

## SECTION G: Personnel

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GA	Personnel Policies Goals
GAA	Staff Time Schedules
GAB	Acceptable Computer System Use (Also IIBEA)
GAB-E1	Acceptable Computer System Use Agreement (Also IIBEA-E2)
GAB-R	Acceptable Computer System Use (terms and conditions) (Also IIBEA-R)
GAD	Access to Employee Social Media Accounts
GAE	Child Abuse and Neglect Reporting (Also JHG)
GAH	School Employee Conflict of Interests
GB	Equal Employment Opportunity/Nondiscrimination
GB-F	Report of Discrimination
GBA	Prohibition Against Harassment and Retaliation (Also JFHA)
GBA-F/	Report of Harassment (Also JFHA-F)
GBC	Staff Compensation Procedures (Option 1) (Optional)
GBC-E1	Deferred Wage Payment Election Form (Optional)
GBC	Staff Compensation Procedures (Option 2) (Optional)
GBC-E2	Notice of How Employees Who Work Less Than 12 Months Are to be Paid (Optional)
GBD	Board-Staff Communications (Also BG)
GBE	Staff Health
GBEA	Unlawful Manufacture, Distribution, Dispensing, Possession or Use of a Controlled Substance
GBEB	Staff Weapons in School
GBEC	Tobacco Free School for Staff and Students (Also JFCH)
GBECA	Electronic Cigarettes
GBEF	Lactation Support (Also JHCL)
GBG	Staff Participation in Political Activities

GBI	Staff Gifts and Solicitations
GBL	Personnel Records
GBLA	Third-Party Complaints Against Employees
GBM	Professional Staff Grievances
GBMA	Support Staff Grievances
GBN	Staff Hiring Procedures
GBO	Virginia Retirement System
GBR	Voluntary Retirement Savings Program
GC	Professional Staff
GCB	Professional Staff Contracts
GCBA	Staff Salary Schedules
GCBB	Supplementary Pay
GCBC	Staff Fringe Benefits
GCBD	Staff Leaves and Absences
GCBE	Family and Medical Leave
GCBEA	Leave Without Pay
GCBEB	Military Leave and Benefits
GCCB	Employment of Family Members (Options 1 and 2)
GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
GCE	Part-Time and Substitute Professional Staff Employment
GCG	Professional Staff Probationary Term and Continuing Contract
GCI	Professional Staff Assignments and Transfers
GCL	Professional Staff Development
GCN	Evaluation of Professional Staff
GCPA	Reduction in Professional Staff Work Force
GCPB	Resignation of Staff Members
GCPD	Professional Staff Discipline
GCPF	Suspension of Staff Members

GCQA	Nonschool Employment by Staff Members
GCQAB	Tutoring for Pay
GCQB	Staff Research and Publishing (Options 1 and 2)
GD	Support Staff
GDB	Support Staff Employment Status
GDG	Support Staff Probationary Period
GDI	Support Staff Assignments and Transfers
GDN	Evaluation of Support Staff Members
GDQ	School Bus Drivers
GEA/JOH	Acceptance of Electronic Signatures and Records

## PERSONNEL POLICIES GOALS

The goal of the employment policies and practices of the Mathews County School Board is to promote the employment and retention of highly qualified personnel to effectively serve the educational needs of students.

No employee, contractor or agent of the Mathews County School Board may assist a school board employee, contractor or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the employee, contractor or agent knows, or has probable cause to believe, that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of law. This prohibition does not apply if the information giving rise to probable cause

1. A. has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and
  - B. has been properly reported to any other authorities as required by federal or state law, including title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) and the regulations implementing it and
2. A. the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor or agent engaged in sexual misconduct regarding a minor in violation of law;
  - B. the school employee, contractor or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
  - C. the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor or agent within 4 years of the date on which the information was reported to a law enforcement agency.

Adopted: July 17, 2018

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Legal Ref.: 20 U.S.C. § 7926.

Code of Virginia, 1950, as amended, § 22.1-295.

Acts 2018, c. 513.

Cross Refs.:	AC	Nondiscrimination
	GAE/JHG	Child Abuse and Neglect Reporting
	GB	Equal Employment Opportunity/Nondiscrimination
	GBL	Personnel Records
	GBN	Staff Hiring Procedure

## STAFF TIME SCHEDULES

### Work Schedules

The workday for full-time licensed and professional staff is a minimum of seven hours and thirty minutes and continues until professional responsibilities to the student and school are completed. Elementary school teachers are provided at least an average of thirty minutes per day during the students' school week as planning time. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning and extra-curricular activities may require hours beyond the stated minimum. Work schedules for other employees are defined by the superintendent or superintendent's designee consistent with the Fair Labor Standards Act and the provisions of this policy.

### Workweek Defined

Working hours for all employees not exempted under the Fair Labor Standards Act, including secretaries, bus drivers, cafeteria, janitorial and maintenance personnel conform to federal and state regulations. The superintendent ensures that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors make every effort to avoid circumstances which require non-exempt employees to work more than 40 hours each week. For purposes of compliance with the Fair Labor Standards Act, the workweek for school district employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday.

### Overtime and Compensatory Time

The Mathews County School Board discourages overtime work by non-exempt employees. A non-exempt employee will not work overtime without the express approval of the employee's supervisor. All overtime work must be expressly approved in writing by the superintendent or superintendent's designee. All supervisory personnel must monitor overtime on a weekly basis and report such time to the superintendent or superintendent's designee. Principals and supervisors monitor employees' work, ensure that overtime provisions of this policy and the Fair Labor Standards Act are followed and ensure that all employees are compensated for any overtime worked. Principals or supervisors may need to adjust daily schedules to prevent non-exempt employees from working more than 40 hours in a workweek. Accurate and complete time sheets of actual hours worked during the workweek must be signed by each employee and submitted to the finance officer. The finance officer reviews work records of employees on a regular basis to make an assessment of overtime use.

In lieu of overtime compensation, non-exempt employees may receive compensatory time off at a rate of not less than one and one-half (1.5) hours for each one hour of overtime worked, if such compensatory time

- (1) is pursuant to an agreement between the employer and employee reached before overtime work is performed, and
- (2) is authorized by the immediate supervisor.

Employees will be allowed to use compensatory time within a reasonable period after requesting such use if the requested use of the compensatory time does not unduly disrupt the operation of the school division. Employees may accrue a maximum of 240 compensatory time hours before they will be provided overtime pay at the rate earned by the employee at the time the employee receives such payment. In addition, upon leaving the school division, an employee will be paid for any unused compensatory time at the rate of not less than the higher of

- (1) the average regular rate received by the employee during his/her last three years of employment, or
- (2) the final regular rate received by the employee.

Non-exempt employees whose workweek is less than 40 hours are paid at the regular rate of pay for time worked up to 40 hours. Such employees will be provided overtime pay or compensatory time as provided above for working more than 40 hours in a workweek.

Employees are provided with a copy of this policy and are required to sign this policy to acknowledge their understanding of overtime and compensatory time provisions. Such signed policy constitutes the written agreement required in this section.

#### Attendance Expectations

All employees are expected to be present during all work hours. Absence without prior approval, chronic absences, habitual tardiness or abuses of designated working hours are all considered neglect of duty and will result in disciplinary action up to and including dismissal.

Adopted: July 15, 2014

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Legal Refs.: 29 U.S.C. § 201 et seq.

29 C.F.R § 516.1 et seq.

Code of Virginia, 1950, as amended, §§ 22.1-291.1, 40.1-28.8 et seq.

Cross Ref.: IC/ID            School Year/School Day

## OVERTIME COMPENSATION AND COMPENSATORY TIME

The Mathews County School Board discourages overtime work by non-exempt employees. A non-exempt employee will not work overtime without the express approval of the employee's supervisor. All overtime work must be expressly approved in writing by the superintendent or superintendent's designee. All supervisory personnel must monitor overtime on a weekly basis and report such time to the superintendent or superintendent's designee. Principals and supervisors monitor employees' work, ensure that overtime provisions of this policy and the Fair Labor Standards Act are followed and ensure that all employees are compensated for any overtime worked. Principals or supervisors may need to adjust daily schedules to prevent non-exempt employees from working more than 40 hours in a workweek. Accurate and complete time sheets of actual hours worked during the workweek must be signed by each employee and submitted to the finance officer. The finance officer reviews work records of employees on a regular basis to make an assessment of overtime use.

