff member can use the computer away from school facilities and will be responsible for loss or damage to the computer. It is recommended to check your personal insurance coverage.
6. Investigations: Authorized users will promptly complete incident reports and deliver to the District a copy of all related documents. Authorized Users will also fully cooperate with the District's investigation of any vandalism, theft, accident, claim, or lawsuit involving use of computer.
7. Repairs and Alterations: By consenting to this agreement, staff member is acknowledging financial responsibility for the cost of restoring the computer back to its original configuration for loss, damage, unauthorized repairs, replacement parts or alterations.
8. Incidental, Special or Consequential Damages: Staff member waives all claims against the District for any incidental, special or consequential damages in connection with the furnishing, performance or use of computer.

Please refer to the District [Technology Resources](#) website for additional information about technology equipment, software, and account information.

### Use of Personal Devices During Work Hours

Any District-issued or personal electronic devices (including but not limited to smart phones and cell phones) are to be used appropriately and not during an employee's supervisory or instructional duties, unless the use is directly related to the performance of those duties.

Employees must ensure that student safety and well-being are not impacted by use of any electronic devices (texting or e-mailing, etc.) during work hours. All personal communications should be made during sanctioned breaks and not in the midst of a professional meeting or at a time that interferes with professional duties. District landline telephones are available for official school business only. In case of an emergency, a message may be sent or received, or telephone call made, but the communication should be limited to no more than five minutes and the employee must ensure appropriate supervision of students during this time, if applicable.

Employees will not be called to the phone during the workday except in an emergency. Failure to follow these guidelines may result in disciplinary action up to and including termination of employment.

The [Family Educational Rights and Privacy Act \(FERPA\)](#) is a federal law that protects the privacy of student education record and personally identifiable information. Employees shall not create photographs, audio recordings, or videos of students without the written, informed consent of the student's parent or legal guardian. Violation of this policy may be subject to disciplinary action up to and including termination of employment.

### Social Media Guidelines

The District recognizes the importance of social media as a means of communications. The District encourages the appropriate use of social media as a means to communicate, whether as an individual or as a school or District program, if such use is helpful in reaching our various constituencies.

The District acknowledges that its employees have the right under the First Amendment as private citizens to speak out on matters of public concern. However, the District has the right to regulate the

speech of employees in specific circumstances. Accordingly, it is essential that employees conduct themselves in such a way that their personal and/or educational use of social media does not adversely affect their position with the District.

The purpose of these guidelines is to establish protocols for the use of social media by employees and to outline expectations for its use. Social media includes websites such as Facebook, Twitter, Instagram, or other social media and applications.

1. Expectations for all use of social media (personal and educational)

- District employees' behavior on social media should reflect the same standards of honesty, respect and consideration they are expected to adhere to in all forms of communications and interactions.
- Do not submit or post confidential or protected information about the District, its students, alumni, or employees. You should assume that most information about a student is protected from disclosure by both federal law (the [Family Educational Rights and Privacy Act \(FERPA\)](#) and state law [Iowa Code Section 22.7\(1\)](#)). Disclosure of confidential or protected information may result in liability for invasion of privacy or defamation and result in disciplinary action up to and including termination of employment.
- Report, as required by law, any information found on a social networking site that falls under the mandatory reporting guidelines.
- Do not use language that could be considered defamatory, obscene, proprietary, or libelous, or that constitutes an incitement to imminent violence or a true threat.
- Do not post or otherwise publish content that is or could reasonably be perceived as bullying, discrimination, harassment or sexual harassment in violation of District policy.
- Exercise caution with regards to exaggeration, colorful language, guesswork, copyrighted materials, legal conclusions, and derogatory remarks or characterizations.
- Consider whether a particular posting puts your professional reputation and effectiveness as a District employee at risk.
- Be cautious of security risks when using third-party applications within a social media site.
- Run updated malware protection to avoid infections of spyware and adware that social media sites might place on your personal computer.
- Be alert to the possibility of phishing scams that arrive through a social media site.

2. Expectations for the personal use of social media

In addition to Section 1, above, employees using social media for personal (non-District-related) purposes are expected to:

- Refrain from accepting current District students as "friends" on personal social media sites.
- Be aware that people classified as "friends" have the ability to download and share your information with others.
- Remember that once something is posted to a social media site it may remain available online even if you think it is removed.
- Assume that anything you post to a personal social media site can be accessed by anyone and will be available forever.
- Sharing school or District social media posts to your personal social media page (i.e. retweeting a @DMSchools announcement to your personal Twitter page) is acceptable and encouraged if it is something of interest to you.
- Set and maintain appropriate social media privacy settings. Be aware that social media sites can change their privacy policies and standards at any time, possibly exposing posts that employees believed were private to the public.

- Avoid using a social media site to post content which may be considered defamatory or obscene, and do not post content which violates copyright or other intellectual property laws.
  - Never use a social media site to post information about a District student or employee in a way that is or could be reasonably perceived as discriminatory, harassing, or defamatory.
  - Never use a social media site to post or otherwise publish confidential or protected information about the District, its students, or its employees. Disclosure of confidential or protected information may result in liability for invasion of privacy or defamation.
3. Expectations for the educational use of social media
- In addition to Section 1, above, employees using social media for educational (school or District-related) purposes are expected to:
- Comply with all District policies and state laws on the use of District-owned hardware, software and networks apply, as relevant, to the use of social media for a District school, class or program.
  - Notify your immediate supervisor and the Office of Communications if you wish to establish a social media site for a school, class or program.
  - If using Facebook, create an organization page for your school, class or program; do NOT use a personal Facebook page for school-related purposes (the Office of Communications can provide guidance on how to do this).
  - Establish expectations for acceptable use on your social media site that are compliant with the District's expectations for acceptable use (see example on page 61).
  - Do not post anything on a school or District affiliated social media page that advocates for or against a political candidate or ballot initiative.
  - Refrain from posting or otherwise publishing images that include students without parental release forms on file, which can be confirmed in Infinite Campus.
  - Pay close attention to the site's security settings and allow only approved participants access to the site.
  - Remember that behavior inappropriate in school or the classroom should be considered inappropriate online.
  - Seek consent before using the District logo or school-specific logos or mascots. The use of the DMPS logo should be approved by the District's Office of Communications. The use of a school's logo or mascot should be approved by the principal or their designee.

Employees found to have engaged in inappropriate use of social media or other electronic communication may be subject to disciplinary action up to and including termination of employment.

#### **Establishing a school or District-related social media site**

Anyone who wishes to establish a social media site for a District office, school, class or program must first notify their immediate supervisor and the Office of Communications. If you have questions on content you would like posted to the District's social media pages please contact:

Phil Roeder at (515) 242-8153 or [phillip.roeder@dmschools.org](mailto:phillip.roeder@dmschools.org) or  
 Amanda Lewis at (515) 242-8162 or [amanda.lewis@dmschools.org](mailto:amanda.lewis@dmschools.org)

#### **Acceptable Use Guideline Example**

The following acceptable use guideline is posted to the school District's page, and provides an example that can be adopted for other District-related social media sites:

Des Moines Public Schools has created this Facebook page to serve as an additional means to share news, provide information, and facilitate communications within our school District community. We thank all of the Facebook users who "like" our page and contribute to our online community. Messages posted to this Facebook page do not necessarily represent the views of

Des Moines Public Schools. Des Moines Public Schools reserves the right to remove comments and/or report users who post comments which, in the school District's sole discretion, bully, intimidate, or harass any individual; contain obscenity, nudity or gratuitous violence; are commercial solicitations; are factually erroneous, libelous, or wildly off-topic; are from anonymous blog trolls; constitute incitement to violence or violation of law or District policy, or which constitute true threats; or that otherwise violate State law, school District policy, or the social media site's own policies.

## Use of Leave

Certified staff workday is 7 hours and 45 minutes. Certified staff may only take a half or full day leave. A half-day absence is up to 3 hours and 52 minutes. If a substitute is required, he/she will be paid a half or full day respectively.

An associate's workday is 7 hours and 30 minutes (Ruby Van Meter associates' workday is 7 hours and 45 minutes). With the approval of the Director of Human Resources - Classified Staff, specific schools/programs may be designated at 7 hours and 45 minutes. An associate may only take a half or full day leave if a substitute is required. Requests for hourly leave will only be granted with the approval of the immediate supervisor if it does not disrupt service. A half-day absence is up to 3 hours and 45 minutes. If a substitute is required, he/she will be paid a half or full day respectively.

Employees in bargaining units should refer to their applicable [Comprehensive Agreement](#) for more specific information.

## Voluntarily Quit – Non-Certified Employees

A non-certified employee that is absent from work for three consecutive scheduled workdays, without providing notification of a valid reason to their immediate supervisor, will be considered to have voluntarily quit their employment.

## Workday

Determination of the work schedule and assignment of work will be made by the District and may be changed from time to time to meet the changing needs of the school or department.

The following is an abbreviated explanation of policies and guidelines that have been proven in the past to be the most important for staff members to know. The list is not meant to be all-inclusive.

## Work from Home

Working from home in lieu of time spent on duty at the workplace, in the event of inclement weather or otherwise, is not permitted except with the express consent of the employee's immediate supervisor and a Director of Human Resources.

## Length of Day

### Certified Staff

Certified staff are expected to be on duty during the time the office in the facility where he/she is assigned is normally open. The total required workday for certified employees is 7 hours and 45 minutes, including a 30-minute duty-free lunch. Most certified employees choose to spend more than 7 hours and 45 minutes working each day preparing for students, doing paperwork, having parent meetings, etc. The extra time spent is at the certified employee's discretion (except in cases of required meetings and activities) and is not to be accumulated as compensatory time nor is it paid time except when it has been pre-approved by the Director of Human Resources - Certified or Classified Staff and is paid through such sources as grants when they are available.



## Non-Certified Staff

The total workday and workweek for non-certified staff members is to be determined by each department. Please refer to the [Comprehensive Agreement](#) for specific hours for each group.

## Arrival and Dismissal Time

Arrival and dismissal times for each employee will be determined by the needs of the school or the department.

## Lunch Period

Unless the [Comprehensive Agreement](#) for a certain group has other stipulations, each employee will be provided a 30 minute uninterrupted lunch break. Lunch time is to be duty-free with no supervisory requirements except in an unusual situation such as one involving student safety.

## Leaving the Building

Employees may leave the building during the workday with the permission of the principal or immediate supervisor. When leaving your work area for more than a few minutes, notify the office manager or immediate supervisor:

- That you are leaving
- Where you are going
- How long you plan to be gone

This serves as protection for you and the District.

## Rest Periods

**Non-exempt** staff members are allowed one 15-minute break in the morning and one 15-minute break in the afternoon of a full workday. Breaks not taken within the day will not be accumulated or added to comp time. The 15-minute breaks cannot be added together to make a 30-minute break and they cannot be combined with the 30-minute lunch period to make a longer lunch period. Breaks may not be used at the end of the day to leave early or at the beginning of the day to arrive late.

## Meetings and Night Activities for School-based Employees

### **Certified Staff**

According to the [Comprehensive Agreement](#), certified employees may be required to remain after the regular workday to attend faculty meetings or activities no more than twice a month. Attendance at the meetings shall not be required longer than one hour and fifteen minutes after student dismissal time.

In addition to staff meetings, certified staff may be required to attend up to two nights or early morning activities per semester.

**Morning/Evening Meetings or Activities.** No employee shall be required to attend more than two (2) morning/evening meetings or activities outside his/her regular workday each semester. A meeting and/or activity shall be defined as hours worked outside of the employee's normal contractual hours. If the meeting and/or activity lasts longer than three (3) hours, that meeting and/or activity shall count as two (2) meetings or activities and the employee has fulfilled the contractual obligation during that semester. If the meeting and/or activity falls on a holiday weekend, attendance cannot be required, unless the employee holds an extra duty pay assignment.

Provisions of this section do not apply to SUCCESS employees who routinely attend morning/evening meetings and work a flexible schedule.

### Non-Certified Staff and Educational Support Professionals (ESP Comprehensive Agreement)

An employee may be required to remain after the end of the regular workday for the purpose of attending faculty meetings or activities no more than 2 times each month. Attendance at such faculty meetings or activity shall not be required longer than one hour and 15 minutes beyond his/her regular dismissal time.



Employees shall receive compensatory time for all time spent in meetings after the regular workday. Compensatory time shall be earned in increments rounded to the closest fifteen (15) minutes.

## STUDENT AND CLASSROOM ISSUES

### Child Abuse Reporting

To protect victims of child abuse and in compliance with Iowa law, incidents of alleged child abuse should be reported to the proper authorities. All licensed school employees, teachers, coaches, and paraeducators are mandatory reporters as provided by law and are to report alleged incidents of child abuse they become aware of within the scope of their professional duties.

When a mandatory reporter suspects a student is the victim of child abuse, the mandatory reporter shall make an oral report of the suspected child abuse to the Iowa Department of Human Services within 24 hours of becoming aware of the abusive incident and shall make a written report to the Iowa Department of Human Services within 48 hours following the oral report. If the mandatory reporter believes the child is in immediate danger, the local law enforcement agency will also be notified.

The creation and submission of a report should be kept confidential, and no reference to the making of the report should be placed in the child's school record. Every attempt is made by the Iowa Department of Human Services and the District to maintain your confidentiality as a mandatory reporter.

To make a report of suspected child abuse, call the [Iowa Department of Human Services](#) toll-free 24-hour hotline: 1-800-362-2178. A [Report of Suspected Child Abuse](#) form is available on the Iowa Department of Human Services website (<http://dhs.iowa.gov/sites/default/files/470-0665.pdf>).

There is a different process for reporting abuse of a student by a District employee. An employee who suspects or has knowledge about abuse of a student by a District employee must report such abuse to that building's Level 1 Investigator. [See appendix for the list of all Level I Investigators by building.](#)

### [Level One Investigator](#)

Level one investigator training provides educators with guidance about the differences between a school employee's mandatory reporting responsibilities and the procedures for investigating allegations of abuse of students by school employees.

The District, in accordance with chapter 102.5(3), has a trained level one investigator at every building location in the school District.

