



THE GLOUCESTER PUBLIC SCHOOLS
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PERSONNEL SUB-COMMITTEE MEETING

Monday, December 11, 2017

5:00 pm

Conference Room — District Office
2 Blackburn Drive, Gloucester, MA 01930

AGENDA

I. CALL TO ORDER

II. REPORTS/DELIBERATIONS/DISCUSSIONS

***A. Review of Policies**

1. Social Networking Policy, File: IJNDD
2. Drug and Alcohol Free Workplace Policy, File: GBEC
3. Amended Staff Ethics/Conflict of Interest Policy, File: GBEA

B. Discussion items that were not reasonably anticipated by the Chairperson, in accordance with M.G.L., Chapter 30A, Section 18-25

III. ACTION

IV. ADJOURNMENT

DISCLAIMER: The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

**THIS FILE HAS BEEN REVIEWED BY NAOMI
Noted on 11.21.17**

SOCIAL NETWORKING POLICY

I. Internet AUP Still in Force

This policy is adopted in addition to, and not as a substitute for, the Gloucester Public School District's Internet Acceptable Use Policy, which governs use of the school district's technological resources.

The following policy applies to all staff and volunteers of the Gloucester Public School District.

Although comments below may refer to staff members/volunteers, it is to be understood that all who are members of the Gloucester Public Schools community are subject to this policy.

II. General Concerns

The Gloucester Public Schools recognizes the proliferation and, in some instances, usefulness, of online conversation and the sharing of media between teachers and students, and/or their parents or guardians. However, due to the nature of social networking sites, there exists a risk, without care and planning, that the lines between one's professional life and personal life will be blurred. Our staff should always be mindful of how they present themselves to the world, online and otherwise. Should an educator "friend" a student on Facebook, subscribe to a student's "twitter" account, regularly engage in email "chat" with a student, exchange text messages, photographs, video, or visual media of any kind with students or engage in any other form of electronic communication, the school district is concerned, and the educator should be concerned, that such activities may undermine the educator's authority to maintain discipline, encourage inappropriate behaviors and compromise the educator's ability to remain truly objective with his or her students.

In addition, any online communication using one's own personal resources, as opposed to school district resources, compromises the staff member's/volunteer's, as well as the school district's ability to retain public records in accordance with the requirements of the Commonwealth's public records laws. The law requires public employees who send,

receive or maintain records in their capacity as public employees, to retain, disclose and dispose of such records in compliance with strict provisions of the public records law. This law applies whether or not the record is in the form of a paper document or an electronic communication. When staff members/volunteers communicate through school-based resources, such as staff email or school sponsored web pages, such records are retained and archived through the school's information technology department. If, however, a staff member/volunteer communicates outside of these resources, such information is not retained. The burden falls on the staff member/volunteer to comply with public records laws when using personal email or social network accounts to communicate with students and/or parents and guardians.

There is a question regarding language under #8 , “...you are speaking as an employee and not as a citizen...” Naomi

III. Expectations of Staff

With these concerns in mind, the Gloucester Public Schools has instituted this "Social Networking Policy," and announces its expectations for staff members'/volunteers' use of social networks such as Facebook, LinkedIn, Twitter, personal email accounts, text message features of cell phones, use of blogs, and other electronic or technologically based communication systems.

1. Before endeavoring to establish any social networking account, staff members/volunteers should familiarize themselves with the features of any account they choose to use. For example, Facebook requires account holders to take specific steps to "privatize" the information they place online. The staff member must educate **himself/herself** to the features of Facebook or any other social networking site you select. **The staff member** will be responsible should any information—written, visual, or spoken—which **he/she** intended to be "private" become "public" due to **his/her** own ignorance of the features of the social network you have decided to use or your failure to properly use such features.
2. **The staff member** must also know that any information shared privately with a recipient could be re-distributed by such recipient, without **the staff member's** knowledge or consent. The same principles **that the staff member** applies to in-person communications should be applied to online communications: use discretion, and do not place trust in individuals who have not proven themselves

trustworthy. In essence, nothing **the staff member** posts online is ever truly "private."