In lieu of overtime compensation, non-exempt employees may receive compensatory time off at a rate of not less than one and one-half (1.5) hours for each one hour of overtime worked, if such compensatory time

- (1) is pursuant to an agreement between the employer and employee reached before overtime work is performed, and
- (2) is authorized by the immediate supervisor.

Employees will be allowed to use compensatory time within a reasonable period after requesting such use if the requested use of the compensatory time does not unduly disrupt the operation of the school division. Employees may accrue a maximum of 240 compensatory time hours before they will be provided overtime pay at the rate earned by the employee at the time the employee receives such payment. In addition, upon leaving the school division, an employee will be paid for any unused compensatory time at the rate of not less than the higher of

- (1) the average regular rate received by the employee during his/her last three years of employment, or
- (2) the final regular rate received by the employee.

Non-exempt employees whose workweek is less than 40 hours are paid at the regular rate of pay for time worked up to 40 hours. Such employees will be provided overtime pay or compensatory time as provided above for working more than 40 hours in a workweek.

Non-exempt employees may not accrue more than 240 hours of compensatory time and the employee's supervisor must approve the use of compensatory time.

***(Complete appropriate section of form on page 2.)***

Amended: May 16, 2017

**REQUEST FOR COMPENSATORY TIME (Complete this Section Only)**

EMPLOYEE: \_\_\_\_\_  
JOB/LOCATION: \_\_\_\_\_  
DATE: \_\_\_\_\_

Compensatory time is requested for \_\_\_\_\_ hours worked overtime on the dates listed below:

\_\_\_\_\_  
\_\_\_\_\_

***(Compensatory time was agreed upon by the employee and supervisor in advance.)***

Employee: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Superintendent: \_\_\_\_\_ Date: \_\_\_\_\_

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**REQUEST FOR OVERTIME COMPENSATION (Complete this Section Only)**

EMPLOYEE: \_\_\_\_\_  
JOB/LOCATION: \_\_\_\_\_  
DATE: \_\_\_\_\_

Overtime pay is requested for \_\_\_\_\_ hours worked overtime on the dates listed below:

\_\_\_\_\_  
\_\_\_\_\_

***(Overtime pay was agreed upon by the employee and supervisor in advance.)***

Employee: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Superintendent: \_\_\_\_\_ Date: \_\_\_\_\_

Amended: May 16, 2017



## ACCEPTABLE USE POLICY (AUP) & INTERNET SAFETY

The School Board provides a computer system to promote educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, computer equipment; software; operating systems; storage media; network accounts providing access to network services, such as email; Web browsing and file systems; as well as telecommunication technologies such as telephones, personal computers, cellular phones, Personal Digital Assistants (PDAs), facsimile machines, and all other wired or wireless telecommunication devices. This policy shall apply to all current and emerging information and telecommunication devices and technologies.

All use of the Division's computer system must be (1) in support of education and/or research, or (2) for legitimate school business. Use of the computer system is a privilege, not a right. Any communication or material used or stored on the computer system, including electronic mail or other files deleted from a user's account may be archived, monitored and reviewed by school or law enforcement officials.

The Division Superintendent shall establish administrative procedures, for the School Board's approval, containing the appropriate uses, ethics and protocol for the computer system. The procedures shall include:

- (1) a prohibition against use by division employees and students of the division's computer equipment and communications services for sending, receiving, viewing uploading or downloading illegal material via the Division's computer systems.
- (2) provisions, including the selection and operation of technology protection measures for the division's computer systems to filter or block Internet access in order to prevent access to;
  - (a) child pornography as set out in Va. Code § 18.2-374.1:1 or as defined in 18 U.S.C. § 2256;
  - (b) obscenity as defined by Va. Code§ 18.2-372 or 18 U.S.C. § 1460;
  - (c) offensive Internet content as set out in the Children's Internet Protection Act (CHIPA); and
  - (d) material that the school division deems to be harmful to juveniles as defined in Va. Code§ 18.2-390, material that is harmful to minors as defined in 47 U.S.C. § 254(h)(7)(G), and material that is otherwise inappropriate for minors;
- (3) provisions establishing data and computer systems security procedures to include;
  - (a) password assignment, complexity, dissemination and storage;
  - (b) encrypted and password protected data transfers and storage of sensitive information between computer systems and client computer systems both local and remote; and
  - (c) limiting outside contractor and vendor access or remote access to computer systems to scheduled times that will be monitored by division personnel.
  - (d) breaches of Internet security and protection of student safety.
- (4) provisions establishing that the online activities of minors will be monitored and that technology protection measures are enforced during use of the Division's computer systems by minors;
- (5) provisions designed to educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response;
- (6) provisions designed to prevent unauthorized access by minors, including "hacking" and other unlawful activities directed toward any computer system;

- (7) provisions prohibiting the unauthorized disclosure, use, and dissemination of personal information regarding minors;
- (8) an Internet safety program for students that is integrated into the division's instructional program as set forth in Va. Code § 22.1-70.2;
- (9) promote parental and family involvement as set out in the Family Involvement in Technology (FIT) Program Va. Code§ 22.1-212.2:3

Use of the School Division's computer system shall be consistent with the educational or instructional mission or administrative function of the Division as well as the varied instructional needs, learning styles, abilities and developmental levels of students. The Division's computer system shall not be used as a public forum or any other function that is not directly related to activities approved by School Board policy and regulations.

Internet safety is the responsibility of the school board, administrators (central office and building), teachers, teacher assistants, counselors, instructional technology resource teachers, library media specialists, building resource officers, technology coordinator, students and community stakeholders. (Including but not limited to parents, caregivers, public library staff, after-school and off-campus program instructors and local law enforcement officials.)

Each teacher, administrator, student, parent/guardian of each student as well as other users of the division's computer system shall sign the Acceptable Computer System Use Agreement, GAB-El/IIEA-E2, before using the Division's computer system. The failure of any student, teacher, administrator or other user to follow the terms of the Agreement, this policy or accompanying regulation may result in loss of computer system privileges, disciplinary action, and/or appropriate legal action.

The School Board is not responsible for any information that may be lost, damaged or unavailable when using the computer system or for any information retrieved via the Internet. Furthermore, the School Board will not be responsible for any unauthorized charges or fees resulting from access to the computer system.

The Division Technology Steering Committee and School Committees will evaluate and revise the AUP and associated regulations as well as the Instructional Internet Safety Program annually. The School Board will review, amend if necessary, and approve this policy every two years.

Adopted: July 18, 2006  
Adopted: August 19, 2008  
Adopted: July 21, 2009  
Adopted: July 20, 2010

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Legal Refs: 18U.S.C. §§ 1460, 2256.  
47 U.S.C. § 254.

Code of Virginia, 1950, as amended, §§ 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2, 22.1-212.2:3 and 22.1-78.

Cross Refs.:	GCPD	Professional Staff Members: Contract Status and Discipline
	GDPD	Support Staff Members: Contract Status and Discipline
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct

File: GAB-R/IIBEA-R

ACCEPTABLE USE POLICY (AUP) & INTERNET SAFETY

Mathews County School Division's computer systems use shall be consistent with the goal of promoting educational excellence by facilitating resource sharing, innovation and communication. The term "computer system" includes, computer equipment; software; operating systems; storage media; network accounts providing access to network services, such as email; Web browsing and file systems; security systems including key pads and monitors; as well as telecommunication technologies such as telephones, personal computers, cellular phones, Personal Digital Assistants (PDAs), facsimile machines, and all other wired or wireless telecommunication devices. This policy shall apply to all current and emerging information and telecommunication technologies.

**Computer System Use-Terms and Conditions:**

1. **Privacy.** Employees and students have no expectation of privacy in their use of school computers, Internet services or computer systems. The use of the computer systems or related services is not intended to create an open or limited forum under the First Amendment to the Federal or State constitutions. The Division retains the right to monitor all computer, computer systems and Internet activity by employees, students and other users. Any information or communications on the computer systems and network services may be intercepted, recorded, read, copied, and disclosed by and to authorized personnel for official purposes, including criminal investigations. Use of the Division's computers, networks, and Internet systems is a privilege, not a right, and can be withdrawn by the Division at any time.
2. **Acceptable Use.** Access to the Division's computer systems shall be (1) for the purposes of education or research and be consistent with the educational objectives of the Division or (2) for legitimate school business.
  - Incidental personal use is limited to times outside of instructional or duty time and must not impact use of the computer systems by other users or be in violation of the AUP, school, department, or other division policies and regulations.
3. **Unacceptable Use.** Each user is responsible for his or her actions on the computer system. Prohibited conduct includes but is not limited to:
  - Using the network for any illegal or unauthorized activity, including violation of copyright or contracts, or transmitting any material in violation of any Federal, State or Local law.
  - Any use for a forum for communicating by email or any other medium with other school users or outside parties to solicit, proselytize, advocate, or communicate the views of an individual or non-school-sponsored organization; to solicit membership in or support of any non-school sponsored organization; or to raise funds for any non-school sponsored

purpose, whether profit or non-profit. Employees who are uncertain as to whether particular activities are acceptable shall seek further guidance from their supervisor, Division Superintendent or designee.