Any individual wishing to report a student being abused by an employee shall notify the building Level I Investigator. [See appendix for the list of all Level I Investigators by building.](#)

## Corporal Punishment, Restraint and Detaining Students

### Restraint

Restraint is an application of physical force that reduces or restricts another individual's ability to move their arms, legs, body, or head freely. Temporarily holding to assist with participation in activities of daily living is not considered restraint. All school employees, before using physical restraint, shall receive adequate and periodic training which shall be documented. The District offers Crisis Prevention Intervention (CPI) training for staff members who will likely use physical restraint during the course of their job duties. Ideally, only staff members who have received CPI training will use physical restraint. However, employees are authorized to use reasonable and appropriate means of restraint as may be necessary to prevent a student from harming himself or herself, others or in self-defense in the event a CPI trained staff member is not available. Restraint should not cause serious or permanent harm.

Prone (face down) restraint is specifically prohibited under all circumstances, as well as mechanical restraint or any restraint that involves the head or neck.

## Physical Force

Corporal punishment is the intentional physical punishment of a student, including the use of unreasonable or unnecessary physical force, or physical contact made with the intent to harm or cause pain. Corporal punishment of a student is specifically prohibited. However, teachers, administrators and other staff are authorized to use reasonable and necessary force in self-defense, defense of another, or to prevent an act of self-harm. Staff should not make unnecessary physical contact to quell a disturbance that does not present imminent danger of physical harm, when a student does not respond to a verbal directive, to remove a disruptive student from class, or to prevent the damage of property.

## Physical Confinement

Physical confinement is confinement of a student in a time-out room or some other enclosure, whether within or outside the classroom, from which the student's egress (exit) is restricted. All school employees, before using physical confinement and detention, shall receive adequate and periodic training which shall be documented. The District offers Crisis Prevention Intervention (CPI) training for staff members who will likely use physical confinement and detention during the course of their job duties. Physical confinement does not include time-out at a desk, in a corner, at the back of a class, in the hall, afterschool detention, or typical in-school suspension arrangements. Confinement should be reasonable (as short as possible) and allow for bodily needs. If physical confinement exceeds 30 minutes or 1 period (whichever is shorter), an administrator must authorize the continued confinement.

## Documentation Requirement

Following an incident of physical force, restraint, or physical confinement, notice must be given to the student's parent or legal guardian. Notification, or a documented attempt at notification, must occur the day of the incident via phone. Additionally, parents or guardians must be notified in writing within three days of the incident.

## Crisis Support Protocol

Student and staff safety are the utmost priority. It is important if a situation arises, when a staff member needs assistance de-escalating a behavioral situation, in which there is a perceived physical threat, and/or a student poses a danger to him/herself or others that:

1. All staff know strategies to maintain a safe environment
2. All staff know how to access support
3. Support is readily available

School-wide routines, crisis training and planning, good communication, and quick reference materials are a few essential tools in ensuring that staff know how to obtain support, and that support is readily available. The following guidelines are posted in all buildings near the telephone to ensure quick access to support as well as strategies for de-escalation and personal safety.

## How to Access Crisis Support

### ➤ **Crisis- Student Behavior With The Potential to Harm Self or Others\***

Call \_\_\_\_\_ at extension \_\_\_\_\_.

If no answer call \_\_\_\_\_ at extension \_\_\_\_\_.

- Tell the person you need a staff member for crisis support in room \_\_\_\_\_.

### ➤ **While Waiting for Assistance**

- Use a quiet, calm voice
- If you have to move, use slow movements and give the child space
- If possible, remove the stressor to the child
- Provide clear guidelines for the child, offering an alternative action
- If necessary, send the other students to room \_\_\_\_\_
- If the child has a behavior plan, follow it
- Use basic behavior principles to keep yourself safe -block and move
- Document the student's behavior if possible

**\*In the case an imminent danger that puts you or others at immediate serious risk of death or serious physical harm with no other reasonable resources, call 911.**

### False Claims Act Advisory

The False Claims Act is a federal law that makes it a crime for any person or organization to knowingly make a false record or file a false claim regarding any federal health care program, which includes any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded directly, in whole or in part, by the United States government or any State health care program. "Knowingly" includes having actual knowledge that a claim is false or acting with "reckless disregard" as to whether a claim is false.

Examples of potential false claims include knowingly billing Medicaid for services that were not provided, submitting inaccurate or misleading claims for actual services provided, or making false statements to obtain payment for services.

The False Claims Act contains provisions that allow individuals with original information concerning fraud involving government health care programs to file a lawsuit on behalf of the government and, if the lawsuit is successful, to receive a portion of recoveries received by the government.

Teachers, registered nurses, mental health professionals, bus drivers, paraprofessionals or any other employee of the District must act with honesty and integrity in all of your employment or business activities. Please follow all laws and regulations, policies and procedures that apply to your work activities. These requirements include providing services that are billed under Medicaid. You must

maintain accurate medical records and submit only complete and appropriate claims for services provided.

The federal False Claims Act protects employees from being fired, demoted, threatened or harassed for filing a lawsuit under the Act.

The federal False Claims Act under 31 U.S.C. §§ 3729 - 3733 identifies, in part, that:

Any person who knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the government is liable to the United States Government for a civil penalty of:

- Not less than \$5,500 and not more than \$11,000
- Plus, three times the amount of damages which the government sustains because of the act of that person.

Administrative remedies for false claims and statements under title 31 of the United States Code, chapter 38, identify in part, that:

Any person who makes, presents, or submits a claim that:

- The person knows or has reason to know is false, fictitious, or fraudulent and is a statement in which the person making, presenting, or submitting such statement has a duty to include such material fact; or
- Is payment for the provision of property or services which the person has not provided as claimed.
- Shall be subject to, in addition to any other remedy that may be prescribed by law, currently a civil penalty of not more than \$5,500 for any such claim.

Procedures for detecting and preventing fraud, waste, and abuse include:

Internal:

- Monthly internal audits of individual case records to assure that Medicaid funded services have been provided and only Medicaid eligible services have been claimed
- Billing claims submitted are independently reviewed for accuracy and correctness and approved through the supervisory structure. The claims process is structured so that no one person has the authority to prepare and submit a Medicaid billing claim.

External:

- Periodic audits by the appropriate state/federal agencies to ensure that the District:
  - Employs generally accepted accounting practices,
  - Employs an adequate system of checks and balances to reduce or eliminate opportunities for fraud, and
  - Appropriately calculates rates that are used to bill Medicaid or other guarantors.

Please contact your immediate supervisor, or [Barbara Rouse](#), Administrative Assistant, 2100 Fleur Drive, 515-242-7617, [barbara.rouse@dmschools.org](mailto:barbara.rouse@dmschools.org).

## Services to Students During Non-Contract Hours

Services, such as respite, speech, tutoring, therapy, etc., in the community are important to children with special needs and their families. District staff members have special skills and may have the interest in providing services during non-contract hours.

The decision to provide care services during non-contract time is a personal decision of each staff member. However, staff should not provide such services to students for whom they could have responsibility for during the school day.

In the rare case that an exception to the policy is desired, a request should be made in writing to your immediate supervisor. They will confer with the special education administrator and convene the educational team that serves the child, including the parent, to discuss the merits of an exception to the policy as it relates directly to the individual student's needs.

Exceptions, when granted, are temporary. The sponsoring agency along with the parent will work to identify other care providers who might be assistance to the family as soon as possible.

## Standardized Testing and Assessment Proper and Ethical Test Administration

- In the administration of standardized tests, it is a violation of test security to do any of the following:
- Provide inappropriate test preparation such as any of the following:
  - Copy, reproduce, or use in any manner any portion of any secure test booklet, for any reason.
  - Share an actual test instrument in any form. This includes using old copies of the Iowa Assessments.
  - Engage in instructional practices targeted at specific test content.
- Deviate from the test administration procedures specified in the test Administration manual.
- Provide assistance to students during the test administration that would give them an advantage over other students.
- Make test answers available to students.
- Change or fill in answers on student answer documents.
- Provide inaccurate data on student answer documents.
- Engage in any practice to artificially raise student scores without actually improving underlying student achievement.
- Participate in, direct, aid, counsel, assist, encourage, or fail to report any of the acts listed above.

Administrators, certified and non-certified staff, and students must adhere to ethical procedures in testing. Violation of these procedures will be investigated and appropriate sanctions may be taken by the Board and/or the [Iowa Board of Educational Examiners](#) (BOEE). According to 282— [Iowa Administrative Code Chapter 25](#), it is deemed unprofessional and unethical for any licensee to violate Standard III- misrepresentation, falsification of information [25.3(3)] of the standards of professional conduct and ethics.

This includes “Falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, including improper administration of any standardized tests, including, but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests.”

School or District staff members must immediately report all incidents of unethical behavior or other test irregularities by students or staff to their immediate supervisor. District leadership will cooperate with the Iowa Department of Education and Iowa Board of Educational Examiners in a thorough fact-finding investigation of the alleged irregularity and determine if test results are invalidated. A staff member found to have committed testing irregularities shall be subject to discipline in accordance with Iowa Code and Board policy.

## Student Records - Student Data Confidentiality Agreement

The District expects employees to respect the confidentiality of student records and to act in a professional manner in the handling of student data. Confidential data, including data on individual

students, must not be created, collected, stored, maintained, or disseminated in violation of state and federal laws.

The following guidelines shall be followed regarding the appropriate use of student data collected by employees or made available to from other school/District employees, Infinite Campus or any other file or application employees have access to:

1. The District must comply with the Family Educational Rights and Privacy Act of 1974, as amended (FERPA, 34 CFR Part 99) the Individuals with Disabilities Education Act (IDEA, 34 CFR §§ 300.127 and 300.560-300.576) and other state and federal laws pertaining to the confidentiality, use and disclosure of personally identifiable information about District students. Personally identifiable information is information that directly or indirectly identifies a student or information that alone or in combination that would allow a reasonable person in the school community to identify the student.
2. Student data will only be accessed for students for whom employees have a legitimate educational interest and will be used for the sole purpose of meeting student needs.
3. Employees will securely log in and out of programs that store student specific data. Employees will not share passwords.
4. Any documents created containing student specific data will be stored securely within the District network. No student data will be saved to personal devices or personal email or other accounts.
5. Regardless of its format, all information will be treated with respect for student privacy. Student data must not be left accessible or unattended in any form, including information on a computer display. Computer screens will be locked while unattended.
6. Employees will share personally identifiable information about an individual student with other District employees only when there is a "legitimate educational interest" in knowing the specific information.
7. When sharing summary-level data in a public forum, employees will ensure that individual students cannot be identified (minimum group size of ten for public use).
8. Employees will gain approval from their immediate supervisor prior to publicly sharing any student achievement data other than that which is publicly available from District or state sources (e.g., posted on the District or state website). Employees will not share student data on social media.
9. Employees will secure written permission from the Research and Data Management Department prior to including any student achievement data that is not publicly available in any research report for an undergraduate or graduate course or for internal research.
10. All external research requests, including those from curriculum publishers, testing companies, universities, and all other outside parties, must be approved in writing by the Research and Data Management Department.
11. Employees will inform their immediate supervisor immediately if personally identifiable student data is lost, stolen, or disclosed to non-authorized individuals.

## Tutoring

Certified personnel under contract shall not render tutorial services for pay during the hours school is in session. In unusual circumstances, teachers may, with approval of the superintendent or the superintendent's designee, be employed as tutors of pupils currently enrolled in their classes. Private tutoring sessions for pay should not use school materials or facilities.



[Code 443 Policy Title: Tutoring](#)

[Code 443 Procedure Title: Tutoring](#)

## HEALTH AND WELL-BEING

### Fragrance/Scent-Safe Workplace Standard

In an effort to protect students, staff and visitors with chemical sensitivities and to create a safe and healthy environment, The District has implemented a fragrance/scent safe workplace standard and asks that everyone minimize the use of any fragrances in the workplace.

Employees should refrain from bringing air freshener products, essential oils, wearing heavy perfumes/cologne, other personal care products such as body sprays, hand lotions, cleaning products or solutions, etc. Workspace areas and areas that are enclosed such as restrooms are also included in this standard. Acceptable use of products that are labeled as unscented, scent-free or fragrance free by the manufacturer are suggested and recommended as safe and appropriate.

### Smoke and Tobacco Free Workplace

It is the policy of the District that using, smoking, or carrying lit tobacco products, “vapor” or “e-cigarettes”, tobacco devices, or smokeless tobacco products which includes all forms of tobacco and nicotine products that are not FDA (Federal Drug Administration) approved for tobacco cessation are prohibited at any time on school District property and at any school activity sponsored by the District. For purposes of this policy, school District property includes any building used for instruction, administration, support services, maintenance, or storage; the grounds and surrounding buildings; and all District-owned vehicles. This policy applies to all students, teachers, staff, vendors, contractors and visitors.

For the purposes of this policy, “smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. “Smoking” also includes the use of an “e-cigarette” which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this policy.

For the purposes of this policy, “e-cigarette” and “vapor cigarette” includes any electronic or oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an “e-cigarette”, “e-cigar”, “e-pipe”, or under any other product name or descriptor.

Violators of this policy will be subject to disciplinary action up to and including termination of employment.

### Substance Free Workplace

The District is subject to the [Drug-Free Workplace Act of 1988, Public Law 100-690](#). The District is committed to the policy of maintaining a drug-free workplace. Thus, the unlawful manufacture, distribution, dispensation, possession, or use of any controlled substance by any employee in the workplace is prohibited. (A “controlled substance” within the meaning of this statement means any controlled substance in schedules I through V of Section 202 of the Controlled Substance Act-21 U.S.C. 812, and as further defined in federal regulations found at 12 C.F.R. 1308.11.) Any violation of this prohibition will result in discipline up to and including termination.

As required by federal law, it is a condition of continued employment that:

- Any employee who is convicted of any criminal drug statute violation for conduct in the workplace is required to notify their immediate supervisor of this fact no later than three (3) days after such conviction. (a “conviction” means a finding of guilt - including a plea of “nolo contendere” - of the



imposition of a sentence, or both, by any judicial body charged with the responsibility of determining violations of federal or state criminal drug statutes)

- Each employee abides by the terms of this statement

Federal law requires that the District notify the federal government of any conviction in violation of this policy.

