

## **Richmond Public Schools Policies Pertaining to Volunteers**

All RPS School Board Bylaws & Policies can be located at:  
<http://web.richmond.k12.va.us/SchoolBoard/Bylaws.aspx>

### **School Board Policy on Volunteers**

#### **Policy 4-3.9 School Volunteers:**

Recognizing that community members can provide valuable services to the schools by sharing their time, talents and experience, the School Board approves and encourages the use of volunteers to support the school division's instructional programs and extra-curricular activities. For the purposes of this policy, a volunteer is a person who provides services, without compensation or benefits of any kind or amount, on an occasional or regular basis in the schools or during school activities.

All volunteers shall be at least 18 years of age unless their volunteer work is approved as part of a class, is done to fulfill a service learning or community service requirement for graduation or is done by a recognized student organization. Volunteers serve under the direction and supervision of the building principal or designated staff and shall abide by the policies, procedures and rules of the school division. When volunteers work with children, their activities will be under the immediate supervision of a school division employee.

In the interest of protecting the safety of students and staff, all volunteers who will be working directly with or will have access to students, including those chaperoning students on field trips or at all school-sponsored activities will be subject to criminal background checks, including sex offender registry checks. Volunteers may not transport students in private vehicles except as otherwise approved by Richmond Public Schools. The division superintendent is directed to develop procedures consistent with this policy to ensure that there is a uniform division-wide process for the intake, screening, management and supervision of volunteers engaged throughout the school division. LEGAL REFERENCE: Code of Virginia, 1950 as amended § 22.1-78. Adopted July 13, 2015

### **RPS Legal Statement**

In accordance with federal laws, the laws of the Commonwealth of Virginia and the policies of the School Board of the City of Richmond, the Richmond Public Schools does not discriminate on the basis of sex, race, color, age, religion, disabilities, or national origin in the provision of employment and services. The Richmond Public Schools operates equal opportunity and affirmative action programs for students and staff. The Richmond Public Schools is an equal opportunity affirmative action employer. The School Board also supports equal opportunities and treatment of all individuals regardless

of sexual orientation. The Section 504 Coordinator is Dr. Michelle Boyd, Richmond Public Schools, 301 N. Ninth Street, Richmond, VA 23219, 804-780-7911. The ADA Coordinator is Mr. Thomas Kranz, Assistant Superintendent, Operations, 301 N. Ninth Street, Richmond, VA 23219, 804-780-7325. The United States Department of Education's Office of Civil Rights may also be contacted at 400 Maryland Ave, SW, Washington, DC 20202, 202-401-2000 or 1-800-872-5327.

## **Harassment Policy**

### **POLICY 7-1.2 HARASSMENT – SCHOOL PERSONNEL**

#### **Policy Statement**

The School Board of the City of Richmond is committed to maintaining a working environment free from harassment of any kind. Therefore, the School Board prohibits sexual harassment and harassment based on race, religion, national origin, disability, sexual orientation, gender identity or gender expression (collectively “harassment”) of any school personnel at school or any school sponsored activity.

It shall be a violation of this policy for any school personnel to harass a student or school personnel sexually or based on the above-stated characteristics. Further, it shall be a violation of this policy for any school personnel to tolerate harassment of any kind by school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

For the purpose of this policy, “school personnel” School Board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the School Board and Richmond Public Schools.

The school division shall: (1) promptly investigate all complaints, written or verbal, of harassment; (2) promptly take appropriate action to stop any harassment and (3) take appropriate action against any school personnel who violates this policy and take any other action reasonably calculated to end and prevent further harassment of school personnel.

#### **Definitions**

##### **a. Sexual Harassment**

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- i. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment;
- ii. 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

iii. that conduct or communication substantially or unreasonably interferes with an individual's employment, or creates an intimidating, hostile or offensive work environment (i.e. the conduct is sufficiently severe, persistent or pervasive to limit an employee's ability to participate in or benefit from the work environment).

Examples of conduct, which may constitute sexual harassment, include but are not limited to:

- i. unwelcome, sexually motivated or inappropriate patting, pinching or other physical contact;
  - ii. unwelcome, ongoing or repeated sexual flirtation, remarks or propositions;
  - iii. sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions;
  - iv. graphic verbal or written comments about an individual's body, or overly personal conversation of a sexual nature;
  - v. sexual jokes, notes, stories, drawings, gestures or pictures;
  - vi. spreading sexual rumors;
  - vii. touching an individual's body or clothes in a sexual way;
  - viii. displaying sexually suggestive objects, pictures, cartoons or posters;
  - ix. impeding or blocking movement in a sexually intimidating manner;
  - x. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act or another;
  - xi. touching oneself sexually or talking about one's sexual activity in front of others;
  - xii. other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by either: (1) implied or overt threats concerning an individual's educational status; or (2) implied or overt promises of preferential treatment with respect to one's educational status;
  - xiii. unwelcome behavior or words directed at an individual because of gender; or
  - xiv. unwelcome verbal harassment or abuse, threats of physical harm, or assaults directed at an individual because of their sexual orientation.
- b. Harassment Based on Race, Religion, National Origin, Disability, Sexual Orientation and Gender Identity or Expression

Harassment based on race, religion, national origin, disability, sexual orientation, gender identity or gender expression consists of physical or verbal conduct that:

- i. has the purpose or effect of creating an intimidating, hostile or offensive working environment;

- ii. has the purpose or effect of substantially or unreasonably interfering with an individual's work; or
- iii. otherwise adversely affects an individual's employment opportunities.