3. The school district expects **the staff member** to keep the line between **his/her** professional life and personal life clearly drawn at all times. There is no reason why this cannot be done, even in light of the proliferation of social networking sites. All that is required is some forethought before using social networking for both **the staff member's** professional and personal life, to be sure that these lines never become blurred.

For example, if a staff member/volunteer wishes to establish a Facebook or personal email account through which he or she will communicate with students, he or she should establish a Facebook identity and email identity that is separate from his/her "personal" Facebook identity or personal email account. He/she should only use his/her educational Facebook account or educational email account to communicate with students and/or parents and guardians on matters directly related to education. The "friends" associated with such an educational Facebook account should only be members of the educational community, such as administrators, teachers, students, and parents of such students. It is strongly recommended that staff members/volunteers will reject friend requests from individuals who do not fit into any of these categories.

4. At all times, and in the use of any form of communications, staff members/volunteers will always adhere to student privacy rights and the rights of employees to have their personnel and medical information kept confidential. Information that is protected by law from disclosure to third parties will not be communicated online in a way that unreasonably exposes such information to retrieval by those third parties. For example, through an educational Facebook account, a staff member/volunteer may not post confidential student information on the "wall", the "information" section, or through any part of that Facebook account that would be accessible to any other of the staff member's/volunteer's Facebook "friends" associated with that account. **Student names, pictures, and or any other information that could identify a student should not be shared by a staff member.** If a teacher wishes to communicate privately with a student through the educational Facebook account, such communication shall be conveyed only through the private email/message feature of Facebook, so that only the student may view the message and respond to it.

5. Staff members/volunteers are encouraged to communicate with students and parents on educational matters only, and only through school-based resources, such as school-provided email or web portal accounts. Use of one's personal email account or social networking account to discuss school business with students and parents is discouraged. It should be noted that, just because a staff member/volunteer uses his/her personal email as opposed to a school email account, this does not shield such email from the provisions of the public records law or from discovery in litigation.

It only prevents the archiving of such messages through the school district's automatic email archiving system. We again remind staff members/volunteers that information sent or received by them, even through personal email or social network accounts, that are related to their capacity as a school employee, are still subject to public records retention, exemption and disclosure requirements."

6. If a staff member/volunteer conveys school-related messages to students and parents on his/her private account, he/she should save such email or any communication conveyed through a social networking site, or print and save a paper copy of such email or other online communication, and file it, and regard its privacy, as he/she would any other document concerning that student. The staff member/volunteer should forward copies of any such emails or online communications to his or her school based email account so that it can be properly retained and archived in compliance with the requirements of the public records law. Any document created or received by a public employee in his or her capacity as such is subject to retention, and perhaps disclosure under the public records law.
7. No matter what medium of communication a staff member/volunteer selects, he/she should adhere to appropriate teacher/student boundaries. **The staff member** is a role model, not a student's friend; **the staff member** is his/her teacher (for example), and should always conduct yourself in accordance with this understanding. Staff members/volunteers remain mandated reporters. If a student indicates he/she is at risk, neglected or is being harmed, the staff member is required by law to report such neglect or harm to the Department of Children and Family Services. The staff member should follow the District's protocol for mandated reporting of abuse. **Staff members should not communicate with students about personal matters and/or make negative statements about students.**

8. This policy is not intended to infringe upon a staff member's/volunteer's right to speak publicly on matters of public concern, or to communicate with fellow members of their union on workplace issues, so long as such communication adheres to appropriate time, place and manner restrictions, does not interfere with the performance of **the staff member's** job duties **and does not disrupt the educational process**. However, when **a staff member** speaks via social networking sites or tools on **personal** matters concerning work **and not a matter of public concern, the staff member is speaking as an employee and not as a citizen, and** restrictions may be placed upon **the staff member's** freedom of expression. These restrictions are intended to preserve student confidentiality, **maintain the staff member's** status as an educator who should command and receive the respect of students, be able to maintain order and discipline in **the staff member's** classroom, remain objective with respect to **the staff member's** students, **and support the operation of the school department**.

9. Staff members/volunteers are discouraged from using home telephones, personal cell phones, personal email accounts and personal Facebook accounts to communicate with students. Communications with students, even if **the staff member does** not use school resources for such communications, are within the jurisdiction of the school district to monitor as they arise out of **the staff member's** position as an educator.