Federal law further requires that the District impose sanctions which may include termination for any violation of the provisions of this notice or policy.

### Drug and Alcohol Use or Possession

The use, possession, sale, transfer, or purchase of alcohol or drugs by employees on District property or when engaged in District business are prohibited. Any employee in violation of this policy or who is found to be impaired by intoxicants while in the workplace shall be subject to disciplinary action up to and including termination of employment. Any employee can be drug tested due to reasonable suspicion. Drugs prescribed by a licensed physician for an employee may be possessed and used by that employee in the workplace, in accordance with terms of their prescription as long as such usage does not limit the employee's ability to perform their job efficiently and safely in the considered judgment of the immediate supervisor.

[Code 416.1 Policy Title: Alcohol and Substance Abuse](#)

[Code 416.2 Procedure Title: Alcohol and Drug Testing Procedures](#)

### Universal Precautions

The District complies with the [Occupational Safety and Health Administration](#) (OSHA) safety standards when handling blood and other bodily fluids that could contain blood pathogens. Universal precautions must be used by every employee in the care of students, employees, and visitors who may expose them to blood pathogens or bodily fluids.

### Why Take Special Precautions?

Some diseases such as the HIV virus, hepatitis B or C can be carried in the blood. If someone comes in contact with the blood of a person infected with these illnesses, it is possible for that person to become infected. Some people infected with hepatitis B or C may show signs of illness such as jaundice, fatigue, nausea, or joint pain. Someone with the HIV virus may have a fever, persistent fatigue, chronic diarrhea, or weight loss. Other people may carry these germs in their bodies for life, but never show signs of the illness. Every precaution to prevent infection should be taken any time you come into direct contact with anyone's blood or bodily fluids.

### *OSHA* [Occupational Safety and Health Administration](#)

OSHA has established regulations that must be followed by employees working in settings (to include schools), where exposure to blood pathogens is possible. **These regulations require employees to receive training in universal precautions on initial assignment, and at least annually thereafter. District employees must be complete this training through [SafeSchools](#).** OSHA also requires the employer to have a plan that addresses how to handle blood exposures. The District Plan is posted on SharePoint. (Search for: [Bloodborne Pathogens Plan.pdf](#))

### What are the Main Points of the Plan?

Several practices must be implemented to reduce potential exposure:

1. OSHA requires employers to offer the Hepatitis B vaccine series to employees who can reasonably anticipate exposure to blood or other infected body fluids. Categories of employees who qualify are listed in the plan. Human Resources will notify you if you are eligible to receive

this vaccine. Information about the Hepatitis vaccine is available, and the District offers eligible employees the vaccine at no cost.

2. Universal Precautions: This is the primary safeguard. Follow these precautions with the assumption that all blood or bodily fluids are infectious. All employees who perform any procedure that involves blood or bodily fluids should follow the following guidelines:
  - Gloves: Wear approved gloves provided by the District when touching blood or bodily fluids containing visible blood or any bodily fluids. Change the gloves after each individual contact. Gloves and other supplies needed to practice universal precautions can be obtained from the School Nurse.
  - Cleanup of Blood Spills: While wearing gloves, wipe away any visible blood with paper towels then wash the area with a disinfectant agent approved for use by the District.
  - Disposal of Waste: Place gloves and cleaning supplies in a plastic bag. Seal the bag and give it to the nurse or custodian for proper disposal in an approved Biohazard container
  - Hand Washing: Always wash your hands with warm soapy water after removing your gloves.
3. Engineering Controls: Place any sharps (needles or lancets) in special sharps container.
4. Personal Protective Equipment: It is your responsibility to be sure you have the appropriate supplies to safely care for injuries where blood is present. These supplies can be obtained from the school nurse.
5. Exposure to Another Person's Blood or Bodily Fluid: When possible have the person handle their own blood until you can put on your gloves and organize your supplies. If you come in contact with someone else's blood or bodily fluids, wash the area immediately with soap and water. Report the exposure as soon as possible to the school nurse or department manager. You will be asked to complete an employee injury report and will be referred to our Occupational Health physicians for assessment and treatment if warranted.

To prevent indirect exposure, do not eat, drink, smoke, apply cosmetics, lip balm, or handle contact lenses in work areas where occupational exposure to blood or blood products is possible. Avoid leaving food and drinks on work surfaces that could have blood or potentially infectious materials present. If you have questions or need supplies to practice Universal Precautions, contact the building nurse or [Diane Gladson](mailto:diane.gladson@dmschools.org), Health Services Supervisor, Smouse Opportunity School, 2820 Center Street, 515- 242-7618, [diane.gladson@dmschools.org](mailto:diane.gladson@dmschools.org).

## LEAVE AND ABSENCES

Refer to the applicable [Comprehensive Agreement](#) for more detail

Employees are required to:

- Monitor all leave balances and only select from available leave when requesting time off.
- Use all applicable paid leave prior to requesting **unpaid** leave.
- Review and submit timesheet for supervisor approval at the end of each pay period.
- Submit any leave adjustments for their timesheet need to a supervisor within 30 days after the end of the pay period that needs to be corrected.
- Ask a supervisor to submit leave adjustment requests after the 30-day period to the Director of Human Resources - Certified or Classified Staff for approval.

### Cancellations

As soon as you know a pre-planned absence has been cancelled, ask your supervisor to deny the leave request in NOVAtime if it has not been submitted to payroll Supervisor or designee will need to contact [payroll](#) for further action.

## Denial of Request to be Absent

Approval for a request to be absent is not automatic. Your immediate supervisor or administrator may deny or approve request to be absent. The supervisor may request or require documentation of absences before deciding or approving the request. Please refer to your [Comprehensive Agreement](#) for details.

## Approval of Leave

All leave must be approved by a supervisor or their designee and entered into NOVAtime. It is important that leave provisions be uniformly interpreted in accordance with negotiated [Comprehensive Agreements](#).

## Employees Needing a Substitute

- Employees will need to access their district email to retrieve the welcome email from [Frontline](#). Within this email, the log-in credentials for the automated phone system will be included. The user I.D. is the employee's phone number and the PIN is a system generated number. In addition, there will be a separate email from Frontline. The email is an invitation to create an account for the website log-in access. The log-in information for the website will be created by the employee. If the employee needs the invitation resent, please call the Employee Substitute Center at 242-8100.
- All sick and personal days must be reported to the Automated Absence Reporting System in order to receive a job number. Absences should be reported by calling 1-800-942-3767 or going to this link <https://www.aesoponline.com>. The principal or supervisor will report all other absences such as bereavement, special leave, deduct, etc. Every absence receives a job number.
- Failure to get a valid job number for an illness or personal absence before the workday begins, may result in disciplinary action up to and including termination of employment or deduction of salary.
- Notify your school by 1:00pm on the day you are absent to indicate:
  - "Yes", I am returning or "No", I am not returning.
- The principal, supervisor, or designee will extend your absence on the Automated Absence Reporting System and retain the substitute if necessary. If you return to work, but do not notify your principal or department supervisor and a substitute reports the next day, the substitute will be paid for half a day. This will be deducted from your salary.
  - Automated Absence Reporting System: 1-800-942-3767
  - Online Absence Reporting System: <https://www.aesoponline.com>
  - Employee Substitute Center Fax Number: 515-242-8265
  - Employee Substitute Center Number: 515-242-8100

## Attendance Policy

### Excessive Absenteeism

An employee may be subject to termination if he or she is absent from work when he or she has exhausted all available paid or unpaid leave and no other approved leave is available or if it impacts the employee's performance or the department. The immediate supervisor or administrator may request a doctor's note for any absence at any time; however, it would not automatically qualify the absence as excused or approved. Special consideration maybe given to first-year employees.

### Extended Medical/Disability

When an employee has been absent and has not performed active service for the District for 120 calendar days and all available paid and unpaid leaves have been exhausted, the employee may be subject to termination.

### Filling Positions Left Vacant Due to an Employee's Prolonged Absence

The District has the right to fill any vacancy that occurs as a result of an employee's leave pursuant to the Family and Medical Leave Act (FMLA) after the time period mandated by the FMLA has expired. If an

eligible employee, who has exhausted his or her FMLA leave and all other sources of paid or unpaid leave, is unable to return to work after 120 calendar days of inactive service to the District, the employee may be subject to termination. If an employee who has exhausted his or her FMLA leave is released to return to work prior to 120 calendar days of inactive service and his or her position has been filled, he or she will be offered the next available position for which he or she is qualified.

#### Termination of Administrative Personnel

Chapter 279 Administrators who are certified or licensed by the Board of Educational Examiners may be terminated only through the process set forth in [Chapter 279 of the Iowa Code](#).

- If reduction of the administrative staff becomes necessary, a reasonable attempt will be made to achieve that reduction on the basis of normal attrition. If this is not possible, those who are best qualified in the sole judgement of the Superintendent will be retained.
- The administrator may, upon the recommendation of the supervisor, have the option of applying for a vacancy in a non-administrative assignment and will be entitled to placement on the salary schedule commensurate with educational achievement and years of experience in the District or for the position they are seeking.

#### Adoption

Up to ten (10) days of sick days may be utilized **when an employee requests leave due to placement of a child for adoption.**

#### Bereavement Leave

In the case of the death of the wife, husband, child, or (step) child of a regular full time employee, or of the employee's (or spouse's) (step) father, (step) mother, (step) brother, (step) sister, (step) grandparent, (step) grandchild, or legal dependent, the employee will submit leave through the payroll management system (NOVAtime) to be reviewed by their immediate supervisor for as many days, not to exceed five, during the individual employee's service year as may be necessary for attendance at the funeral and for any other purposes directly arising out of said death, and no deduction of pay shall be made for the days of absence approved.

Up to 2 of the 5 allowed bereavement days (per the [Comprehensive Agreement](#)) may be used for hospice visitation.

An employee who is paid while on bereavement leave during his/her extended service year shall have the obligation to complete his/her extended work assignment at no additional pay.

#### Educational Purposes

Attendance at educational meetings or visiting other schools is permitted at full pay if the Director of Human Resources - Certified or Classified Staff approves such absence. If any regular full time employee wishes to be absent from duty for a brief period to attend a professional or para-professional meeting, or to visit schools, a written request for approval of such absence on the [Professional Leave Form](#) located on [@DMPS Resource Center](#) should be signed by the immediate supervisor and filed with [Human Resources](#) at least ten days prior to the first day of anticipated absence. Please refer to your [Comprehensive Agreement](#) for further details.

#### Extended Leave of Absence Without Pay.

Employees may request extended leaves of absence without pay for a period of time to be terminated at the conclusion of the semester during which the leave commenced or for one additional semester following the conclusion of the semester in which the leave commenced. An employee shall file an application with [Human Resources](#). The application shall be reviewed by that office and will be submitted to the Board of Directors or designee for their consideration when required. Extended leaves of absence may be granted for health, professional study, or family responsibilities, which may include child nurturing.

The employee's service will resume either at the beginning of the fall or spring semester in accordance with the leave of absence agreement.

While on extended leave, the employee's retirement funds, accumulated sick leave, and placement on the salary schedule shall be frozen. While no additional benefits will be provided by the Employer during the leave period, the employee may purchase such benefits. At the conclusion of the extended leave of absence, the salary of the employee shall be the salary stated on the salary schedule for the step and class for which that employee was appointed at the time of the commencement of the leave. A request for early termination of the leave agreement and reinstatement of position must be made in writing to the Director of Human Resources - Certified or Classified Staff at least thirty (30) days prior to the beginning of the new semester. The Employer shall reserve the right to delay reinstatement until the beginning of the school semester following the request.

Early reinstatement before the beginning of the new semester to those granted a leave of absence for a regular school year must indicate a desire to return within five (5) days of receipt of regular letter of intent sent to all employees.

## Family Medical Leave Act (FMLA)

### Eligibility

- Employees employed at least 12 months (in total) with the District and
- Have worked at least 1,250 hours during the 12 months immediately preceding the commencement of the leave

### Circumstances that allow for FMLA?

- Birth of a child
- Placement of a child with the employee for adoption or foster care
- To care for the spouse, parent (not in-laws) or child (under 18) of employee who has a serious health condition
- Employee's own serious health condition
- Qualifying exigency arising out of the fact that the spouse, child or parent of the employee is on active duty (or called to active duty) in the Armed Forces in support of a contingency operation
- To care for a "covered service member" who is the employee's spouse, parent, child, or "next of kin"

### When should the employee apply?

- When an absence is expected to last in excess of 3 days
- If the need for FMLA leave is foreseeable, the employee should apply 30 days prior
- If the need for FMLA leave is unforeseeable, within 2 business days of the employee becoming aware for the need for leave, where feasible

### What forms need to be completed?

- A [request for FMLA](#) needs to be completed by the employee
  - [@DMPS Resource Center](#) – [Staff Links](#) – [FMLA Request form](#)
- A medical certification must be completed by the treating health care provider when the absence is due to a serious health condition
- Certification of military leave requests

### How long can an employee use FMLA?

- With proper certification, employees may be eligible for a maximum of 12 weeks of FMLA leave in a 12-month period
- Employees may also apply for leave on an intermittent or reduced work schedule basis
- Employees utilizing leave to care for a "covered service member" are eligible for a maximum of 26 weeks of FMLA in a 12-month period

### What is required for the employee to return to work?

- A release from the treating health care provider (if absent for own health condition)
- When an employee returns he/she will be restored to the same position or to an equivalent position with equivalent benefits, pay and conditions of employment (some exceptions may apply for “key employee” as defined by the provisions of FMLA)

### When is FMLA leave paid vs. unpaid?

- Employees must use available sick leave for an absence for the employee’s own health condition
- Employees using FMLA for a family member may use family sick leave (maximum 5 days), personal **leave**, and vacation **leave, where available**. The remainder of the leave will be unpaid.

### What happens when FMLA is exhausted?

- Employees exhausting FMLA will be subject to provisions of the [attendance policy](#).

For questions regarding FMLA contact: [Sherri Weatherly](#), Benefits Specialist, 2100 Fleur Drive, 515-242-7624, [sherri.weatherly@dmschools.org](mailto:sherri.weatherly@dmschools.org).