- Knowingly provide email addresses to outside parties whose intent is to communicate with school employees, students and/or their families for non-school purposes. Employees who are uncertain as to whether particular activities are acceptable shall seek further guidance from their supervisor, Division Superintendent or designee.
- Leaving any computer system or device accessible to unauthorized users.
- Leaving passwords or other access devices and keys in an unsecure location or writing down passwords and storing them anywhere accessible to others as well as storing passwords in a file on ANY computer system (including PDAs or similar devices) without encryption.
- Copying, providing, receiving or using another users' log-on information, building security electronic key and pin number, or any user specific password, electronic access or key device issued by the Division.
- Use of administrative, faculty and staff computer access or other administrative computer systems access by, students, guests, visitors and family members.
- Sending, receiving, viewing, uploading or downloading illegal material via the computer system.
- Unauthorized downloading or uploading of software, music/videos and other forms of copyrighted material.
- Using the computer system for private financial or commercial purposes.
- Wastefully using resources, such as file space, Internet bandwidth, wide area network bandwidth and computer or computer systems access.
- Sending mass emails to school users or outside parties for school or non-school purposes without the permission of an administrator.
- Any attempt to delete, erase or otherwise conceal any information stored on computer systems which violates AUP rules, State, Federal or Local law or at any time after being advised by any administrator or supervisor to preserve any materials stored on a computer or computer system.

- Attempting or gaining unauthorized access to computer systems, entities, resources including but not limited to any computer device, network file, folder, data and information.
  - Copying, emailing, forwarding, posting, printing or uploading any content or email created by another without his or her consent.
  - Submitting, posting, publishing or displaying any obscene, profane, threatening, illegal or other inappropriate material.
  - Cyber bullying, threatening, or using the computer system to disrupt the school learning environment.
  - Using the computer system while access privileges are suspended or revoked.
  - Vandalizing or interfering with any part of the computer systems, including physical and electronic damage, destroying data by creating, emailing or using any other method to spread, adware, malware, viruses, and spyware.
  - Intimidating, harassing, or coercing others.
  - threatening illegal or immoral acts.
4. **Network Etiquette.** Each user is expected to abide by generally accepted rules of etiquette, including the following:
- Be polite. Use of computers and other electronic devices in a manner that disrupts the learning environment, activities or events is prohibited.
  - Users shall not forge, intercept or interfere with electronic transmissions.
  - Use appropriate language. The use of obscene, lewd, profane, lascivious, threatening or disrespectful language is prohibited.
  - Users shall not post personal information other than directory information as defined in Policy JO Student Records about themselves or others unless they have received written permission from that person or the posting and printing meets all district and school policies and regulations.
  - Users shall respect the computer system's resource limits.
  - Users shall not forward or post chain letters or similar types of emails.
  - Users shall not modify or delete data or printed material owned by others without their permission.

5. **Liability.** The School Board makes no warranties for the computer system it provides. The School Board shall not be responsible for any damages to the user from use of the computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The School Division denies any responsibility for the accuracy or quality of information obtained through the computer system. The user agrees to indemnify the School Board for any losses, costs or damages incurred by the School Board relating to or arising out of any violation of these procedures.
6. **Security.** Computer system security is a high priority for the School Division. If any user identifies a security problem, the user shall notify the building principal, supervisor or system administrator immediately. All users shall keep their passwords, key pad pin codes and network access codes and keys confidential and shall follow computer malware, spyware and virus protection procedures. Users are responsible for maintaining vigilance over all district computer systems, digital files and records they use; even while using remote access or a non-district supplied device. Users will not allow anyone to gain access through any device they are using (School Division or personally owned) to district information or store sensitive district, employee, student, and parent/guardian information on personal devices.
7. **Internet Filtering.** As required by the Children's Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)], Internet blocking and filtering shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors. Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized for a bona fide research or other lawful purposes. It shall be the responsibility of all Mathews County Public staff to supervise and monitor usage of the computer network and access to the Internet in accordance with applicable Federal and State laws, guidelines, and regulations of the Virginia Department of Education, and School Board policies and regulations.
8. **Charges.** The School Division assumes no responsibility for any unauthorized charges or fees as a result of using the computer system, including credit card, debit card, account charges and telephone or long-distance charges.
9. **Electronic Mail.** The School Division's electronic mail system is owned and controlled by the School Division and may be monitored and accessed by the School Division. Unauthorized access to an electronic mail account by any student or employee is prohibited. Users shall be held personally liable for the content of any electronic message they create. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file.

**10. Instructional Philosophies Related to the Acceptable Use and Internet Safety Policy.** Each school will provide students' integrated ongoing Internet safety instruction at all grade levels and subject areas. The school division will provide parents, guardians and community organizations that serve division students, selected materials and resources to facilitate Internet safety awareness, training, skill attainment and application of knowledge already learned. Mathews County Public Schools will guide student use of computer systems through the Acceptable Computer Use Policy (AUP) and other school and classroom specific policies, procedures and regulations. These policies will be provided to students and their parents or guardians each school year. Internet safety will be an integrated feature embedded in student instruction throughout the school year.

**11. Strategies Related to the Acceptable Use and Internet Safety Policy.** Ultimately, it is the individual computer system user that is responsible for their actions and what they access while using computer systems. Division schools use Federal and State compliant Internet filtering, security and email software on all computer systems in addition to updated virus, intrusion and spy-ware protection. Although these technological systems are intended to protect students and division data and information, no system is 100% effective. Monitoring and observation using non-technical means is just as important to Internet safety and data security and is the responsibility of all division employees.

All student and guest access computers screens are to be placed so that the employee supervising these computers can visually or electronically monitor activities. All office and staff computers screens are to be placed away from student and public view. When administrative, teacher or staff computers are left unattended they should be locked and the screen blanked out to prevent unauthorized access or viewing.

**12. Internet Safety and Security Instruction.** The Division will maintain an Internet Safety Resource Web page that includes current and diverse resources that can be used by the school board, administrators (central office and building), teachers, teacher assistants, counselors, instructional technology resource teachers, library media specialists, building resource officers, technology coordinator, students and community stakeholders. (Including but not limited to parents, caregivers, public library staff, after-school and off-campus program instructors and local law enforcement officials.) Online distance learning opportunities are available to division Administrators, Faculty, Staff and Students through the division's course management system.



10. **Instructional Philosophies Related to the Acceptable Use and Internet** personnel at all grade levels and subject areas. The division uses the I-Safe and NetSmartz curriculum which is structured by grade level or student age. The division will maintain or have access to certified instructors that can deliver Internet safety staff development instruction to all staff members on an annual ongoing basis. School level anti-bullying programs as well as relationships already established with local law enforcement programs through the School Resource Officers will include Internet safety components.

Mathews County Schools recognizes that computer system use is not limited to the school environment and as such Internet Safety and Security awareness and vigilance must be provided for school and after school use of computer systems.

The division will regularly organize, participate and promote Internet safety through PTA meetings, newsletters, consortiums and grant related materials and training, public television and radio programs, 4-H events, scout meetings, Rotary and other community organization events and meetings. Free Internet safety materials and media will be available in public spaces such as the school libraries and be given to students, parents and guardians on request.