Any conduct, whether online or not, that reflects poorly upon the school district or consists of inappropriate behavior on the part of a staff member, may expose an employee to discipline up to and including discharge. Even if **the staff member is** not using a school telephone, computer, classroom or the like to engage in contact with a student, such contact is not outside of the school district's authority to take appropriate disciplinary action. If **the** behavior is inappropriate, undermines **the staff member's** authority to instruct or maintain control and discipline with students, compromises **the staff member's** objectivity, or harms students, the school district reserves the right to impose discipline for such behavior. A staff member/volunteer may also face individual liability for inappropriate online communications with students and/or parents and guardians, as well as exposing the district to vicarious liability in certain instances.

At the same time, the district recognizes that, in limited cases, use of cell phone text messages or cell phone calls or emails outside of regular school hours may be reasonably necessary. For example, in connection with school sponsored events for which staff members/volunteers serve as duly appointed advisors, they may

need to convey messages in a timely manner to students and may not have access to school based email accounts, school provided telephones or school based web pages. In such limited circumstances, the district anticipates that staff members/volunteers will make reasonable use of their cell phones or smart-phones to convey time sensitive information on scheduling issues and the like.

10. Staff members/volunteers may not access their personal email accounts or private Facebook accounts using school district computer resources.
11. If **the staff member is** communicating as an employee of the district in **the staff member's** online communications, **the staff member** must be aware that readers will assume **that the staff member** "speaks for the school district." Therefore, all online communications, written or visual (e.g., photography, video, etc.), whether **the staff member is** actually acting on behalf of the district, or creating the appearance that **he/she is** doing so, must be professional at all times and reflect positively on the school district.
12. In the use of **a** Facebook account or other social networking site, **the staff member** may not, without express permission from the superintendent of schools, use the school's logo, likeness or any school photographs or other property that belongs to the school.
13. References to various social networks are not included to limit application of their policies to use of just those sites or programs. All online, electronic or computerized means of communication are subject to this policy. Given the rapid pace of technological change it is not possible to identify all proprietary or commonly named or identified means of such communications.

THIS POLICY SHOULD BE SHARED WITH THE UNIONS BEFORE PRIOR IMPLEMENTATION BECAUSE ARGUABLY IT COULD HAVE AN IMPACT ON WORKING CONDITIONS SUCH AS GROUNDS FOR DISMISSAL.

Approved by the School Committee on October 10, 2012

THIS FILE HAS BEEN REVIEWED BY NAOMI

Noted on 11.21.17

File: GBEC

DRUG AND ALCOHOL FREE WORKPLACE POLICY

The Gloucester Public Schools has a strong commitment to its employees to provide a safe workplace and to establish programs promoting high standards of employee health. Consistent with the spirit and intent of this commitment, the Gloucester Public Schools has established this policy regarding drug and alcohol use or abuse. Our goal is to maintain a work environment that is free from the effects of alcohol and drug use.

Employees of the Gloucester Public Schools are visible and active members of the communities where they live and work. They are inescapably identified with the school district and they are expected to represent it in a reasonable and credible fashion.

While the Gloucester Public Schools has no intention of intruding into the private lives of its employees, the school district does expect employees to report for work in condition to perform their duties. The school district recognizes that employee off-the-job as well as on-the-job involvement with drugs and alcohol can have an impact on the workplace and on our ability to accomplish our goal of an alcohol and drug-free work environment.

GOAL:

Our goal is to send a clear message that use of alcohol and/or **illegal** drugs in the workplace is prohibited, and we encourage employees to voluntarily seek help with alcohol and drug problems.

SCOPE:

This policy shall be in effect for all employees of the Gloucester Public Schools.

PROCEDURES:

1. Pursuant to the Drug-Free Workplace Act of 1988, it is the policy of the Gloucester Public School District to prohibit the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcohol in the workplace. The illegal use, sale, or possession of narcotics, drugs, or controlled substances while on the job or on school property is an offense warranting discharge. Any illegal substances will be turned over to the appropriate law enforcement agency.