For additional information, visit the “Family and Medical Leave Act” section of the United States Department of Labor’s website, at <https://www.dol.gov/general/topic/benefits-leave/fmla> or review the Employee Rights under the Family and Medical Leave Act compliance poster at <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf>.

### Family Illness Leave

Employees covered by a bargaining agreement, refer to your applicable [Comprehensive Agreement](#).

In the event of illness in the immediate family, an employee shall be granted up to five days of absence without loss of salary to be deducted from sick leave. The immediate family shall be construed to mean father, mother, son, daughter, wife, husband, brother, sister, mother-in-law, father-in-law, son-in-law, or daughter-in-law and step relatives of the same degree or legal dependent. A statement from a responsible person other than the employee may be required as proof of illness. It is the responsibility of the employee to monitor their family sick leave days. Usage of more than five days of family illness may result in loss of pay for that day.

### Funeral Leave

**In the case of the death of any other relative or person of unusually close personal relationship, a total of two (2) days per year will be allowed for attendance at the funeral or other similar memorial service without loss of pay. Only one-half day or full day can be used for each funeral or other similar memorial service. Bargaining units need to refer to their respective [Comprehensive Agreement](#).**

### Jury Duty Leave

The District employee must submit their jury duty leave in NOVAtime. The District will continue to pay an employee for days missed on jury duty. However, an employee is required to reimburse the District for the amount the county pays a juror for service, minus mileage as well as submit proof of jury attendance provided by the court. See Appendix for complete [Jury Duty Guidelines](#)

### Military Reserve Duty

A leave of absence will be granted for military reservists for required training purposes, but not for a period exceeding a total of thirty calendar days in any calendar year. You cannot be paid by both employers simultaneously. Reservist leaves in excess of 30 days will be unpaid leaves. Employees are expected to take such training during the times when school is not in session whenever possible. A copy of the original orders must be turned in to [Human Resources](#) as soon as possible prior to the leave.



## Military Reserve Training

A leave of absence will be granted for employees subject to [Iowa Code 29A.28\(1\)\(a\)](#) for required training purposes, but not for a period exceeding a total of thirty (30) days in any calendar year. Leaves for training purposes are granted without loss of pay, but employees are expected to take such training during the times when school is not in session whenever possible.

## Military Service Leave

Leaves of absence are granted for military purposes, not to exceed the enlistment or draft period. On completion of the military service, the salary of the employee is entitled to reinstatement at the same wages he/she would have received had he/she not taken such a leave, but subject to the following conditions: That the position was not abolished, that he/she is physically and mentally capable of performing the duties of the position, that he/she makes written application for reinstatement to [Human Resources](#) within ninety (90) days after termination of military service, that he/she submits an honorable or general discharge from the military service, and that he/she has the appropriate license(s) and certifications(s).

### Re-employment Rights for Military Personnel

The right of military personnel to be reinstated in their jobs when they return from active duty is governed by the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA).

## Personal Leave

### Personal Leave (Other than AFSCME)

At the beginning of each work year, each employee shall be credited with two (2) days (or four (4) half-days) to be used for the employee's personal business.

- 1) An employee planning to use a personal day shall notify his/her supervisor at least **five (5) working days in advance**, except in cases of unforeseen emergency. Requests for personal leave must be made through the **method determined by the employer** (AESOP if substitute is needed or NOVAtime if no substitute required).
- 2) The employer will accept requests for personal leave no earlier than July 1 for the following year.
- 3) No personal leave will be granted during parent-teacher conferences.
- 4) Such absence may not be taken during the **first 5 days of student contact at the beginning of the school year and the last 5 days of student contact week at the end of the school year.**
- 5) Such absences may not be taken immediately before or after holidays or before and after vacation periods.
- 6) **Three professional development days will be deemed restricted collaboratively by the building administrator with the building leadership team. No personal leave will be granted on the three professional development days deemed restricted. Building administration, in collaboration with the building leadership team, will communicate the three professional development days that are prohibited for personal leave to staff no later than first contract day of the school year.**
- 7) Prior approval for the use of personal days will be waived by the Director of Human Resources for Certified Staff or Director of Human Resources for Classified Staff in the case of an emergency. An emergency is defined as "an unexpected occurrence or set of circumstances which require the immediate attention and presence of the employee."
- 8) Up to 5 unused personal days will be carried over from year to year.

### Personal Leave Payout Option

**Bargaining unit employees may choose to have up to two (2) unused personal days per year paid out to the following employees:**

- DMEA and ESP (except clerical) personal leave payout payment will be included on the June 30, 2021 paycheck at the substitute rate for your position.
- ESP – Clerical personal leave payout payment will be included on the June 18, 2021 paycheck at their substitute rate.
- AFSCME and Trades personal leave payout payment will be included on the June 18, 2021 paycheck at the hourly rate for your position.

### Personal Leave (AFSCME employees only)

All regular AFSCME employees shall be allowed a total of two (2) days in one fiscal year without loss of salary, for bona fide personal or business activities that cannot reasonably be accomplished outside the normal workday. An employee planning to use a personal day shall notify his/her supervisor at least ten (10) working days in advance, except in cases of unforeseen emergency. Such absence may not be taken immediately before or after holidays or vacation periods. Please refer to the applicable [Comprehensive Agreement](#) for additional information. All leave requests must be submitted in NOVAtime and will be reviewed by your immediate supervisor. **Up to 2 unused personal days will be carried over from year to year.**

### Political Activities

A leave of absence may be granted for one semester or one year to an employee who desires to run for office. This provision recognizes the rights and obligations of employees to be participating citizens in such activities as voting, discussing political issues, campaigning for candidates, or running for and serving in public office. Such a leave would be granted without pay. Any public employee who becomes a candidate for any elective public office shall, upon request of the employee and commencing any time within thirty days prior to a contested primary, special or general election and continuing until after the day following that election, automatically be given a period of leave.

### Professional Leave and Job-Related Meetings

A [Professional Leave Request form](#) must be completed and submitted for approval to your immediate supervisor 10 days in advance of the requested leave. Teachers must complete and submit a professional leave form within 10 days of the requested leave. The form can be located at <https://fs3.formsite.com/HumanResourcesDMPS/profleaverequest/index.html> or on [@DMPS Resource Center](#). All other staff will submit a request for professional leave in NOVAtime to be approved by their Supervisor. Please refer to your [Comprehensive Agreement](#) if applicable for details.

### Sick Leave

The purpose of sick leave is to prevent any loss of pay to employees who are medically disabled because of an illness or accident, and not capable of performing the duties of their job. Sick leave should not be abused, and excessive use may result in your supervisor requiring a doctor's excuse for any absence, at any time. Sick leave is not intended to be used for routine doctor and dental appointments. However, employees may use sick leave for a doctor or dental appointment, for which the employee has no control: for example: dental emergencies or medical testing that can only be scheduled during the normal workday. It is expected that the employees will schedule routine doctor and dental appointments on a personal leave day or during non-working time whenever possible.

An employee must report the intention to be absent from duty to their immediate supervisor by at least one hour before the employee's regular starting time. If possible, notification should be given on the previous day or earlier. Employees in bargaining units, please refer to your applicable [Comprehensive Agreement](#) or work rules. Your supervisor will want to know the reason for your absence and approximately when you expect to return, in order to properly reschedule your job duties or arrange for a substitute. For absences of more than three days, it is the District's expectation that you provide regular updates regarding your absence and your expected return to duty. If you are out of the office for five or more consecutive days due to an illness, you must bring a "return to work" release from your doctor.

Failure to provide this release may lead to denial of benefits and discipline, up to and including termination. Your supervisor may ask you to bring a doctor's release after any period of illness and may ask you to report to [Diane Gladson](#), Health Services Supervisor, Smouse Opportunity School, 2820 Center Street, 515- 242-7618, [diane.gladson@dmschools.org](mailto:diane.gladson@dmschools.org). It is your responsibility to notify the Employee Services if you need to use FMLA leave. (See [FMLA](#) section for eligibility requirements).

If an employee expects to return to an assignment, the employee must notify their immediate supervisor of such intention no later than 45 minutes prior to normal student dismissal time on the previous day. If the employee does not give the required notification of intent to return, and the substitute subsequently reports for duty the following morning, the substitute will be paid for an additional half day, and the pay for this will be deducted from the employee's salary.

All full-time employees shall be allowed sick leave as stated in the table below without loss of pay. Non-bargained staff (only) will receive their sick leave amounts on a semi-monthly accrual basis over the course of the fiscal year, instead of receiving the lump sum amounts each new fiscal year. The table below outlines how this will work for a non-bargained 1.0 full-time equivalent (FTE) who earns 15 days of sick leave a year based on the hours they work in a day. If the employee works less than 1.0 FTE or is a new non-bargained employee hired after July 1, 2018 the amount would adjust accordingly.

Accrual Periods per Year	Hours Worked in a Day	Total Sick Days Earned in a Fiscal Year	Hours of Sick Leave Accrued per Period
24	7.5	15	4.69
24	7.75	15	4.84
24	8	15	5

All new non-bargained employees will earn sick leave in accordance with [Iowa Code Section 279.40](#) which states the following:

Public School employees are granted leave of absence for medically related disability with full pay in the following minimum amounts:

1. The first year of employment ..... 10 days.
2. The second year of employment..... 11 days.
3. The third year of employment ..... 12 days.
4. The fourth year of employment ..... 13 days.
5. The fifth year of employment ..... 14 days.
6. The sixth and subsequent years of employment ..... 15 days.

There is no sick leave maximum for all non-bargained staff. This enables non-bargained staff to keep all their sick leave earned over the course of their career without concern they will hit a cap and lose it.

If an employee does not need to use the allotted days during the contract year, the unused days will be added to the allowance for the succeeding year. In case of absences for illness or injury in any one year exceeding the aggregate of days allotted for that year, the excess shall be deducted from the employee's accumulated days. At the end of the year, any of the accumulated days which are unused shall be added to the regular allowance for the succeeding year. If an employee is unable to begin service under the contract on the date on which the contract is designated to begin, the employee shall nevertheless be entitled to draw compensation for any unused medically related disability leave accumulated from prior years of service with the District, pursuant to its regulations thereto, payable at the time regular installments are due under this contract, notwithstanding the fact that actual service did not commence under this contract for the school year covered therein. If an employee is unable to report for duty on the first day of the new contract, and had no accumulated sick leave on which to draw, compensation for sick leave will not be allowed under the new contract until the employee does report, whereupon it will become

retroactive. All accumulated sick leave is forfeited upon the termination of employment and is not transferrable from one employee to another.

## Religious Holidays

Employees whose religious affiliation requires the observance of holidays other than those regularly scheduled in the school calendar may submit a request to the Director of Human Resources - Certified or Classified Staff.

Employees will be eligible to use accrued leave for this purpose or additional unpaid leave may be granted in accordance with the law.

## Vacation

Please refer to departmental guidelines and your [Comprehensive Agreement](#). All vacation requests must have the approval of your immediate supervisor or designee. The employee should check available vacation balance prior to request for use.

For those employees in a non-bargaining unit, vacation days are accrued each pay period, and may be used as earned. Employees may carry over up to, but no more than the amount of their earned vacation days each year.

Example: If an employee accrues 10 days per year, the carryover max is 20 days per year.

**Twelve-Month Exempt Specialists** will accrue 15 days for years one and two and will then begin accruing 25 days at year three. The change of the accrual rate happens on the employee's anniversary date, not July 1st. No more than a maximum of twice their annual accrual can be carried over.

**Exempt Specialists Working Less Than Twelve Months** will accrue 5 days per year, with the exception of **195 and** 205 day Specialists who do not accrue vacation days. No more than a maximum of twice their annual accrual can be carried over.

**Twelve-Month Non-Exempt Specialists** will accrue 10 days for years one and two and will then begin accruing 20 days at year three. The change of the accrual rate happens on the employee's anniversary date, not July 1st. No more than a maximum of twice their annual accrual can be carried over.

**Twelve-Month Administrators** will accrue 25 days of vacation on a prorated basis upon eligible employment. Accrued vacation may be taken as it is earned. No more than a maximum of 50 vacation days may be accumulated or carried over. The normal vacation period or any portion thereof granted to all 12-month Administrators should occur, as much as possible, during the interval beginning one week after the close of the academic school year and one week prior to the date of teaching staff returning in the fall.

Any Administrator who has completed the required time to be entitled to an annual vacation or any part thereof, and whose service with the District has ended, will be paid the regular salary for the vacation days accrued, up to a maximum of 50 days.

## Veterans Day Leave

If Veterans Day falls on a regularly scheduled workday, employees will be allowed to take a personal day or unpaid day of leave in honor of this holiday.

## SAFETY AND SECURITY

### Security Cameras In Schools and Buses

#### [Code 781 Policy Title: Security Cameras in Schools and Buses](#)

It is the policy of the Des Moines Public Schools to create and maintain a safe school and work environment. Security cameras (closed circuit television systems-CCTV) are installed within school buildings and buses as well as the exterior of buildings. Security cameras monitor school property, assisting administrators in detecting and deterring unacceptable behavior or activities and otherwise enforcing district rules. Camera systems also provide a historical record to facilitate investigations.

#### [Code 781 Procedure Title: Security Cameras in Schools and Buses](#)

### Visitors / **Guests** During Working Hours

Employees' guests and children are not normally allowed at work during your regularly scheduled hours or while you are working paid overtime. Employees should not bring their children to work when daycare or other supervision is not available.

Special occasions may arise, however, when it is important for a member of your family or a friend to see you during office hours and this may be allowed at the immediate supervisor's discretion. Such occasions should occur rarely and should not distract others or interfere with your work duties and responsibilities.

### Weapons

#### [Code 419 Policy Title: Possession of Weapons by Employees](#)

The District is committed to maintaining a safe teaching and learning environment. The presence of weapons in the schools is prohibited. The possession of weapons by employees is prohibited on school grounds or at school- sponsored or school-related activities.