13. **Review Process.** The Division Technology Steering Committee and each school level technology committee are responsible for reviewing the AUP policy, regulation and Internet safety program annually. Each building administrator will add Internet safety to their lesson plan and evaluation review of instructional personnel. Every two years, the Division Superintendent will file an updated Acceptable Use Policy with the State that has been approved by the Mathews County School Board.
14. **Enforcement.** Hardware and software is installed on the School Division's computer systems to monitor various activities that include but are not limited to filtering or blocking access to child pornography, obscenity and other activities as outlined in the Children's Internet Protection Act (CIPA) in addition to other Federal, State and Local policies and regulations. Manual monitoring of students, staff and other users of the division's computer systems by employees designated by the superintendent may be used to supplement automated monitoring. **Any violation of these regulations shall result in loss of computer system privileges and may also result in appropriate disciplinary action, as determined by Mathews County School Board policy, school policy, administrative policy or legal action.**

Adopted: July 19, 2005  
Amended: April 11, 2006  
Amended: August 19, 2008  
Adopted: July 21, 2009  
Amended: Aug. 21, 2012

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Legal Refs: 18 U.S.C. §§ 1460, 2256.  
47 U.S.C. § 254, Pub. Law 106-554 § 1 (a) (4), 20 U.S.C. § 1232g, et seq.;  
34 CFR 99, 20 U.S.C. § 1232h, and 34 CFR 98.  
Code of Virginia, 1950, as amended, § 18.2-372, 18.2-374.1:1, 18.2-390,  
22.1-70.2, 212.2:3, 22.1-78, and “Guidelines and Resources for Internet  
Safety in Schools,” Virginia Department of Education, October 2007.

Cross Refs:

GCPD	Professional Staff Members: Contract Status and Discipline
GDPD	Support Staff Members: Contract Status and Discipline
JFC	Student Conduct
JFC-R	Standards of Student Conduct

NOTE: A copy of the Acceptable Use Policy and other school Division policies are publically available on our website at <http://mathewsschools.com/policy.html> A paper copy of the Acceptable Use Policy is available on request from the school office.

File: GAB-EI/IIBEA-E2

ACCEPTABLE COMPUTER SYSTEM USE AGREEMENT

**Each employee must sign this Agreement as a condition for using the School Division's computer system. Each student and his or her parent/guardian must sign this Agreement before being permitted to use of the School Division's computer system. Read this Agreement carefully before signing.**

Prior to signing this Agreement, read Policy GABIIIIEA and Regulation GAB-R/IIBEA-R, Acceptable Computer System Use. If you have any questions about this policy or regulation, contact your supervisor or your student's principal.

I understand and agree to abide by the School Division's Acceptable Computer System Use Policy and Regulation. I understand that the School Division may access and monitor my use of the computer system, including my use of the Internet, e-mail and downloaded material, without prior notice to me. I further tmderstand that should I violate the Acceptable Use Policy or Regulation, my computer system privileges may be revoked and disciplinary action and/or legal action may be taken against me.

Student/Employee Signature ----- **Date** \_\_\_\_\_

Student/Employee Name. \_\_\_\_\_  
(Please Print)

I have read this Agreement and Policy GABIIIIEA and Regulation GAB-R/IIBEA-R. I understand that access to the computer system is intended for educational purposes and the Mathews County School Division has taken precautions to eliminate inappropriate material. I also recognize, however, that it is impossible for the School Division to restrict access to all inappropriate material and I will not hold the School Division responsible for information acquired on the computer system. I have discussed the terms of this agreement, policy and regulation with my student.

I grant permission for my student to use the computer system in accordance with Mathews County School Division's policies and regulations and for the School Division to issue an account for my student.

Parent/Guardian Signature \_\_\_\_\_ .Date \_\_\_\_\_

Parent/Guardian Narne \_\_\_\_\_  
(Please Print)

PERSONAL ELECTRONIC DEVICE AGREEMENT  
(STUDENT)

Students are not required to bring personally owned computing or electronic devices to school. However, Mathews County Public Schools recognizes the advantages of allowing these requests from today’s technology empowered parents/guardians and students.

Each student and his or her parent/guardian must sign this Agreement before being permitted to use any Non-School Division issued electronic device. Read this agreement carefully before signing. If you have any questions about this Agreement or any other School Division Policy and Regulation, contact the School Office.

1. I understand that the School Division may access and monitor my use of the computer system network and electronic device without prior notice to me, including my use of the Internet, e-mail and downloaded material.
2. I may only use my personal electronic device in adult supervised areas and I will immediately turn off/put away my electronic device when any adult asks me to.
3. I will keep my personal electronic device turned off and put away during classroom instruction periods except when the classroom teacher tells me I am allowed to use the device.
4. I am responsible for ensuring that any device I use as part of this Agreement is virus free and does not contain or display any inappropriate/unauthorized content or files.
5. I will put my name on the device and case/cover and make sure I have the model number and serial number recorded and stored in a safe place at home.

I understand and agree to abide by the Personal Electronic Device Agreement conditions listed above in conjunction with the Mathews County School Division AUP Policy (File: IIBEA/GAB).

Student Signature \_\_\_\_\_

Date \_\_\_\_\_

Student Name \_\_\_\_\_

(Please Print)

I grant permission for my student to bring and use their personally owned electronic device with the division’s computing and network systems in accordance with Mathews County School Division agreements, policies and regulations. I understand that any personal equipment damage or loss is my responsibility and district staff will not support or repair any personally owned equipment. I further understand that should my student violate the Personal Electronic Device Agreement their computer system privileges may be revoked and disciplinary and/or legal action may result. I have discussed the conditions of this Agreement with my student.

Parent/Guardian Signature \_\_\_\_\_

Date \_\_\_\_\_

Parent/Guardian Name \_\_\_\_\_

(Please Print)

**NOTE: A copy of the Acceptable Use Policy and other School Division Policies and Regulations are publicly available on our website at <http://mathews.k12.va.us/policy.html> A paper copy of any School Division Policy is available on request from the School Office.**

Adopted: July 17, 2012 Revised 8-16-16

MATHEWS COUNTY PUBLIC SCHOOLS

PERSONAL ELECTRONIC DEVICE AGREEMENT  
(Staff/Contractor/Volunteer)

Prior to connecting any personally owned computing or electronic device to the Mathews County Public Schools computing network or systems, anyone working for or on behalf of Mathews County Public Schools must carefully read and sign this agreement. If you have any questions about this Agreement or any other School Division Policy and Regulation, contact the School department or office you are working with.

1. I understand that the School Division may access and monitor my use of the computer system network and electronic device without prior notice to me, including my use of the Internet, e-mail and downloaded material while on school property.
2. I may only use my personal electronic device in areas and during times designated by my supervisor.
3. I am responsible for ensuring that any device I use as part of this Agreement is malware and virus free and does not contain or display any inappropriate, illegal or unauthorized content as outlined by the division AUP policy.
4. Incidental personal use of Mathews County Public Schools Internet or network resources that in any way impacts student Internet access or business functions is not permitted.
5. I will put my name on the device and case/cover and make sure I have the model number and serial number recorded and stored in a safe place at home.

I understand and agree to abide by the Personal Electronic Device Agreement conditions listed above in conjunction with the Mathews County School Division AUP Policy (File: IIBEA/GAB).

Employee/Contractor/Volunteer Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

(Please Print)

Date \_\_\_\_\_

**NOTE: A copy of the Acceptable Use Policy and other School Division Policies and Regulations are publicly available on our website at <http://www.mathews.k12.va.us/policy.html> A paper copy of any School Division Policy is available on request from the School Office.**

Adopted: July 17, 2012 Revised 8-16-16

## ACCESS TO EMPLOYEE SOCIAL MEDIA ACCOUNTS

The Mathews County School Board does not require current or prospective employees to disclose the username or password to the employee's personal social media accounts or to add an employee, supervisor or administrator to the list of contacts associated with the employee's personal social media account.

If the School Board or a School Board employee inadvertently receives an employee's username and password to, or other login information associated with, the employee's personal social media account through the use of an electronic device provided to the employee by the School Board or a program that monitors the School Board's network, the Board will not be liable for having the information but will not use the information to gain access to the employee's social media account.

This policy does not prohibit the School Board and its agents from viewing information about a current or prospective employee that is publicly available.

This policy does not prohibit the School Board from requesting an employee to disclose the employee's username and password for the purpose of accessing a personal social media account if the employee's social media account activity is reasonably believed to be relevant to a formal investigation or related proceeding by the Board of allegations of an employee's violation of federal, state or local laws or regulations or of the Board's written policies. If the Board exercises its rights under this paragraph, the employee's username and password will only be used for the purpose of the formal investigation or a related proceeding.

Adopted: July 21, 2015

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Legal Ref.: Code of Virginia, 1950, as amended, § 40.1-28.7:5.