2. Employees who are under the influence of alcohol, **non-medical cannabis, or illegal drugs**, either on the job or when reporting to work, or who possess or consume alcohol **non-medical cannabis, or illegal drugs** during work hours have the potential for interfering with their own as well as their coworkers' safe and efficient job performance. Consistent with existing District practices, such condition will be proper cause for administrative action up to and including the termination of employees **in accordance with the collective bargaining agreement**.
3. Visible signs which may indicate alcohol or drug impairment include odor on breath, slurred speech, lack of balance, inappropriate and/or disruptive behavior, glassy eyes, weaving, etc. Administrative action will be taken when two (2) or more witnesses report or document more than one (1) of the above or other symptoms.
4. Off-the-job illegal drug activity which would adversely affect an employee's job performance or which could jeopardize the safety of other employees, the public, or school district property or equipment is proper cause for administrative or disciplinary action up to and including termination of employment.
5. Employees who are involved with off-the-job **illegal** drug activity may be considered in violation of this policy. In deciding what action to take, management will take into consideration the nature of the charges, the employee's present job assignment, the employee's record with the school district, and other factors relative to the impact of the employee's arrest upon the conduct of school district business.
6. In certain cases, rehabilitation through the Employee Assistance Program may be offered as an alternative to the imposition of such disciplinary action.
7. Some of the drugs which are illegal under federal, state, or local laws include, among others: **marijuana**, heroin, hashish, cocaine, hallucinogens, depressants, and stimulants not prescribed for current personal treatment by an accredited physician.
8. In compliance with Federal Law, the school district requires that as a condition of his or her employment under a federal grant or contract, an employee must notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction. The school district will notify the granting agency within 10 days after receiving notice that a covered employee has been convicted of a criminal drug violation in the workplace or otherwise receiving actual notice of a conviction.

If a supervisor has a reasonable suspicion that an employee is under the influence of alcohol, after consultation with the Superintendent or his or her designee, the employee will be asked to submit to a breathalyzer test.

9. Employees are expected to follow any directions of their health care provider concerning prescription medications, and must immediately notify the Director of Human Resources if any prescription drug is likely to have an impact on job performance. The Director of Human Resources will maintain confidentiality at all times regarding this prescription drug while advising the Supervisor of the appropriate job modification and duration indicated.

10. In accordance with the Drug-Free Workplace Act of 1988, the school district will establish a drug-free awareness program to make employees aware of any available drug counseling, rehabilitation, and employee assistance programs.

Any employee, while on school property or during that employee's work shift, including without limitation all breaks and meal periods, consumes or uses, or is found to have in his or her personal possession, in his or her locker or desk or other such repository, alcohol or drugs, which are not medically authorized, or is found to have used or to be using such alcohol or drugs, will be suspended immediately pending further investigation. If use or possession is sustained, disciplinary action, up to and including discharge, will be imposed.

The intent of this statement is to clarify the Gloucester Public School's operational stance and to provide for a prompt and effective response to any alcohol or drug-related situation, which has or could have an impact on the operations of the school department. It does not alter in any way the policy of assisting employees in securing proper treatment or extending the coverage of the health benefits plan as indicated for problem drinking, alcoholism, or other drug dependencies.

Approved by the School Committee on June 10, 2015

STAFF ETHICS/CONFLICT OF INTEREST

The School Committee expects members of its professional staff to be familiar with the code of ethics that applies to their profession and to adhere to it in their relationships with students, parents, coworkers, and officials of the school system.

No employee of the School Committee will engage in or have a financial interest in, directly or indirectly, any activity in which the school district has an interest or that conflicts or raises a reasonable question of conflict with his duties and responsibilities in the school district, **nor** will any staff member engage in any type of private business during school time or on school property.

Employees will not engage in work of any type where **non-public** information concerning customer, client, or employer originates from any information available to them through school sources.

Moreover, as there should be no conflict of interest in the supervision and evaluation of employees, at no time may any administrators responsible for the supervision and/or evaluation of an employee be directly related to him/her.

At least two (2) weeks before the school district employs a member of the immediate family of the Superintendent, a central office administrator or a school committee member, or before a member of the immediate family of a Principal shall be assigned as an employee at the Principal's building, written notice shall be given to the School Committee of such person's prospective employment assignment.

LEGAL REF.: M.G.L. 71:52; 71:67; 268A:1 et seq.

Policy Manual 3/2010

SOURCE: Gloucester