## TERMINATION OF EMPLOYMENT

### **Contract Release – Certified Employees**

Certified employee resignation and retirement notifications are due to Human Resources twenty-one days after contracts are issued. Certified employee contracts are typically issued on March 15th of the contract year. Resignations or retirements are typically due to Human Resources by April 5th of the contract year.

In accordance with Iowa Law, there will be a 21-day time period, after certified contracts are issued, for certified employees to resign or retire from the school district without penalty.

If a certified employee does not submit notice for resignation or retirement to Human Resources within the 21-day time period, an employee will remain under contract with Des Moines Public Schools for the upcoming school year.

If a certified employee tenders a resignation or retirement request after the 21-day time period, Des Moines Public Schools will be unable to release the employee from their current contract until a suitable replacement is hired. In addition, once a suitable replacement is hired, there will be a \$1,000 fee assessed for release of contract. If a suitable replacement is not hired or an employee fails to pay the release fee, the employee may remain under contract and expect to report on the first day of work.

Please refer to [Board Policy Series 400 Code 417](#).

The resignation/retirement form can be found:

[@DMPS Resource Center](#) / [Human Resources](#) / [Forms & Processes button](#) / Resignation or Retirement Request

## APPENDIX

### Conditions of Employment Administrators

#### Certified Administrator

The term Administrator working under an administrator's license may include any other individual having the authority to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or the responsibility to direct them or to adjust their grievances, or effectively to recommend such action.

#### Probationary Administrator with Less Than Three Consecutive Years of District Administrative Experience

1. A Probationary Administrator is an individual employed as an Administrator in the District for less than three consecutive years.
2. Administrators who are new to the District and/or administrators serving in their first administrative assignment in the District will be considered probationary and will be evaluated annually.
  - The goal of this evaluation schedule is to provide a structure of support and development for these administrators during their initial years of employment with the District.

#### Administrator Evaluations

Administrators will be evaluated every year. The summative evaluation will include reflection and documentation of performance based on the [Iowa Standards for School Leaders](#).

#### Administrative Assignments

Administrative assignment is defined as the placement of an Administrator at a specific location or in a specific job function(s). The assignment of all Administrators will be reviewed annually by the Superintendent or his/her designee for the benefit of the District, the individual or both.

1. An Administrator may request a change of assignment. The Superintendent shall make the final decision.
2. An Administrator maybe reassigned unilaterally without a request for a change of assignment. The Superintendent shall make the final decision.
3. Administrators will be given notice of changes of assignment. Such assignments shall be made to serve the need of the District and normally will be effective at the close of the service year.

#### New Certified Staff

All new certified employees must submit and/or complete the following information to Human Resources, 2100 Fleur Drive, Des Moines, IA 50321-1158, prior to starting employment:

- Online employment application
- A cancelled check for automatic deposit or a letter from the bank with routing and account numbers
- Federal W-4 and IA W-4 form
- Verification that the employee has been approved for an Iowa teaching license
- Valid driver's license and Social Security card or other [I-9 Form acceptable documents](#)
- Mandatory Reporter: Child and Dependent Adult Abuse
- Educational verification documents such as transcripts with conferred date of degree
- Background check

Before October 15 of the year employed, all certificated staff (in order to avoid being placed on unpaid leave) must have the following documents on file:

- A photocopy of their Iowa teaching license
- A photocopy of transcripts of all college coursework (all certified employees must file a complete official transcript of all their collegiate work with conferred date)



Acknowledgement of the receipt will be issued by Human Resources as soon as the records are posted and filed. If an error or discrepancy is found, a special notice will be attached to your receipt. Please correct any errors immediately to avoid misunderstandings or complication later.

Note: Teachers who need conditional or an Executive Director's Decision License must have the application, fee, and course of study on file with the [Iowa Board of Educational Examiners](#) prior to beginning their assignment. For more information, you can contact the Iowa Board of Educational Examiners at 515-281-3245 or at [www.boee.iowa.gov](http://www.boee.iowa.gov).

By law, [Human Resources](#) must receive these documents according to the above timelines. Once filed, these records become the property of the District. Failure to respond to this requirement in a timely manner may result in disciplinary action up to and including termination of employment.

### **Step Ten Training Increment – Licensed and Certificated Staff**

To advance on the salary scale certified staff members on step ten of the salary scale wishing to advance to Step Eleven must submit a copy of transcript indicating they have earned six semester hours of credit during the previous five years. Advancement to Step Eleven cannot be achieved until this information has been received by Human Resources. Please feel free to discuss the training increment step with your principal or Human Resources or consult the [Comprehensive Agreement](#) for more details.

### **Advancement on the Salary Schedule**

#### **Licensed and Certificated Staff Members**

Continuing certified staff members (including administrators) must submit a transcript for reclassification to [Human Resources](#) by February 15 to receive the pay increment. Transcripts received after February 15 but before September 15 of the following school year will count on the reclassification schedule, but retroactive payments will not begin until the first check in December. Please see the [Comprehensive Agreement](#) for more details.

#### **Non-Certified Staff**

To receive extra pay for semester hour credits earned, eligible non-certified employees must turn in photocopy transcripts no later than September 15. Please see the [Comprehensive Agreement](#) for more details.

#### **Licensure/Certification**

The Iowa Board of Educational Examiners no longer provides school districts with a copy of employee licenses showing the proper endorsements for the current teaching or administrative assignment. It is the obligation of each certified staff member to renew his/her license with the Iowa Board of Educational Examiners at the proper time and notify [Human Resources](#) at [dmpshr@dmschools.org](mailto:dmpshr@dmschools.org). Human Resources will respond to employees via e-mail verifying that the license has been confirmed.

For information about license and authorization information and/or applying or renewal of license you can contact the Iowa Board of Educational Examiners at 515-281-3245 or at <https://boee.iowa.gov/apply-license>.

### **Jury Duty Guidelines**

The District will continue to pay you for the days you are absent for jury duty, therefore, you are required to reimburse the District for the amount that the county pays you to serve as a juror. If you are not selected to serve on the jury you were scheduled for you are expected to contact your supervisor and return to work.

To avoid a deduction in pay the District requires documentation of jury duty service AND reimbursement of jury duty fees.

Documentation is defined as one of the following:

- 1) Copy of the check that is received from the Clerk of Court OR
- 2) Attendance record from the Clerk of Court.

Within 30 days of jury duty, one of the two forms of documentation must accompany your reimbursement check made payable to DMPS.

The daily compensation amounts paid for serving on a jury are:

District (Polk County) jury duty:

\$30.00 per day up to seven days

\$50.00 per day for eight or more days of service

Federal (Grand/Petit) jury duty:

\$50.00 per day with no increase until 30 days of service has been completed.

For jury service in a county other than Polk County, notify [Pam Gomez](#), Administrative Assistant, Financial Services, 515-242- 8527, [pamela.gomez@dmschools.org](mailto:pamela.gomez@dmschools.org) so that additional arrangements can be made on the reimbursement and prevent a payroll deduction.

County checks: any amounts over the daily rates are for mileage reimbursements and may be kept by the employee.

If you attend ½ day of jury duty, the same amount will be due to the District unless your payroll earnings are less than the compensation for jury duty. Less than full time employees should contact [Pam Gomez](#), Administrative Assistant, Financial Services, 515-242- 8527, [pamela.gomez@dmschools.org](mailto:pamela.gomez@dmschools.org) before sending in their reimbursement.

If the Business Office does not receive reimbursement and documentation within 30 days, the employee will be docked one day of pay for each day of jury duty served.

Jury duty days may not be used for any other purpose.

Examples when jury duty cannot be claimed:

- 1) You witnessed a car accident. You have been subpoenaed to testify in court. This should be documented as personal leave or vacation.
- 2) A family member has to appear in court and they truly need you there to support them. You may even be called as a character witness. This is NOT jury duty. Personal leave or vacation should be used.
- 3) You have witnessed abuse on a child in your classroom. The court has subpoenaed you to appear at a custody hearing. You are to use professional leave for your absence.
- 4) You have been given a date to appear for jury duty. You are directed to call the night before to see if you must report the following day. You find that you do not have to report. Although you have already requested a substitute for your absence you are to cancel the absence using the [Frontline Absence Management \(website\)](#) or phone system) and come to work. You will not qualify for jury duty pay.

If you choose to be absent from work you must change your leave request from jury duty to either vacation or personal leave, depending on your supervisor's approval. Failure to make the appropriate changes will result in a dock in pay for each day absent.

It is strongly suggested that you work out details of your jury duty with your office manager and/or supervisor in regard to substitutes and length of your jury service. Keep one or both of them informed as you are able to determine your required days.

Payments for jury duty are to be sent to:

Des Moines Public Schools  
Financial Services  
2100 Fleur Drive  
Des Moines, Iowa 50321

Attn: [Pam Gomez](mailto:pamela.gomez@dmschools.org)  
[pamela.gomez@dmschools.org](mailto:pamela.gomez@dmschools.org)

## **Crowdfunding Procedures**

### **Definition**

Crowdfunding is the process of requesting donations to fund a specific purchase or project, typically through platforms designed for this purpose. Crowdfunding does not include the specific requests for donation the district makes using the District's own website or social media.

Because crowdfunding is a unique form of fundraising, the following rules will apply when gifts or donations are sought to benefit the District. If there is reason to believe the gifts are not following donor intent or if we are unable to track the assets received, we reserve the right to restrict future fundraisers through this platform.

### **Preapproved Site**

At this time, **Donors Choose (donorschoose.org) is the only crowdfunding platform approved** for requesting funds for District use. Under no circumstances should an outside bank account be opened to raise funds for the District. If further clarification is needed or you have any questions, please contact the Controller at 515-242-7718.

### **District Approval**

Before creating a campaign on donorschoose.org, you must receive district approval. First, **fill out the Donors Choose Request for Approval** form found on [@DMPS Resource Center](#) under the Business and Finance folder.

This form will be routed to your principal or immediate supervisor for approval, and then the request will flow to:

- Grants Specialist if less than \$5,000
- Controller if more than \$5,000 but less than \$100,000
- CFO if more than \$100,000

It is important to follow this flow of approval because per Board policy, it ensures the CFO is aware of the donations that are being received by the District.

### **Leader Responsibility**

It is the responsibility of the project leader to understand and comply with all legal and regulatory requirements that apply to the crowdfunding activity including the specific platform's rules. When uploading a campaign onto donorschoose.org, please make sure you maintain student confidentiality and follow laws pertaining to the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Act (IDEA). As the project leader, it is your responsibility to ensure the use of donation items align with your proposed use of funds and are in line with the donor's intent. The project leader is in charge of maintaining a file that includes:

- Confirmation of email with district approval to post on donorschoose.org
- Written detail of the project – what is posted on the fundraising website
- Photos or images posted with the project
- Copy of all agreements and permission forms

## Donation Requirements

All donations or gifts that are requested using the District's name, referencing the employee's position with the District even if the District is not named, or requested on behalf of District students specifically or in general are considered District property. **The following staff must be informed when donations or gifts are received through crowdfunding** so the gift may be appropriately acknowledged and inventoried by the District. When an employee transfers or leaves the District, the property stays with the District.

- Technology: All technology must be sent to IT to be barcoded and entered into the system. The funding source should be noted as a donation and who/where it was from. Contact [Connie Broich](#) (242-8285), cc [Sharon Fuller](#) (242-8175) and [Scott Jensen](#) (242-8116).
- Music: [Kelly Schnackenberg](#) (242-7609), cc [Sharon Fuller](#) (242-8175) and [Scott Jensen](#) (242-8116).
- Athletics: [Troy Owens](#) (2428536) or [Jason Allen](#) (242-8377), cc [Sharon Fuller](#) (242-8175) and [Scott Jensen](#) (242-8116).
- Textbooks: [Debbie Swigert](#) (242-7931), cc [Sharon Fuller](#) (242-8175) and [Scott Jensen](#) (242-8116).

## Donorschoose.org Materials Ownership Policy

The following is the policy of donorschoose.org and is posted on their website.

Materials funded through DonorsChoose.org are considered to be the property of the public school classroom and will be sent to the school where the teacher is registered on our site when materials are ordered. When they arrive, materials should be given to the teacher who submitted the project request, to be used in his/her classroom. Materials for projects requesting "life essentials" for students are meant to be given to the students to use and own, and thus the following policy will not apply.

Districts and schools often have policies around documenting or tracking donated items, and we encourage teachers to learn about such policies before submitting requests for funding on our site. DonorsChoose.org will not be able to override these policies, but will provide support in cases where a teacher is denied access to materials that were delivered for his/her classroom.

\*If a teacher leaves a school:

Any materials that have been delivered to the school by default should remain at that school if a teacher leaves. However, the teacher is welcome to take the materials with him/her to a new school if both of these criteria are met:

- The teacher will continue to teach in a public school and in a position that meets our eligibility criteria.
- The principal gives consent for the teacher to take funded materials to use in his/her new classroom.

## Evaluation Procedures & Standards

### Procedures

#### Notification

Within four weeks after the employee or SUCCESS employee reports to his/her assignment, the building principal or his/her appropriate supervisor shall acquaint each employee or SUCCESS employee under his/her supervision with the formal evaluation procedures as may be used and advise each employee or SUCCESS employee as to the designated person or persons who will observe and evaluate the employee's or SUCCESS employee's performance. No formal evaluation shall take place until such orientation has been completed.

### Formal Observation

Each probationary employee or SUCCESS employee shall be formally observed by his/her employer for the purpose of evaluation at least two times during his/her first semester of employment, at least one time during the employee's or SUCCESS employee's second semester of employment, and at least once every year for the employee's remaining period of probation. **During each year that an educator serves under an initial license (Beginning educator), the Beginning educator shall be formally observed three times.** Each non-probationary employee or SUCCESS worker shall be observed by his/her principal or appropriate supervisor at least once every three years for the purpose of completing a formal evaluation. Observations made for Career Level III-B employees may be substituted for this formal observation at the discretion of the Employer.

### Conference

Each formal observation of an employee or SUCCESS employee shall be followed by a personal conference between the employee or SUCCESS employee and the employee or SUCCESS employee's Evaluator.