Cross Ref.: GAB/IIBEA                      Acceptable Computer System Use

## CHILD ABUSE AND NEGLECT REPORTING

### Reporting Requirement

Every employee of the Mathews County School Board who, in his professional or official capacity, has reason to suspect that a child is an abused or neglected child, in compliance with the Code of Virginia § 63.2-1509 et seq. shall immediately report the matter to

- the local department of social services where the child resides or where the abuse or neglect is believed to have occurred;
- to the Virginia Department of Social Services' toll-free child abuse and neglect hotline; or
- to the person in charge of the school or department, or his designee, who shall make the report forthwith to the local or state agency. The person making the report to the local or state agency must notify the person making the initial report when the report of suspected abuse or neglect is made to the local or state agency, and of the name of the individual receiving the report, and must forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

### Notice of Reporting Requirement

The School Board posts in each school a notice that

- any teacher or other person employed there who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or his designee; and
- all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline.

### Complaints of Abuse and Neglect

The School Board and the local department of social services have adopted a written interagency agreement as a protocol for investigating child abuse and neglect reports, including reports of sexual abuse of a student. The interagency agreement is based on recommended procedures for conducting investigations developed by the Departments of Education and Social Services.

Adopted: July 21, 2015

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-253.13:7.A, 22.1-291.3, 63.2-1509, 63.2-1511.

Cross Refs.: JFHA/GBA                      Prohibition Against Harassment and Retaliation  
                  GBLA                              Third Party Complaints Against Employees



## SCHOOL EMPLOYEE CONFLICT OF INTERESTS

### A. Purpose

The State and Local Government Conflict of Interests Act (the Act), applies to public school employees and officials. The Act creates uniform standards of conduct for all public employees and officials. The Act also defines and prohibits inappropriate conflicts of interest and requires disclosure of economic interests in some circumstances. The purpose of this policy is to provide an introduction to the Act for employees. Additional information regarding the Act may be obtained from Policy BBFA Conflict of Interests and Disclosure of Economic Interests and from the Virginia Conflict of Interest and Ethics Advisory Council (the Ethics Council) which assists with compliance with the Act.

### B. Compliance

School board employees are required to read and be familiar with the Act. The superintendent provides employees with information regarding how to access the Act and how to contact the Ethics Council.

The Act's provisions are complex and their application is fact-specific. A violation of the Act could result in civil or criminal penalties. Therefore, if an employee has any question whether an interest the employee has in a contract or transaction involving the school division is prohibited under the Act, the employee should contact the superintendent's office or the Ethics Council for assistance.

### C. Areas of Regulation

The Act prohibits school employees from having a "personal interest," as that term is defined by the Act, in certain contracts and transactions that involve the division and from engaging in other specified conduct related to the schools. The prohibited personal interest also may be that of the school employee's immediate family (a spouse or any other person who resides in the same household as the employee and who is a dependent of the employee).

Under the Act, an employee may be considered to have a prohibited conflict arising from:

- a personal interest in a contract;
- a personal interest in a transaction;
- business opportunities tied to official acts;
- misuse of confidential information; or
- receipt or solicitation of certain gifts.

Examples of prohibited conduct include:

- soliciting or accepting money or other thing of value for services performed within the scope of the employee's official duties, except for the employee's compensation, expenses or other remuneration paid by the division;
- using for the employee's own economic benefit or that of another party, confidential information that the employee has acquired by reason of the employee's public position and which is not available to the public;
- accepting any money, loan, gift, favor, service or business or professional opportunity that reasonably tends to influence the employee in the performance of the employee's official duties;
- accepting any business or professional opportunity when the employee knows that there is a reasonable likelihood that the opportunity is being afforded to influence the employee in the performance of the employee's official duties;
- entering into contracts with the school division under certain circumstances;
- accepting a gift from a person who has interests that may be substantially affected by the performance of the employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the employee's impartiality in the matter affecting the donor; and
- accepting gifts from sources on a basis so frequent as to raise an appearance of the use of the employee's position for private gain.

#### D. Awards to Employees for Exceptional Service

The Act does not prohibit or apply to the acceptance by a teacher or other employee of Mathews County School Board of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

#### E. Advisory Opinions

Employees may seek written opinions regarding application of the Act from the local Commonwealth's Attorney, the local county attorney or the Ethics Council. Good faith reliance on a written opinion of the Commonwealth's Attorney or a formal opinion or written informal advice of the Ethics Council made in response to a written request for such opinion or advice regardless of whether such opinion or advice is later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion or advice, bars prosecution for a knowing violation of the Act provided the opinion or advice was made after a full disclosure of the facts. If the employee relies on written informal advice given by the Ethics Council in a prosecution for a knowing violation of the Act, the record of the request and the written informal advice given shall be a public record and released upon request. An opinion of the local county attorney may be introduced at trial as evidence that the employee did not knowingly violate the Act.

Adopted: July 18, 2017

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.2, 2.2-3104.1, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3121, 2.2-3124 and 30-356.

Cross Ref.:	BBFA	Conflict of Interests and Disclosure Requirements
	CBCA	Disclosure Statement Required of Superintendent
	DJG	Vendor Relations
	GCCB	Employment of Family Members
	GCQA	Nonschool Employment by Staff Members
	KGA	Sales and Solicitations in Schools
	KJ	Advertising in the Schools

## EQUAL EMPLOYMENT OPPORTUNITY/ NONDISCRIMINATION

### I. Policy Statement

The Mathews County School Board is an equal opportunity employer, committed to nondiscrimination in recruitment, selection, hiring, pay, promotion, retention or other personnel actions affecting employees or candidates for employment. Therefore, discrimination in employment against any person on the basis of race, color, religion, national origin, ancestry, political affiliation, sex, gender, gender identity, age, marital status, genetic information or disability is prohibited. Personnel decisions are based on merit and the ability to perform the essential functions of the job, with or without reasonable accommodation.

The Mathews County School Board provides facilities, programs and activities that are accessible, usable and available to qualified disabled persons. Further, the Mathews County School Board does not discriminate against qualified disabled persons in the provision of health, welfare and other social services.

The statement, "Mathews County School Board is an equal opportunity employer," is placed on all employment application forms.

### II. Notice of Policy/Prevention

This policy is (1) posted in prominent areas of each school division building, (2) included in employee handbooks and (3) provided to any employee or candidate for employment upon request. Training to prevent prohibited discrimination is included in employee in-service training.

### III. Complaint Procedure

#### A. File Report

Any person who believes he has not received equal employment opportunities should report the alleged discrimination to one of the Compliance Officers designated in this policy. The alleged discrimination should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Any employee who has knowledge of conduct which may constitute prohibited discrimination shall immediately report such conduct to one of the Compliance Officers designated in this policy.

The reporting party should use the form, Report of Discrimination, GB-F, to make complaints of discrimination. However, oral reports and other written reports will also be accepted. The complaint must be filed with one of the Compliance Officers designated in this policy. Any complaint that involves the Compliance Officer shall be reported to the superintendent.

The complaint and the identity of the complainant and the person or persons allegedly responsible for the discrimination will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law. A complainant who wishes to remain anonymous will be advised that anonymity may limit the school division's ability to fully respond to the complaint.

## B. Investigation

Upon receipt of a report of alleged discrimination, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer will acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the complainant and the superintendent. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the complainant and the superintendent will be notified of the reason for the extended investigation and the date by which the investigation will be concluded.

The investigation may consist of personal interviews with the complainant, the person(s) alleged to have violated the policy and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the complainant and the person(s) responsible for the alleged discrimination. The investigation may also include the inspection of any documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the complainant and others pending the investigation.

Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed by a complete and thorough investigation.

The Compliance Officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint alleges the superintendent has violated this policy, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

All employees shall cooperate with any investigation of alleged discrimination conducted under this policy or by an appropriate state or federal agency.

### C. Action by Superintendent

Within 5 school days of receiving the Compliance Officer's report, the superintendent or superintendent's designee shall issue a written decision regarding (1) whether this policy was violated and (2) what action, if any, should be taken.

If the complaint alleges that the superintendent has violated this policy, the School Board's standing Equal Employment Opportunity/Nondiscrimination Committee shall make the decision and determine what action should be taken. If the School Board does not have such a standing committee, at its next scheduled meeting it shall appoint a committee consisting of three of its members to handle the matter. The committee shall issue a written decision within 14 calendar days of the time the School Board receives the Compliance Officer's report or the time a committee is appointed, if there is no standing committee. The written decision shall state (1) whether this policy was violated and (2) what action, if any, should be taken.