### Written Evaluation

**The evaluation shall be reduced to writing and a copy given to the employee or SUCCESS employee.** If the employee or SUCCESS employee disagrees with the written evaluation, the employee or SUCCESS employee may submit a signed and dated written position to the building principal or his/her appropriate supervisor, and then the written position shall be attached to the file copy of the evaluation in question. The employee or SUCCESS employee shall be asked to sign the written evaluation, however, such signature shall be understood to indicate the employee's or SUCCESS employee's awareness of the evaluation and acknowledgement of receipt of the written evaluation report, but in no instance shall said signature be interpreted to mean agreement with the content of the material.

### Informal Observation

Additional informal observations of employees or SUCCESS employees may occur at the discretion of the Employer. It may not be deemed necessary to reduce such informal observations to writing; a verbal discussion between the Employer and the employee or SUCCESS employee concerning the informal observations may suffice. Where an informal observation reflects areas of needed improvement and that a plan of assistance is warranted, the administration shall, in a timely manner, provide the employee with written feedback regarding the informal observation. If a written evaluation is deemed necessary, the procedure for written evaluation as outlined above shall be followed.

### Personnel File

Each employee or SUCCESS employee shall have, upon request, the right to review the evaluation documents contained in his/her personnel file. An employee or SUCCESS employee has the right to respond in writing to any evaluation documents. Any complaints directed toward an employee or SUCCESS employee which are placed in his/her personnel file shall be promptly called to the employee's or SUCCESS employee's attention in writing.

### Performance Standards for SUCCESS Employees

#### Performance Area I: Collaboration and Coordination

- Works collaboratively with representatives of social service agencies, schools, and advisory committees to meet the needs of program participants.
- Functions as a member of the interdisciplinary team.
- Provides prompt and ongoing follow up to school and agency staff regarding client status.

#### Performance Area II: Effectiveness with Youth and Families

- Assesses the comprehensive needs of children/youth and families and assist them in identifying their current and potential strengths and needs.

- Assists children/youth and families in linking them to services available and in overcoming barriers to utilize those services.
- Develops an effective relationship with children/youth and families.

#### Performance Area III: Professional Qualities

- Adapts work schedule to meet family and program needs and work(s) within building guidelines.
- Maintains a caseload that is consistent with program objectives to provide long-term support for selected families.
- Maintains accurate records and completes required reports.
- Provides for confidentiality of all program services as it relates to both written and verbal communications.

#### Performance Area IV: School Performance/Outcomes

- Collaborates with all stakeholders to support academic achievement.
- Collaborates with all stakeholders to support improvement of student behavior.
- Collaborates with all stakeholders to support improvement of student attendance.

### Transfer Procedure

For administration of this Article, SUCCESS employees are treated as a separate and independent group, provided transfer procedure rights only within that group.

#### Definition

Transfer is defined as movement of an employee or SUCCESS employee to a different building.

#### Employee-Initiated Transfer

Known existing full time and /or part-time openings for certificated employees identified by subject area or grade level and locations that will be available for the subsequent school year will be posted on the district's web page, [www.dmschools.org](http://www.dmschools.org) and [Teachlowa.gov](http://Teachlowa.gov).

- Notification of Vacancies (Openings) for SUCCESS Employees.
- SUCCESS employees will only be eligible to transfer to vacant SUCCESS Program job classifications, e.g. case manager, family development specialist, and center coordinator.

The following procedures apply to employee-initiated transfers:

- A timeline for transfer activities will be developed and communication to employees by January 15th of each year.
- The District determines and provides staffing allocations to each building annually in as timely a manner as feasible. It is the responsibility of the Superintendent to ensure public interest supersedes the privileges of District employees and the requirements of the District supersede those of a specific school.
- When a vacancy exists, the principal/hiring administrator will attempt to select the most qualified teacher based on experience, specific qualifications, certification/licensure and seniority.
- All vacancies will be subject to being filled by the licensed employee transfer procedure as hereinafter provided. A vacancy shall be deemed to occur on the date the current employee ceases active employment of the Board of Directors takes official action on such position, whichever occurs first.
- Vacancy Description - All vacancies shall be defined by and posted according to the job classification and detailed by the job description. The employee will utilize the online application form and process to apply for a transfer.



- An employee who is on a plan of improvement may not apply for a transfer. The Superintendent may waive this restriction.
- The principal/hiring supervisor may elect to interview external candidates in addition to at least one internal candidate, provided at least one internal candidate applies, unless the end result is layoff. Selected applicants will be interviewed using the standard District hiring process.
- After interviews are conducted, the principal/hiring administrator will make a recommendation to the Superintendent and/or his/her designee following District Hiring Procedures.

### Employer-Initiated Transfer.

Notification. In the case of Employer-initiated transfers, the principal of the school in which the employee or SUCCESS employee works shall inform the employee or SUCCESS employee in writing of the reasons for transfer. Employer-initiated transfers of an employee or SUCCESS employee after the beginning of an academic year will not be effective until a personal conference has been held between the Employer and the employee or SUCCESS employee.

### Return Rights.

Any employee or SUCCESS employee assigned to an administrative or supervisory position that subsequently becomes a member of the bargaining unit shall be entitled to retain such rights as may have accrued under the applicable [Comprehensive Agreement](#).

### Procedure for Staff Reduction

For administration of this Article, SUCCESS employees are treated as a separate and independent group provided staff reduction rights only within that group.

### Attrition

In the event it is necessary to have a reduction in staff, the District shall attempt to accomplish such reduction by attrition. In the event necessary reduction of staff cannot be accomplished by attrition, the District shall determine which employees or SUCCESS employees are to be retained according to the following procedure:

- Staff Reduction within a Building and District. When employment cannot be provided in a particular building, the reduction in staff shall be based upon (a) the needs of the school system as determined by the District, (b) the affected employee's or SUCCESS employee's educational preparation and experience, and (c) the relative skill, ability, and competence of the employee or SUCCESS employee for which employment cannot be provided. When those employees or SUCCESS employees for which employment cannot be provided in a particular building have qualifications considered equal, the employee or SUCCESS employee with the least district seniority within the building shall be declared excess and shall be transferred first.
- Reductions shall first be made through attrition. Following, reductions will be made from among employees or SUCCESS employees with temporary or emergency certification, unless otherwise needed to maintain an existing program.
- Employer initiated transfers that result from this practice shall be conducted in accordance with the provisions expressly associated with Employer-Initiated Transfers identified above. Should further reductions be necessary and when the remaining employees or SUCCESS employees have equal qualifications and relevant experience; the employees or SUCCESS employees with the least district seniority shall be laid off first.

### Notification of Layoffs

The District shall provide written notice to the applicable Employee Association and to the employee or SUCCESS employee 30 calendar days prior to the actual layoff. Such notice shall include written reasons for reduction and shall be kept in the individual employee's or SUCCESS employee's personnel file.

## Recall Rights

Any employee or SUCCESS employee laid off pursuant to this practice shall have recall rights to any position for which he/she is or may become qualified for one year from the effective date of his/her layoff and shall be offered employment in such professional categories in inverse order of the layoff.

## Notification of Vacancies

A laid-off employee or SUCCESS employee shall be notified by certified mail of an appropriate vacancy sent to the employee's or SUCCESS employee's address on file with Human Resources. An employee's failure to respond affirmatively in writing within five calendar days after receipt of the District's letter shall cause loss of recall rights.

## Level One Investigator

Any individual wishing to report a student being abused by an employee shall notify the building Level I Investigator. Below is a list of all Level I Investigators by building

## Code 418.1 Policy Title: Report of Student Abuse by School Employee

LEVEL 1 INVESTIGATORS 2020-2021			
LEVEL	BUILDING	FIRST NAME	LAST NAME
Pre	MCKEE	JODI	HARRELL
Pre	MCKEE	JENNY	MOORE
Pre	MITCHELL	TRACEY	CAMPO-WESTERGAARD
Pre	MITCHELL	LAURA	CORKREAN
Pre	TAYLOR PRSCHL	JODI	HARRELL
Pre	TAYLOR PRSCHL	JENNY	MOORE
Pre	WOODLAWN	TRACEY	CAMPO-WESTERGAARD
Pre	WOODLAWN	LAURA	CORKREAN
ES	BRUBAKER	MARK	ADAMS
ES	BRUBAKER	PAUL	BRADLEY
ES	BRUBAKER	KAREN	CATRON
ES	CAPITOL VIEW	GINA	BEALS
ES	CAPITOL VIEW	LAURA	CANNON
ES	CAPITOL VIEW	MARSHA	KERPER
ES	CARVER	JILL	BURNETT REQUIST
ES	CARVER	STEPHANIE	HUDSON
ES	CARVER	BETH	STEINFELDT
ES	CATTELL	SHELLY	JOHNSON
ES	CATTELL	KELLY	MALLORY
ES	CATTELL	TIONA	SANDBULTE
ES	COWLES	TODD	JOHNSON
ES	COWLES	ZACHARY	KELLEN
ES	DOWNTOWN	ROBERT	BURNETT
ES	DOWNTOWN	DAWN	COPPINGER
ES	EDMUNDS	ASHLEY	INTHALANGSY
ES	EDMUNDS	TAYLOR	MOORE
ES	EDMUNDS	JAYNETTE	RITTMAN
ES	FINDLEY	BARBARA	ADAMS
ES	FINDLEY	RICK	MILLER
ES	FINDLEY	CARRIE	MOTON

**LEVEL 1 INVESTIGATORS 2020-2021**

<b>LEVEL</b>	<b>BUILDING</b>	<b>FIRST NAME</b>	<b>LAST NAME</b>
ES	GARTON	JENNY	INMAN
ES	GARTON	RENITA	LORD
ES	GARTON	JACQUELINE	PATRICK
ES	GREENWOOD	TAMMA	HOWE
ES	GREENWOOD	ANDREA	SAFINA
ES	HANAWALT	JOLENE	LIEBL
ES	HANAWALT	ERIC	LOVELL
ES	HILLIS	CHRISTINA	DETWILER
ES	HILLIS	RENEE	GELFOND
ES	HOWE	ALLISON	BERG
ES	HOWE	JENIFER	KRAMER
ES	HOWE	TRENTON	WILLIAMS
ES	HUBBELL	CARRIE	BELT
ES	HUBBELL	MICHELLE	MCCLURE
ES	JACKSON	TRICIA	KURTT
ES	JACKSON	MARLA	SOBEL
ES	JACKSON	CYNTHIA	WISSLER
ES	JEFFERSON	KARENE	CURRAY
ES	JEFFERSON	MARY	MINARD
ES	JEFFERSON	DAVID	SHARKEY
ES	KING	KISHA	BARNES
ES	KING	JOSEPH	LAZIO
ES	LOVEJOY	MEGAN	CAVE
ES	LOVEJOY	BRANDI	OTTO
ES	MADISON	DUSTIN	HOCKMAN
ES	MADISON	JENNIFER	KRIEGER
ES	MADISON	SARAH	MAJOROS
ES	MCKINLEY	SARAH	GRADY
ES	MCKINLEY	Brooke	HAKERT
ES	MCKINLEY	LINLEY	HOUSER
ES	MONROE	CARMEN	COLLISON
ES	MONROE	STEPHANIE	FLICKINGER
ES	MONROE	CHRISTOPHER (JOHN)	WARD
ES	MOORE	ANNE	BOOTH
ES	MOORE	MIRANDA	HUBNER
ES	MOORE	CLAUDIA	LORENTZEN
ES	MORRIS	SHERRY	AMOS
ES	MORRIS	JULIE	GEISTKEMPER
ES	MORRIS	JAIME	ROBINSON
ES	MORRIS	JEFFREY JB	WATSON
ES	MOULTON	BEN	HEINEN
ES	MOULTON	VIRGINIA	MARTIN
ES	MOULTON	EDDIE	MCCULLEY
ES	OAK PARK	SARAH	BENGTSON
ES	OAK PARK	NANCY	FREGOSO
ES	PARK AVENUE	DIANNA	ANDERSON
ES	PARK AVENUE	BROOKE	MENDOZA

**LEVEL 1 INVESTIGATORS 2020-2021**

<b>LEVEL</b>	<b>BUILDING</b>	<b>FIRST NAME</b>	<b>LAST NAME</b>
ES	PARK AVENUE	RICK	SORIA
ES	PERKINS	ALEXIS	DENTON
ES	PERKINS	MICHAEL	DERRICK
ES	PERKINS	JUAN	PADILLA
ES	PHILLIPS	KRISTY	FITZGERALD
ES	PHILLIPS	KARIN	LEVEKE
ES	PHILLIPS	NICKOLAS	QUINLAN
ES	PHILLIPS	CARRIE	RATLIFF
ES	PLEASANT HILL	TERRIE	PRICE
ES	PLEASANT HILL	LUANN	RINARD
ES	PLEASANT HILL	HALEY	SHAW
ES	RIVERWOODS	AARON	BAHR
ES	RIVERWOODS	TRACI	SHIPLEY
ES	SAMUELSON	CINDY	ROERIG
ES	SAMUELSON	CARRIE	WEERS
ES	SAMUELSON	AMY	WIEGMANN
ES	SOUTH UNION	JILL	BURKE
ES	SOUTH UNION	TINA	JENSEN
ES	SOUTH UNION	KELLY	RUDEN
ES	STOWE	KAREN	BUFFINGTON
ES	STOWE	JOSEPH	MCCRIGHT
ES	STOWE	JENNIFER	WILLIAMS
ES	STUDEBAKER	STACI	ALLISON
ES	STUDEBAKER	BRIAN	CROOK
ES	STUDEBAKER	NICOLE	LYON
ES	WILLARD	KRISTEN	BERVEN
ES	WILLARD	JAYDE	KENNEDY
ES	WILLARD	JULIE	KRUSE
ES	WINDSOR	JUSTIN	BALLARD
ES	WINDSOR	BETH	DOEDEN
ES	WINDSOR	ROBERT	NICHOLS
ES	WRIGHT	MICHELLE	HURLBURT
ES	WRIGHT	COURTNEY	NICHOL
MS	BRODY	THOMAS	HOFFMAN
MS	BRODY	JOLYNN	MAY
MS	BRODY	CHRISTOPHER	ROBERTS
MS	CALLANAN	RYAN	DAUGHERTY
MS	CALLANAN	HEATHER	FARRIS-VERMEER
MS	CALLANAN	DAWN	STAHLY
MS	GOODRELL	DEBORAH	CHAPMAN
MS	GOODRELL	WILLIAM	CROSBY
MS	GOODRELL	PETER	LE BLANC
MS	HARDING	SHANNON	CAMODECA
MS	HARDING	CHRISTOPHER	SCHMIT
MS	HIATT	OSCAR	CARDENAS
MS	HIATT	JOSEPH	GREEN
MS	HIATT	SARAH	SMITH

**LEVEL 1 INVESTIGATORS 2020-2021**

<b>LEVEL</b>	<b>BUILDING</b>	<b>FIRST NAME</b>	<b>LAST NAME</b>
MS	HOYT	BEVERLY	ECK
MS	HOYT	DEB	MARKERT
MS	HOYT	JOE	SPIESS
MS	MCCOMBS	JASON	SNOW
MS	MCCOMBS	ANDREW	WADE
MS	MEREDITH	VICTOR (KIP)	COLEMAN
MS	MEREDITH	JEFFREY	RICHER
MS	MERRILL	KATHRYN	PANEK
MS	MERRILL	BRIAN	TATE
MS	WEEKS	DOUG	CALAWAY
MS	WEEKS	JOAN	CUNDIFF
MS	WEEKS	CHERYL	MODLIN
MS	WEEKS	BRI	SCHWARCK
HS	CENTRAL ACADEMY	JESSICA	GOGERTY
HS	CENTRAL ACADEMY	KRISTIN	HILTON
HS	CENTRAL CAMPUS	LISA	HILL
HS	EAST	LISA	HARRINGTON
HS	EAST	JILL	VERSTEEG
HS	HOOVER	BOSTON	FREILINGER
HS	HOOVER	SHERRY	POOLE
HS	HOOVER	TORI	RABE
HS	LINCOLN	MICHAEL	ALBARRACIN
HS	LINCOLN	QYNNE	KELLY
HS	LINCOLN	GREG	MARSHALL
HS	NORTH	JONATHAN	JOHNSON
HS	NORTH	STEVE	SCHAPPAUGH
HS	NORTH	CAIT	SCHRUP
HS	ORCHARD PLACE	BRADLEY	KOTZ
HS	ORCHARD PLACE	GAIL	SOESBE
HS	ORCHARD PLACE	STEPHANIE	ZUEHLKE
HS	ROOSEVELT	MELISSA	FLOYD
HS	ROOSEVELT	JEFF	HUMMEL
HS	RUBY VAN METER	JENNIFER	BRINDLE-ROTHMAN
HS	RUBY VAN METER	LAUREL	FRIEDMAN
HS	RUBY VAN METER	CYNTHIA	WEISZ

## APPENDIX A

# SEXUAL HARASSMENT PROCEDURES MANUAL

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## I. THE POLICY

In accordance with Title IX of the Education Amendments Act of 1972, Des Moines Community School District prohibits sex discrimination, including sexual harassment as defined by the regulations implementing Title IX (34 C.F.R. § 106.30), against any individual participating in any education program or activity of the District. This prohibition on discrimination applies to students, employees, and applicants for employment.

The Board authorizes the Superintendent to adopt procedures for any individual to report sexual harassment to the District's Title IX Coordinator, for the provision of supportive measures to anyone who has been subjected to sexual harassment whether or not they proceed with a formal complaint under those procedures, and for the investigation and resolution of such complaints, as required by Title IX. This Title IX grievance process shall be used to respond to all complaints of sexual harassment that fall within the scope of Title IX. For complaints of sexual harassment that do not fall within the scope of Title IX, the District may still offer supportive measures to the target of such conduct and shall apply any other policy or procedure applicable to the alleged conduct.

Any individual with questions about the District's Title IX policy and procedures, or who would like to make a report or file a formal complaint of sex discrimination or sexual harassment may contact the District's designated Title IX Coordinator, E Jacob Cummings, 2100 Fleur Drive, Des Moines, IA 50321; phone: 515-242-7709; email: [jacob.cummings@dmschools.org](mailto:jacob.cummings@dmschools.org)

Retaliation against a person who made a report or complaint of sexual harassment, assisted, or participated in any manner in an investigation or resolution of a sexual harassment report or complaint is strictly prohibited. Retaliation includes threats, coercion, discrimination, intimidation, reprisals, and/or adverse actions related to employment or education. Any individual who believed they have been retaliated against in violation of this Policy should immediately contact the District's Title IX Coordinator.

## II. DEFINITIONS

**A. Sexual harassment** means unwelcome behavior or conduct (physical, verbal, written, electronic) that is directed at someone because of that person's sex or gender, and that meets any of the following definitions:

1. **“Quid Pro Quo” Harassment.** A District employee explicitly or implicitly conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct; **OR**
2. **Hostile Educational/Work Environment.** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; **OR**
3. **Sexual assault.** An offense that meets the definition any one of the following offenses:
  - Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without consent of the victim;
  - Fondling: the touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim;
  - Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or

- Statutory rape: sexual intercourse with a person who is under the statutory age of consent; **OR**

4. **Stalking:**

- Purposefully engaging in a course of conduct directed at a specific person ("target") that would cause a reasonable person to fear bodily injury to, or the death of, the target or a member of the target's immediate family;
- when the person ("stalker") knows or should know that the target will be placed in reasonable fear of bodily injury to, or the death of, the target or a member of the target's immediate family by the course of conduct; and
- the stalker's course of conduct induces fear in the target of bodily injury to, or the death of, the target or a member of the target's immediate family; **OR**

5. **Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship; **OR**

6. **Domestic Violence:** any felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Iowa; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Iowa.

**B. Consent** means knowing and voluntary agreement to engage in conduct or an activity with another individual. Silence or an absence of resistance does not imply consent. Past consent to engage in conduct or an activity does not imply future consent; consent can be revoked at any time. An individual who is incapacitated (e.g., when a person is asleep, unconsciousness, under the influence of drugs or alcohol, or disability) cannot give consent. Coercion, force, or the threat of either invalidates consent. Under no circumstances can a student give consent to engage in any sexual conduct or activity with an employee of the District.

**C. Complainant** means any person who alleges that they have been subjected to sexual harassment as defined by this Policy. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education program or activity.

**D. Respondent** means any person who has been reported to be the perpetrator of conduct that could constitute sexual harassment under this Policy, and over whom the District is able to exercise substantial control.

### III. **POLICY SCOPE**

This Policy applies to all persons participating in the District's education program or activity, including students and employees and applicants for employment. Under Title IX, the District has jurisdiction over locations, events or circumstances over which it substantially controls the Respondent and the context in which the harassment occurs. The District's jurisdiction is limited to conduct against a person that occurs in the United States.

Any person may make a report of sexual harassment to the District's Title IX Coordinator.

#### **IV. CONFIDENTIALITY**

The District is committed to creating an environment that encourages individuals to come forward if they have experienced or witnessed sexual harassment. However, the District cannot promise absolute confidentiality to any party. District employees cannot promise confidentiality to any student who reports possible sexual harassment to them.

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination or sexual harassment, or has been identified as the perpetrator or respondent to any such report or complaint, or is a witness to any complaint or investigation, **except** as required to carry out the purposes of this Policy (including the conduct of any complaint resolution process), applicable law, or as permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g.

#### **V. REPORTING SEXUAL MISCONDUCT, INCLUDING SEXUAL ASSAULT AND SEXUAL HARASSMENT**

##### **A. Employee Reporting Obligations**

Any District employee who witnesses or becomes aware of sexual harassment have an affirmative obligation to report immediately to the District's Title IX Coordinator or to their building principal or immediate supervisor. Failure to do so may result in disciplinary action against the employee, up to and including termination of employment.

##### **B. Reporting to Law Enforcement**

Because sexual misconduct may constitute both a violation of District policy and criminal activity, individuals who have been subject to criminal sexual misconduct may wish to report their concerns to law enforcement. An individual may proceed under this Policy whether or not they elect to report to law enforcement.

##### **C. Reporting to the District**

Any individual who wishes to make a report or file a formal complaint of sexual harassment may contact the District's Title IX Coordinator E Jacob Cummings, [2100 Fleur Drive, Des Moines, IA 50321](#); phone: 515-242-7709; email: [jacob.cummings@dmschools.org](mailto:jacob.cummings@dmschools.org). Any individual who is subject to, witnesses, or becomes aware of alleged sexual harassment may also submit an anonymous report at <https://fs8.formsite.com/DMPSchools/form295/index.html>.

**Allegations that an employee of the District has engaged in sexual harassment toward a student must be immediately reported or referred to the District's designated Level 1 Investigator, and must be handled in accordance with 281 Iowa Administrative Code Chapter 102 (Procedures for Charging and Investigating Incidents of Abuse of Students by School Employees).** The Level 1 Investigator shall be responsible for complying with the requirements of Chapter 102, including with respect to reporting the alleged conduct to law enforcement or other appropriate state agencies. The Level 1 Investigator shall work with the District's Title IX Coordinator to determine how to preserve or restore the student's access to the District's education program and activities.

##### **D. Amnesty for Complainants and Participants in Investigations**

The District will not pursue disciplinary action for improper possession or use of alcohol or other drugs against a student who reports in good faith an incident of sexual misconduct, or who participates in good

faith in an investigation into an incident of sexual misconduct. The District may still notify the parent/guardian of the student(s) involved in such possession/use to promote the student safety and well-being or otherwise report such possession or use as required by law.

#### **E. Retaliation Prohibited**

Retaliation against a person who makes a report or complaint of sexual harassment, or who assists, or participates in any manner in an investigation or resolution of a sexual harassment report or complaint is strictly prohibited. Retaliation includes threats, coercion, discrimination, intimidation, reprisals, and/or adverse actions related to employment or education. Any individual who believed they have been retaliated against in violation of this Policy should immediately contact the District's Title IX Coordinator.

This Policy's antiretaliation protections do not apply to any individual who makes a materially false statement in bad faith in the course of any complaint, investigation, hearing, or other proceeding under this Policy. However, a determination that an individual made a materially false statement in bad faith must be supported by some evidence other than the determination of whether the Respondent violated this Policy alone. An individual who makes a materially false statement in bad faith may be subject to discipline up to and including suspension or expulsion of a student or termination of an employee's employment.

#### **F. Time Frames for Reporting and Response**

The District strongly encourages prompt reporting of complaints and information. While there is no time limit in invoking this Policy in responding to complaints of alleged sexual harassment, a complaint should be submitted as soon as possible after the event takes place in order to maximize the District's ability to respond promptly and equitably.

The District may not be able to fully investigate a formal complaint against an individual who is no longer affiliated with the District. Under those circumstances, the District will still consider whether it can offer supportive measures to the Complainant or proceed under another applicable law, policy, procedure, handbook provision, or rule.

In all cases, the District will conduct a prompt and equitable investigation of allegations of sexual misconduct. Generally the District will attempt to complete the investigation and make a determination regarding responsibility within forty-five (45) calendar days of receipt of a formal complaint. However, the District may alter or extend this time with notice to both parties. The time it takes to complete the resolution of a sexual harassment complaint may vary based on the complexity of the investigation and the severity and extent of the alleged conduct, as well as on whether there is a parallel criminal investigation, or if school breaks occur during the process.

### **VI. PROCESS FOR RESPONDING TO REPORTS OF SEXUAL HARASSMENT**

#### **A. Initial Meeting with the Complainant**

Upon receipt of any report of sexual harassment occurring in the District's educational program or activity, the Title IX Coordinator or designee will schedule a meeting with the Complainant in order to provide the Complainant a general understanding of this Policy and to identify forms of supportive measures available to the Complainant with or without the filing of a formal complaint, and to explain the process for filing a formal complaint. The intake meeting may also involve a discussion of any specific supportive measures that may be appropriate.

At the initial intake meeting with the Complainant, the Title IX Coordinator or designee will seek to determine how the Complainant wishes to proceed. The Complainant may opt for: (1) informal resolution;

(2) formal resolution; or (3) not proceeding. Supportive measures may still be offered whether or not the Complainant chooses any of these options.

If the Complainant wishes to proceed with either informal or formal resolution, a written document must be filed by the Complainant or signed by the Title IX coordinator alleging harassment against a respondent (the "formal complaint"). Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not the complainant or otherwise a party to a complaint proceeding under this Policy.

## **B. Informal Resolution**

Upon filing of a formal complaint, a Complainant who does not wish to pursue formal resolution may request a less formal proceeding, known as "Informal Resolution." Informal resolution is available to the parties any time prior to a determination of responsibility being issued.

Informal resolution is a voluntary process that requires the written consent of the Complainant and Respondent. The District will not require the parties to participate in the Informal Resolution process as a condition of enrollment, employment, or of any other right conferred by the District. The Title IX Coordinator will assess the severity of the alleged harassment and the potential risk for others in the District community to determine whether informal resolution may be appropriate. Informal Resolution will **never** be used to resolve allegations involving an employee sexually harassing a student.

The Title IX Coordinator will provide the parties with a written notice setting forth the allegations, the requirements of the informal resolution process set forth in this Policy, the right of any party to withdraw from the informal process and proceed with the formal grievance process at any time prior to agreeing to a resolution; and any consequences resulting from the participation in the informal process, including the records that will be maintained or could be shared by the District.

Upon receipt of written consent from the parties to participate in informal resolution, the Title IX Coordinator will consult separately with the Complainant and Respondent and gather additional relevant information as necessary. The Title IX Coordinator may also put in place any appropriate supportive measures to protect the educational and work environment of the parties.

The Title IX Coordinator will work with parties to determine a mutually acceptable resolution to the complaint. This resolution will be reduced to writing and signed by the Complainant and the Respondent. Once signed, the written resolution becomes final and neither party can initiate the formal grievance process for the allegations in the formal complaint. The written resolution is not subject to appeal.

Either party may, at any time prior to signing an informal resolution agreement, elect to end the informal resolution process and initiate formal resolution instead.

In order to promote honest, direct, communication, information disclosed during informal resolution will remain confidential, except where disclosure may be required by law or authorized in connection with duties on behalf of the District.