The written decision must be mailed to or personally delivered to the complainant within 5 calendar days of the issuance of the decision. If the superintendent, superintendent's designee or committee concludes that prohibited discrimination occurred, the Mathews County School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including dismissal.

### D. Appeal

If the superintendent, superintendent's designee or committee determines that no prohibited discrimination occurred, the person who was allegedly subjected to discrimination may appeal this finding to the School Board within 5 school days of receiving the decision. Notice of appeal must be filed with the superintendent, or with a member of the committee which issued the written decision, who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party and the superintendent, superintendent's designee or the committee, whichever issued the written decision, and any other individual the School Board deems relevant. Written notice of the School Board's decision will be given to the complainant.

Employees may choose to pursue their complaints arising under this policy through the relevant employee grievance procedure instead of the complaint procedure in this policy.

#### E. Compliance Officer and Alternate Compliance Officer

The Mathews County School Board has designated Lesley R. Hunley, Assistant Superintendent, Mathews County School Board Office, P. O. Box 369, Mathews, VA 23109, [lhunley@mathews.k12.va.us](mailto:lhunley@mathews.k12.va.us) 804-725-3909 as the Compliance Officer responsible for identifying, investigating, preventing and remedying prohibited discrimination. Complaints of discrimination may also be made to the Alternate Compliance Officer, Mr. Andrew W. Greve, Principal, Lee-Jackson Elementary School, P. O. Box 219, Mathews, VA 23109, [agreve@mathews.k12.va.us](mailto:agreve@mathews.k12.va.us) 804-725-2580.

The Compliance Officer shall

- receive reports or complaints of discrimination;
- conduct or oversee the investigation of any alleged discrimination;
- assess the training needs of the school division in connection with this policy;
- arrange necessary training to achieve compliance with this policy; and
- ensure that any discrimination investigation is conducted by an impartial investigator who is trained in the requirements of equal employment opportunity and has the authority to protect the alleged victim and others during the investigation.

#### IV. Retaliation

Retaliation against employees who report discrimination or participate in the related proceedings is prohibited. The school division shall take appropriate action against any employee who retaliates against another employee or candidate for employment who reports alleged discrimination or participates in related proceedings. The Compliance Officer will inform persons who make complaints, who are the subject of complaints and who participate in investigations of how to report any subsequent problems.

#### V. Right to Alternative Complaint Procedure

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited discrimination including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

#### VI. Prevention and Notice of Policy

Training to prevent discrimination is included in employee orientations and in-service training.

This policy is (1) displayed in prominent areas of each division building in a location accessible to school personnel and (2) included in employee handbooks. All

employees are notified annually of the names and contact information of the Compliance Officers.

## VII. False Charges

Employees who knowingly make false charges of discrimination are subject to disciplinary action.

Adopted: July 21, 2015

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Legal Refs.: 20 U.S.C. § 1681 et seq.  
29 U.S.C. § 701.  
42 U.S.C. §§ 6101 et seq., 2000e-2 et seq., 2000ff-1(a) and 12101 et seq.

Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902.

Cross Refs:	AC	Nondiscrimination
	AD	Educational Philosophy
	BCE	School Board Committees
	GB-F	Report of Discrimination
	GBA/JFHA	Prohibition Against Harassment and Retaliation
	GBM	Professional Staff Grievances
	GBMA	Support Staff Grievances
	GCPD	Professional Staff Discipline
	JB	Equal Educational Opportunities/Nondiscrimination
	KKA	Service Animals in Public Schools





REPORT OF HARASSMENT

Name of Complainant: \_\_\_\_\_

For Students, School Attending: \_\_\_\_\_

For Employees, Position and Location: \_\_\_\_\_

Address, Phone Number  
and Email Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date(s) of Alleged Incident(s) of Harassment: \_\_\_\_\_

Name of person(s) you believe harassed you or others: \_\_\_\_\_

\_\_\_\_\_

If the alleged harassment was toward another, please identify that person: \_\_\_\_\_

Please describe in detail the incident(s) of alleged harassment, including where and when the incident(s) occurred. Please note any witnesses that may have observed the incident(s). Please include a description of any past incidents that may be related to this complaint. Attach additional pages if necessary.

I certify that the information provided in this report is true, correct and complete to the best of my knowledge:

\_\_\_\_\_  
Signature of Complainant                      Date

Complaint Received By: \_\_\_\_\_  
(Principal or Compliance Officer)                      Date

## PROHIBITION AGAINST HARASSMENT AND RETALIATION

### I. Policy Statement

The Mathews County School Board is committed to maintaining an educational environment and workplace that is free from harassment. In accordance with law, the Board prohibits harassment against students, employees, or others on the basis of sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity. The Mathews County School Board is an equal opportunity employer.

It is a violation of this policy for any student or school personnel to harass a student or school personnel based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity. Further, it is a violation of this policy for any school personnel to tolerate harassment based on a student's or employee's sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status or genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity, by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

For the purpose of this policy, school personnel includes School Board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the school division.

#### The school division

- promptly investigates all complaints, written or verbal, of harassment based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity;
- promptly takes appropriate action to stop any harassment;
- takes appropriate action against any student or school personnel who violates this policy; and
- takes any other action reasonably calculated to end and prevent further harassment of school personnel or students.

### II. Definitions

#### A. Harassment Based on Sex

Harassment based on sex consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical

conduct or communication, which may include use of cell phones or the internet, of a sexual nature when

- submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education;
- submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment).

Examples of conduct which may constitute harassment based on sex if it meets the immediately preceding definition include:

- unwelcome sexual physical contact
- unwelcome ongoing or repeated sexual flirtation or propositions, or remarks
- sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
- graphic comments about an individual's body
- sexual jokes, notes, stories, drawings, gestures or pictures
- spreading sexual rumors
- touching an individual's body or clothes in a sexual way
- displaying sexual objects, pictures, cartoons or posters
- impeding or blocking movement in a sexually intimidating manner
- sexual violence
- display of written materials, pictures, or electronic images
- unwelcome acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex stereotyping

#### B. Harassment Based on Race, National Origin, Disability or Religion

Harassment based on race, national origin, disability or religion consists of physical or verbal conduct, which may include use of cell phones or the internet, relating to an individual's race, national origin, disability or religion when the conduct

- creates an intimidating, hostile or offensive working or educational environment;
- substantially or unreasonably interferes with an individual's work or education; or
- otherwise is sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.

Examples of conduct which may constitute harassment based on race, national origin, disability or religion if it meets the immediately preceding definition include:

- graffiti containing racially offensive language
- name calling, jokes or rumors
- physical acts of aggression against a person or his property because of that person's race, national origin, disability or religion
- hostile acts which are based on another's race, national origin, religion or disability
- written or graphic material which is posted or circulated and which intimidates or threatens individuals based on their race, national origin, disability or religion

### C. Additional Prohibited Behavior

Behavior that is not unlawful may nevertheless be unacceptable for the educational environment or the workplace. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics including, but not limited to, socioeconomic level, sexual orientation, perceived sexual orientation or gender identity.

## III. Complaint Procedure

### A. Formal Procedure

#### 1. File Report

Any student or school personnel who believes he or she has been the victim of harassment prohibited by law or by this policy by a student, school personnel or a third party should report the alleged harassment to one of the Compliance Officers designated in this policy or to any school personnel. The alleged harassment should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited harassment should report such conduct to one of the Compliance Officers designated in this policy or to any school personnel. Any school personnel who has notice that a student or other school personnel may have been a victim of prohibited harassment shall immediately report the alleged harassment to one of the Compliance Officers designated in this policy.

The reporting party should use the form, Report of Harassment, GBA-F/JFHA-F, to make complaints of harassment. However, oral reports and other written reports are also accepted. The complaint should be filed with either the building principal or one of the Compliance Officers designated in this policy. The principal shall immediately forward any report of alleged prohibited harassment to the Compliance Officer. Any complaint that involves the Compliance Officer or principal shall be reported to the superintendent.

The complaint, and identity of the complainant and alleged harasser, will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law. Additionally, a complainant who wishes to remain anonymous shall be advised that such confidentiality may limit the School Division's ability to fully respond to the complaint.

## 2. Investigation

Upon receipt of a report of alleged prohibited harassment, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of harassment. Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the complainant and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the complainant and the accused shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded. If the alleged harassment may also constitute child abuse, then it must be reported to the Department of Social Service in accordance with Policy JHG, Child Abuse and Neglect Reporting.