## **C. Formal Resolution**

Upon submission of a formal complaint, Complainant may elect to pursue a formal resolution, which is described more specifically in this section.

### **1. Consolidation of Complaints**

The District may consolidate formal complaints of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, where the allegations arise out of the same facts or circumstances.

## 2. Required Notices

**Notice of Investigation.** If a Complainant elects to pursue a formal complaint, the Title IX Coordinator or designee will provide a written Notice of Investigation simultaneously to both parties notifying the parties of:

- the identities of the parties involved in the incident;
- the conduct alleged;
- the date and location of the incident;
- Respondent's entitlement to a presumption of innocence;
- The parties' rights to have an advisor of their choice at the party's expense, who may be an attorney;
- The parties' rights to review and comment on investigative evidence; and
- The effect of making materially false statements in bad faith during this process.

If, during the course of investigation, the District determines that additional allegations will be investigated as part of the pending complaint, the Title IX Coordinator or designee will provide written notice of the additional allegations to any identified Complainant(s) or Respondent(s).

**Notice of Interviews, Hearings, or Other Meetings.** The Title IX Coordinator shall provide to Complainant and Respondent a written notice of the date, time, location, participants, and purpose of any interview, hearing, or meeting with sufficient time for the party to prepare.

## 3. Dismissal

The District shall dismiss any formal complaint made under this Policy if at any time it determines that it lacks jurisdiction under Title IX because the conduct alleged in the formal complaint:

- Would not constitute sexual harassment as defined in Section II of this policy, even if proved,
- Did not occur in the District's education program or activity; or
- Did not occur against a person in the United States.

The District, in its sole discretion, may dismiss any formal complaint under this Policy if at any time:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations;
- The Respondent is no longer enrolled in or employed by the District; or
- Specific circumstances exist that prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations. Examples include, but are not limited to, a significant passage of time from the date of the allegation(s) in the complaint to the date the complaint is filed that makes investigation impracticable, or where the Complainant has stopped participating in the process.

Dismissal of a complaint from proceeding under this Policy does not preclude the District from offering supportive measures to any party or from proceeding under any other applicable policy, procedure, rule, or handbook provision applicable to students and/or employees of the District.

Upon dismissal of any formal complaint under this section, written notice of this dismissal and the reason(s) therefor will be provided simultaneously to Complainant and Respondent.

#### **4. Investigation**

The Title IX Coordinator shall designate an Investigator to conduct an investigation into any formal complaint. The Investigator must be appropriately trained in conducting Title IX investigations, unbiased, and have no conflict of interest in the present case. The Investigator serves as a neutral fact-finder, and shall interview both parties, relevant witnesses, and gather and review evidence relevant to the outcome of the complaint.

The burden of proof and the burden of gathering sufficient evidence to reach a determination of responsibility rests with the District and not with the parties. Both parties will have an equal opportunity to present witnesses and other evidence (both inculpatory and exculpatory) to the Investigator. Neither party will be restricted in their ability to discuss the allegations or to gather and present relevant evidence; provided, however, that such communications shall not constitute harassment or retaliation against any party other otherwise violate applicable law, rule, or regulation.

The Investigator will evaluate all relevant evidence, both inculpatory and exculpatory, and will not make credibility determinations based solely on a person's status as complainant, respondent or witness.

The Investigator will only access, consider, disclose, or otherwise use a party's treatment records made or maintained by a health care provider, or other records protected under a legally recognized privilege, with that party's voluntary, written consent.

Prior to completion of the Investigative Report, the Investigator will provide each party with copies of any evidence obtained by the Investigator that is directly related to the allegations in the complaint. Both parties will have ten (10) calendar days to submit a written response to the evidence to the Investigator. By accepting receipt of this information, the parties and their representatives, if any, agree that the use or dissemination of evidence for any purpose other than those directly related to the parties' participation in the Title IX grievance process is prohibited and may result in appropriate discipline in accordance with District policy.

#### **5. Investigative Report**

After conducting the investigation, the Investigator will complete an investigative report that summarizes all relevant evidence, including statements and interviews with the parties and any witnesses, and any documents, records, photographs, recordings, or other evidence obtained by the investigator.

The investigative report will be distributed simultaneously to both of the parties at least ten (10) calendar days prior to a Determination of Responsibility being made.

#### **6. Determination of Responsibility**

The Decision-Maker is responsible for determining whether the conduct alleged in the complaint constitutes a violation of this Policy and any other applicable District policies, procedures, handbook provisions, or rules. The Decision-Maker shall be comprised of a multi-member panel. The Decision-Maker shall not be the Title IX Coordinator or Investigator, and must be impartial and unbiased, have no conflict of interest in the particular case, and have training required by Title IX and this policy.

After receipt of the investigative report and prior to reaching a decision, each party shall be permitted submit to the Decision-Maker relevant questions to be asked of the other party and/or any witnesses, including those challenging the credibility of the party or witness. The Decision-Maker shall review the



questions with the party or witness to whom the questions are directed, but shall not ask any questions that are irrelevant or improperly inquire about the Complainant's sexual predisposition or past sexual conduct (other than where the incidents occurred between the Complainant and Respondent and are asked for purposes of demonstrating consent, where applicable). The Decision-Maker will provide a written explanation to the party of why any question was excluded. The Decision-Maker shall provide the responses of the party or witness in writing to both parties. The parties shall be provided with an opportunity for limited additional follow-up questioning.

If any party or witness does not cooperate with responding to these questions, the Decision-Maker will not rely on any statement of that party or witness in reaching a determination of responsibility. The Decision-maker cannot draw an inference about responsibility based solely on a party's or witness's refusal to answer questions.

## **7. Standard of Proof and Determination**

The determination of whether or not a violation of this Policy occurred will be made on the preponderance of the evidence, or whether it is more likely than not that the Respondent violated this Policy.

## **8. Sanction**

Sanctions and remedies will be determined on a case-by-case basis by the Decision-Maker, where authorized to do so. Where applicable federal or state law, Board policy, contract, handbook provision, or other rule gives authority for issuing of a particular sanction to a different District decision-making body (e.g., school board, IEP team) the Decision-Maker will recommend sanctions to that decision-making body or official, or the Board for further action.

Sanctions may include, but are not limited to required training, a written warning, suspension or expulsion of a student, or suspension or termination of an employee's employment with the District. The Decision-Maker may impose or recommend any sanction that it finds to be fair and proportionate to the violation and in accordance with Board Policy.

Remedies may include, but are not limited to, offers of counseling, training, changes or modifications to class or work schedules or assignments, provision of additional supervision, and other actions as deemed appropriate under the circumstances present in the case. The Title IX Coordinator shall be responsible for implementing any proposed remedies.

## **9. Written Determination Regarding Responsibility**

The Decision-Maker will issue a written determination regarding responsibility, which shall be determined by a preponderance of the evidence. The written determination will include:

- Identification of the allegations;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including notifications to the parties, interviews, site visits, methods used to gather other evidence, and hearings held (if applicable);
- Findings of fact;
- Conclusions regarding the application of this Policy and any other relevant District policy, procedure, handbook provision, or rule to the facts;
- A statement of and rationale for the Decision-Maker(s) determination regarding responsibility for each allegation;
- A statement of and rationale for any disciplinary sanctions that will be imposed on Respondent, if applicable;

- A statement of and rationale for any remedies the District will provide to restore or preserve Complainant's access to the District's educational program or activity, if applicable; and
- A statement of the District's appeal policy and procedures.

The Decision-Maker will provide the written determination to the parties simultaneously. The written determination shall be final, subject to the parties' right to appeal in Section 10, below.

## **10. Appeals**

Within five (5) calendar days of delivery of the written determination to them, either party may appeal the dismissal of a formal complaint, or the Decision-Maker's written determination and/or any sanction imposed by the Decision-Maker to the Chief of Human Resources, or her/his designee. Such appeals will be in writing and will be delivered to the Chief of Human Resources, or her/his designee. The Chief of Human Resources, or her/his designee, will determine if the written determination will be stayed pending the outcome of the appellate decision. Appeals will be limited to any of the following bases:

- A procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the written determination was issued that could affect the outcome of the matter; or
- The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias that affected the outcome of the matter.

The Chief of Human Resources, or her/his designee, will notify both parties in writing if an appeal is received alleging one of the bases for appeal above. Both parties will be given an opportunity to submit a written statement in support of, or challenging, the written determination. The parties' written statements must be submitted within five (5) calendar days of notice of the appeal.

Except as required to explain the basis of new information, an appeal will be limited to a review of the written record of the investigation, the written determination, and the parties' written statements on appeal.

The Chief of Human Resources, or her/his designee, may affirm, reverse, or modify the written determination and/or sanctions imposed, or may remand to the Investigator or Decision-Maker for further action. A written appeal decision will be issued simultaneously to the parties describing the result of the appeal and the rationale therefor. The written appeal decision of the Chief of Human Resources, or her/his designee is the final decision of the District, and no further appeals are permitted under this Policy.

### **C. Complainant Does Not Wish to Pursue Resolution or Requests Confidentiality**

If the Complainant does not wish to pursue formal or informal resolution and/or requests that his or her report remain confidential, the Title IX Coordinator or designee will inform the Complainant that the District's ability to respond to the alleged sexual harassment may be limited. The Title IX Coordinator or designee may weigh the Complainant's request against the following factors:

- The seriousness of the alleged sexual misconduct,
- Whether there have been other complainants of sexual misconduct against the same Respondent, and
- The Respondent's right to receive information about the allegations, including the name of the complainant.

The Title IX Coordinator will only initiate a formal complaint under these procedures against the wishes of the Complainant where required by federal or state law, regulation, or rule, or where doing so is not

clearly unreasonable based on known circumstances, based on the potential impact to the District community if the allegations were true.

The Title IX Coordinator or designee will inform the Complainant if the District cannot ensure confidentiality. Even if the District cannot take disciplinary action against the Respondent because the Complainant insists on confidentiality or that the complaint not be resolved, the District reserves the authority to implement supportive measures or other appropriate actions to promote a safe learning environment for the complainant and/or the entire District community.

#### **D. Advisors**

Complainants and Respondents have equivalent rights to be accompanied at any stage of the process by an advisor of their choice, who may be a parent or guardian, union representative (where applicable), other support person, or an attorney at the party's sole expense. Advisors may not answer questions on behalf of any party or otherwise participate in any interview or meeting, other than to confer with the party they are supporting/representing.

#### **E. Supportive Measures**

The District may implement supportive measures to preserve or restore the Complainant's access to the District's education program or activity. Supportive measures will be individualized, provided at no cost to the parties, and are non-disciplinary in nature.

Supportive measures may include, but are not limited to:

- Counseling,
- Extension of deadlines or other course-related adjustments,
- Modifications of work or class schedules,
- Mutual restrictions on contact between the parties,
- Leaves of absence,
- Increased security and monitoring,
- Increased supervision and/or escort services, and/or
- Other similar measures.

The District may temporarily remove a student accused of violation this policy on an emergency basis, following an individualized safety and risk analysis that finds an immediate threat to the physical safety of any individual. Any student so removed will be provided with notice and an opportunity to challenge this action immediately following the removal, and any other rights conferred by law. Emergency removals must be consistent with other applicable laws. The District, in its sole discretion, may place an employee accused of violating this policy on administrative leave pending the outcome of the informal or formal complaint process.

### **VII. RESOURCES AND SERVICES FOR STUDENTS AND EMPLOYEES**

There resources available to individuals regardless of whether or not they choose to report a violation of this Policy to the District or local law enforcement. Any person may obtain information about services and supports offered to students and employees by contacting the District's Title IX Coordinator.

## A. External Reporting Resources

A Complainant may choose to file a complaint with the state and federal agencies listed below.

**Office for Civil Rights  
(OCR) – Chicago Office**  
U.S. Department of  
Education  
Citigroup Center  
500 W. Madison Street, Suite  
1475  
Chicago, IL 60661  
Phone: (312) 730-1560  
Fax: (312) 730-1576 TDD:  
(877) 521-2172  
Email: OCR.Chicago@ed.gov  
v  
Web: [www.ed.gov/ocr](http://www.ed.gov/ocr)

**Equal Employment  
Opportunity Commission  
(EEOC)**  
Reuss Federal Plaza  
310 W. Wisconsin Avenue,  
Suite 800  
Milwaukee, WI 53203-2292  
Phone: (800) 669-4000  
Fax: (414) 297-4133  
TTY: (800) 669-6820  
Web: [www.eeoc.gov/](http://www.eeoc.gov/)

**Iowa Civil Rights  
Commission (ICRC)**  
Grimes State Office Building  
400 E. 14th Street  
Des Moines, IA 50319  
Toll free: (800) 457-4416  
Phone: (515) 281-4121  
Fax: (515) 242-5840  
TDD: (877) 521-2172  
Web: <https://icrc.iowa.gov/>

## VIII. PREVENTION, TRAINING, AND POLICY COMMUNICATION

The District is committed to education, communication, and training of students and employees in order to prevent sexual harassment and to assure an appropriate response when incidents occur. The District will provide information to students and employees staff on:

- The definitions of sexual harassment;
- District procedures for responding to incidents of sexual harassment; and
- Employee obligation to report any sexual harassment of which the employee becomes aware.

The District will also ensure that individuals who serve as Title IX Coordinators, Title IX Investigators, Decision-Makers, Appeal Decision-Makers, and facilitators of the informal resolution process have adequate training as required by Title IX.

## IX. RECORDKEEPING

The District will maintain the following records for seven years:

- Each sexual harassment investigation, including determinations, audio or video recordings, disciplinary sanctions, and any remedies provided to the Complainant;
- Any appeal and the result therefrom;
- Any informal resolution; and
- Materials used by the District to train Title IX Coordinators, investigators, decision-makers, and those who facilitate informal resolution under this Policy.

Additionally, the District will create and maintain for seven years:

- Any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment;

- Documentation of the basis for the District's conclusion that its response to any such report or complaint was not deliberately indifferent;
- Documentation that the District has taken measures designed to restore or preserve access to the District's educational program or activity;
- Where no supportive measures are provided to Complainant, documentation of why it was not clearly unreasonable to do so.

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