The investigation may consist of personal interviews with the complainant, the alleged harasser and any others who may have knowledge of the alleged harassment or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the alleged harasser and the person allegedly harassed. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the complainant and others pending the completion of the investigation.

In determining whether alleged conduct constitutes a violation of this policy, the division shall consider, at a minimum: (1) the surrounding circumstances; (2) the nature of the behavior; (3) past incidents or past or continuing patterns of behavior; (4) the relationship between the parties; (5) how often the

conduct occurred; (6) the identity of the alleged perpetrator in relation to the alleged victim (i.e. whether the alleged perpetrator was in a position of power over the alleged victim); (7) the location of the alleged harassment; (8) the ages of the parties and (9) the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed after a complete and thorough investigation.

The Compliance Officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

All employees shall cooperate with any investigation of alleged harassment conducted under this policy or by an appropriate state or federal agency.

### 3. Action by Superintendent

Within 5 school days of receiving the Compliance Officer's report, the superintendent or designee shall issue a decision regarding whether this policy was violated. This decision must be provided in writing to the complainant and the alleged perpetrator. If the superintendent or superintendent's designee determines that it is more likely than not that prohibited harassment occurred, the Mathews County School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge. Whether or not the superintendent or superintendent's designee determines that prohibited harassment occurred, the superintendent or superintendent's designee may determine that school-wide or division-wide training be conducted or that the complainant receives counseling.

### 4. Appeal

If the superintendent or superintendent's designee determines that no prohibited harassment occurred, the employee or student who was allegedly subjected to harassment may appeal this finding to the School Board within 5 school days of receiving the decision. Notice of appeal must be filed with the superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party, the superintendent and any other individual the School Board deems relevant. Written notice of the School Board's decision will be given to both the alleged harasser and the person allegedly harassed.

If the superintendent or superintendent's designee determines that prohibited harassment occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed.

Employees may choose to pursue their complaints under this policy through the relevant employee grievance procedure instead of the complaint procedure in this policy.

5. Compliance Officer and Alternate Compliance Officer

The BLANK School Board has designated

**INSERT NAME, TITLE, OFFICE ADDRESS, EMAIL ADDRESS AND PHONE NUMBER**

as the Compliance Officer responsible for identifying, investigating, preventing and remedying prohibited harassment. Complaints of harassment may also be made to the Alternate Compliance Officer

**INSERT NAME, TITLE, OFFICE ADDRESS, EMAIL ADDRESS AND PHONE NUMBER**

The Compliance Officer shall

- receive reports or complaints of harassment;
- conduct or oversee the investigation of any alleged harassment;
- assess the training needs of the school division in connection with this policy;
- arrange necessary training to achieve compliance with this policy; and
- ensure that any harassment investigation is conducted by an impartial investigator who is trained in the requirements of equal employment/education opportunity and has the authority to protect the alleged victim and others during the investigation.

B. Informal Procedure

If the complainant and the person accused of harassment agree, the student's principal or principal's designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher or administrator.

If the complainant and the person accused of harassment agree to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the Formal Procedures set forth herein. The principal or principal's designee shall notify the complainant and the person accused of harassment in writing when the complaint has been resolved. The written notice shall state whether prohibited harassment occurred.



#### IV. Retaliation

Retaliation against students or school personnel who report harassment or participate in any related proceedings is prohibited. The school division shall take appropriate action against students or school personnel who retaliate against any student or school personnel who reports alleged harassment or participates in related proceedings. The Compliance Officer will inform persons who make complaints, who are the subject of complaints, and who participate in investigations of how to report any subsequent problems.

#### V. Right to Alternative Complaint Procedure

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited harassment including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

#### VI. Prevention and Notice of Policy

Training to prevent harassment prohibited by law or by this policy is included in employee and student orientations as well as employee in-service training.

This policy is (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students, and their parents/guardians, and employees are notified annually of the names and contact information of the Compliance Officers.

#### VII. False Charges

Students or school personnel who knowingly make false charges of harassment shall be subject to disciplinary action as well as any civil or criminal legal proceedings.

Adopted: July 21, 2015

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Legal Refs: 20 U.S.C. §§ 1681-1688.  
29 U.S.C. § 794.  
42 U.S.C. §§ 2000d-2000d-7.  
42 U.S.C. §§ 2000e-2000e-17.  
42 U.S.C. § 2000ff-1.  
  
34 C.F.R. 106.9.

Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902.

Cross Refs:	AC	Nondiscrimination
	AD	Educational Philosophy
	GB	Equal Employment Opportunity/Nondiscrimination
	GBA-F/JFHA-F	Report of Harassment
	GBM	Professional Staff Grievances
	GBMA	Support Staff Grievances
	JB	Equal Educational Opportunities/Nondiscrimination
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct
	GCPD	Professional Staff Discipline
	JHG	Child Abuse and Neglect Reporting
	KKA	Service Animals in Public Schools

## PROHIBITION OF ABUSIVE WORK ENVIRONMENTS

The Mathews County School Board prohibits abusive work environments in the school division.

Any school board employee who contributes to an abusive work environment is appropriately disciplined.

Retaliation or reprisal against school board employees who make allegations of abusive work environments or assist in the investigation of allegations of abusive work environments is prohibited.

Adopted: July 17, 2018

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Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-291.4.

## BOARD-STAFF COMMUNICATIONS

The Mathews County School Board supports and encourages two-way communication between the Board and employees. The superintendent is the official representative of the School Board as its chief administrative officer in its relations and communications with its employees. A description of the two-way communication system is included in this policy manual.

Employees are encouraged to communicate their ideas and concerns in an orderly and constructive manner to the School Board and/or the administrative staff.

The School Board desires to develop and maintain the best possible working relationship with the employees of the school division. The School Board welcomes the viewpoints of employees, and it shall allow time at its meetings for employees to be heard.

The School Board does not discriminate against any employee by reason of his or her membership in an employee organization, or participation in any lawful activities of the organization.

Adopted: July 15, 2014

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-253.13:7.C.1.

## STAFF HEALTH

As a condition of employment every new employee of the School Board including teachers, cafeteria workers, janitors and bus drivers, shall submit a certificate signed by a licensed physician, physician assistant, nurse practitioner or registered nurse stating the employee appears free of communicable tuberculosis. Volunteers may be required to provide such a certificate.

After consulting with the local health director, the School Board may require the submission of such certificates annually, or at such intervals as it deems appropriate, as a condition to continued employment.

### Physical Exams for School Bus Drivers

No person shall be employed as a bus driver unless he or she has a physical exam of the scope required by the Board of Education and provides the School Board the results of the exam on the form prescribed by the Board of Education. Such exam and report may be provided by a licensed nurse practitioner or physician assistant.

The School Board may also require alcohol and drug testing in accordance with Policy GDQ School Bus Drivers.

Adopted: July 19, 2016

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-178, 22.1-300, 22.1-301, 54.1-2952.2, 54.1-2957.02.

Cross Ref.:	EBAB	Possible Exposure to Viral Infections
	EBBB	Personnel Training—Viral Infections
	GDQ	School Bus Drivers
	JHCC	Communicable Diseases
	JHCCA	Blood-Borne Contagious or Infectious Diseases

UNLAWFUL MANUFACTURE, DISTRIBUTION, DISPENSING,  
POSSESSION OR USE OF A CONTROLLED SUBSTANCE

The Mathews County School Board is committed to maintaining a Drug-Free Workplace.

Prohibited Conduct

Employees may not unlawfully manufacture, distribute, dispense, possess or use a controlled substance on school property, at any school activity or on any school-sponsored trip. It is a condition of employment that each employee of the Mathews County School Board will not engage in such prohibited conduct and will notify the Mathews County School Board of any criminal drug conviction for a violation occurring on school property, at any school activity or on any school-sponsored trip no later than 5 days after such conviction. An employee who is convicted of criminal drug activity for a violation occurring on school property, at any school activity or on any school-sponsored trip will be subject to appropriate discipline, up to and including termination, or required to satisfactorily participate in a drug abuse assistance or rehabilitation program.

Discipline

The superintendent and School Board will take appropriate personnel action up to and including dismissal of any employee found to have engaged in prohibited conduct listed above. Such personnel action will include the imposition of a sanction on, or the requiring of the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted of a violation occurring on school property, at any school activity or on any school-sponsored trip.

Distribution of Policy

All employees shall be given a copy of this policy.

Drug-Free Awareness Program

The Mathews County School Board shall establish a drug-free awareness program to inform its employees about the dangers of drug abuse in the workplace, the Board's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs and the penalties that may be imposed upon employees for violations of laws and policies regarding drug abuse.

Adopted: July 15, 2014

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Legal Refs.: 41 U.S.C. §§ 8103, 8104.  
Code of Virginia, 1950, as amended, § 22.1-78.

Cross Refs.: GCPD Professional Staff Discipline  
GDQ School Bus Drivers

## STAFF WEAPONS IN SCHOOL

No one may possess or use any firearm or any weapon, as defined in Policy JFCD Weapons in School, on school property (including school vehicles), on that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place or on any school bus without authorization of the superintendent or superintendent's designee.

Violation of this policy by an employee will result in appropriate personnel action up to and including dismissal.

Illegal conduct will be reported to law enforcement officials.

Adopted: July 18, 2017

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Legal Refs: Code of Virginia, 1950, as amended, §§ 18.2-308.1, 22.1-78, 22.1-279.3:1, 22.1-280.2:1.

8 VAC 20-560-10.

Cross Refs.:	CLA	Reporting Acts of Violence and Substance Abuse
	JFCD	Weapons in School
	KGB	Public Conduct on School Property

## TOBACCO-FREE SCHOOL FOR STAFF AND STUDENTS

Smoking, chewing or any other use of any tobacco products by staff, students, and visitors is prohibited on school property.

For purposes of this policy,

1. "School property" means:
  - a. All interior portions of any building or other structure used for instruction, administration, support services, maintenance or storage.
  - b. Any indoor facility or portion of such facility owned or leased or contracted for and used for the provision of regular or routine health care, day care, or early childhood development (Head Start) services;
  - c. All vehicles used by the division for transporting students, staff, visitors or other persons.
2. "Tobacco" includes cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking or both. "Tobacco" includes cloves or any other product packaged for smoking.
3. "Smoking" means the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling, or exhaling of smoke from a pipe, cigar, or cigarette of any kind.

This policy shall be published in student and employee handbooks, posted on bulletin boards and announced in meetings.

Each principal shall post signs stating "No Smoking," or containing the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it, clearly and conspicuously in every school cafeteria and other dining facility in the school.

Staff and students found to be in violation of this policy shall be subject to appropriate disciplinary action.

### Designated Smoking Areas

The School Board may direct the superintendent to issue regulations designating smoking areas on school grounds outside buildings.



## Electronic Cigarettes

Students are prohibited from possessing electronic cigarettes on school buses, on school premises and at school-sponsored activities.

All other persons are prohibited from using electronic cigarettes on school premises and school vehicles.

Adopted: July 15, 2014

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Legal Refs.: 20 U.S.C. §§ 6083, 7183.

Code of Virginia, 1950, as amended, §§ 15.2-2820, 15.2-2824, 15.2-2825, 15.2-2827, 22.1-79.5, 22.1-279.6.

Cross Refs.:	GBECA	Electronic Cigarettes
	JFCH	Tobacco-Free School for Staff and Students
	KG	Community Use of School Facilities
	KGC	Use of Tobacco and Electronic Cigarettes on School Premises

## ELECTRONIC CIGARETTES

The use of electronic cigarettes is prohibited on school buses, on school premises and at school-sponsored activities.

Adopted: July 15, 2014

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Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-79.5.

Cross Refs.: GBEC/JFCH Tobacco-Free School for Staff and Students  
JFC-R Standards of Student Conduct  
KG Community Use of School Facilities  
KGB Public Conduct on School Property  
KGC Use of Tobacco and Electronic Cigarettes on School Premises

File: GBED

## REPORTING ALCOHOL OR DRUG USE

Employees who, in good faith with reasonable cause and without malice, act to report or investigate the activities of any student or any other person as they relate to alcohol or drug use or abuse in or related to the school or to any school activity shall be immune from all civil liability that might otherwise be incurred or imposed as the result of making of such a report, investigation or disclosure.

Legal Refs: Code of Virginia, 1988, Section 8.01-47

Adopted: June 10, 1997

## LACTATION SUPPORT

The superintendent shall designate a non-restroom location in each school as an area in which any mother who is employed by the Mathews County School Board or enrolled as a student in the division may take breaks of reasonable length during the school day to express milk to feed her child until the child reaches the age of one. The area must be shielded from public view.

Adopted: July 15, 2014

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Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-79.6.

## STAFF PARTICIPATION IN POLITICAL ACTIVITIES

The Mathews School Board recognizes the right of its employees to engage in political activity.

The Board also recognizes that school time and school property should not be used for partisan political purposes. Thus, in his or her political activities, an employee may not

- use his or her position within the school division to further a political cause;
- engage in any activity supporting or opposing a candidate or political party while on duty, while on school property during school hours, or while representing the school division;
- suggest in any manner that the school division or any component of it supports or opposes a candidate for election to any office; or
- use any school division property to engage in any activity supporting or opposing a candidate for public office or a political party.

These restrictions are not intended to limit the rights of school division employees to support or oppose any political candidate or party on their own time. They are intended to minimize distractions from instruction, to assure that no public funds are used to support any candidate for public office, and to assure that the public is not given the false impression that the school division supports or opposes any political candidate or party. School division employees who engage in political activities on their own time must make it clear that their views and actions represent their individual positions and do not represent the views of the school division.

Adopted: July 17, 2012

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

STAFF GIFTS AND SOLICITATIONS

Exchange of gifts between students and staff is discouraged.

No school division employee shall solicit goods or services for personal use or for student use during school hours on school property without written authorization from the superintendent.

Adopted: July 18,2006

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-70,22.1-78.

## PERSONNEL RECORDS

Present and past employees have access to their personnel information maintained by the Mathews County School Division. No separate employee files shall be maintained which are not available for that employee's inspection.

If information relative to employment is requested by banks or other establishments or individuals, written permission from the employee to release such information is required, except to comply with a judicial order, a lawfully issued subpoena, the Virginia Freedom of Information Act (Va. Code § 2.2-3700 et seq.), or other law or court order. The employee will be notified of the request for records.

The superintendent or superintendent's designee is responsible for maintaining a system of personnel records for all employees of the School Board. Personnel files of all School Board employees may be produced and maintained in digital or paper format.

Teacher performance indicators, or other data collected by or for the Department of Education or the School Board or made available to and able to be used to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise, is confidential but may be disclosed, in a form that does not personally identify any student or other teacher, (i) pursuant to court order, (ii) for the purposes of a grievance proceeding involving the teacher, or (iii) as otherwise required by state or federal law. Nothing in this policy prohibits the release of or limits the availability of nonidentifying, aggregate teacher performance indicators or other data.

Adopted: July 19, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3705.1, 2.2-3800 et seq., 22.1-295.1.

Cross Ref.: CBA                      Qualifications and Duties for the Superintendent  
                  GBLA                    Third Party Complaints Against Employees

### THIRD-PARTY COMPLAINTS AGAINST EMPLOYEES

Any parent or guardian of a student enrolled in the Mathews County Public Schools or any resident of Mathews County may file a complaint regarding an employee of the Mathews County School Board. Such complaint should be filed with the superintendent or superintendent's designee. If the complaint involves allegations that an employee of the Mathews County School Board has abused or neglected a child in the course of his employment, the complaint will be investigated in accordance with Va. Code §§ 63.2-1503, 63.2-1505 and 63.2-1516.1.

Information determined to be unfounded after a reasonable administrative review will not be maintained in any employee personnel file, but may be retained in a separate sealed file by the administration if such information alleges civil or criminal offenses. Any dispute over such unfounded information, exclusive of opinions retained in the personnel file, or in a separate sealed file, notwithstanding the provisions of the Government Data Collection and Dissemination Practices Act, Va. Code §§ 2.2-3800 et seq., will be settled through the employee grievance procedure as provided in Va. Code §§ 22.1-306 and 22.1-308 through 22.1-314.

Individuals lodging a complaint will be notified in writing that the complaint has been received and is being investigated.

The complaint should be filed as soon as possible after the alleged incident, usually within 15 school days, and will be processed promptly, usually within 15 days.

Adopted: July 15, 2014

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3800 et seq., 22.1-70, 22.1-78, 22.1-295.1.

Cross Refs.:	GB	Equal Employment Opportunity/Nondiscrimination
	GBA/JFHA	Prohibition Against Harassment and Retaliation
	GBL	Personnel Records
	JB	Equal Educational Opportunities/Nondiscrimination
	JHG	Child Abuse and Neglect Reporting