Examples of conduct, which may constitute harassment based on the stated characteristics, include but are not limited to:

- i. graffiti containing offensive language;
- ii. name calling, jokes or rumors;
- iii. physical acts of aggression against a person or his/her property;
- iv. slurs, negative stereotypes and hostile acts; or
- v. written or graphic material containing ethnic comments or stereotypes which is posted or circulated and is intended to degrade individuals.

## **Complaint Procedure**

### a. Reporting

Any employee who believes he or she has been the victim of harassment by a student, teacher, administrator or other school personnel, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of Richmond Public Schools, is strongly encouraged to immediately report the alleged acts to an appropriate school division official designated by 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.

The school division encourages the reporting party or complainant to use the included Report of Discrimination/Harassment Complaint Form (Appendix I) available from the principal of each building or available from Richmond Public Schools' administrative offices. Use of formal reporting forms is not mandated. Verbal reports of harassment shall be treated as formal complaints. Nothing in this policy shall prevent any person from reporting harassment directly to the division superintendent or his or her designee.

In each school building, the principal is the person responsible for receiving verbal or written reports of harassment at the building level. Any adult school division personnel who receives a report of harassment shall inform the building principal immediately. Upon receipt of a report, the principal must notify the compliance officer, without screening or investigating the report. The principal may request, but may not insist upon a written complaint. A written statement of the facts alleged must be forwarded as soon as practicable by the principal to the division superintendent or his or her designee. If the report was given verbally, the principal shall personally reduce the complaint to written form within 24 hours and forward the complaint to the compliance

officer. Failure to forward any harassment report or complaint as provided in this policy will result in disciplinary action against the principal.

If the complaint involves the building principal, the complaint shall be made or filed directly with the compliance officer by the reporting party or the complainant. If any complaint involves the compliance officer or alternate compliance officer, the complaint shall be made or filed directly with the division superintendent. If the complaint involves the division superintendent, the complaint shall be made or filed directly with the School Board. If the complaint involves a School Board member, the complaint shall be made or filed directly with the School Board Chair or Vice-Chair should the complaint involve the School Board Chair.

The division superintendent has designated the Executive Director of Human Resources as the compliance officer for the school division with responsibility to identify, prevent, and remedy harassment in accordance with this policy. In the absence of the Executive Director of Human Resources, the division superintendent has designated the Chief of Staff as the alternate compliance officer to be responsible for the duties listed herein.

The compliance officer or alternate shall:

- i. Receive reports or complaints of harassment;
- ii. Oversee the investigative process;
- iii. Be responsible for assessing the training needs of the school division's staff and students in connection with the dissemination, comprehension, and compliance with this policy;
- iv. Arrange for necessary training required for compliance with this policy; and
- v. Ensure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal education opportunity, including harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify unlawful harassment, recommend appropriate discipline and remedies when prohibited harassment is found, and take other appropriate action to rectify the damaging effects of any prohibited discrimination, including interim protection of the victim during the course of the investigation.

The complaint and the identity of the complainant and the person or persons allegedly responsible for the harassment 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 or complaint alleging harassment, the compliance officer or alternate shall immediately undertake or authorize an investigation. The investigation

may be conducted by Richmond Public Schools' officials or, at Richmond Public Schools' discretion, by a third party designated by Richmond Public Schools. All employees shall cooperate with any investigation of alleged harassment or discrimination conducted under this policy or by an appropriate state or federal agency.

Upon receipt of the complaint, the compliance office 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.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents that may be relevant to the particular allegations.

In determining whether the alleged conduct constitutes a violation of this policy, Richmond Public Schools shall consider:

- i. The nature of the behavior;
- ii. How often the conduct occurred;
- iii. Whether there were past incidents or past continuing patterns of behavior;
- iv. The relationship between the parties involved;
- v. The sex and age of the victim;
- vi. The identity of the perpetrator, including whether the perpetrator was in a position of power over the employee allegedly subjected to harassment;
- vii. The number of alleged harassers;
- viii. The age of the harasser;
- ix. Where the harassment occurred;
- x. Whether there have been other incidents in the school involving the same or other employees;
- xi. Whether the conduct has adversely, or continues to adversely affect the employee's job performance or work environment; and
- xii. 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 the facts and surrounding circumstances revealed through the investigation.

The investigation shall be completed no later than thirty (30) calendar days from receipt of the report. The investigator shall make a written report to the compliance officer or alternate upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether there appears to be violation of this policy. The investigator's duty to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded. The compliance

officer shall submit the report to the division superintendent upon the completion of the investigation.

c. Division Superintendent Action

Within five (5) calendar days of receiving the compliance officer's report, the division superintendent or designee shall issue a decision regarding whether the policy was violated. The results of Richmond Public Schools' investigation of each complaint filed under these procedures will be reported in writing to the complainant and other parties by Richmond Public Schools in accordance with state and federal laws regarding data and records privacy, and consistent with the privacy rights of the complainant and the alleged harasser.

If the division superintendent determines that prohibited harassment occurred, Richmond Public Schools will take prompt, appropriate formal or informal action to address, and where appropriate, remediate the violation. Appropriate actions may include, but are not limited to, counseling, awareness training, termination, or discharge. Any action taken for violation of this policy shall be consistent with the requirements of state and federal law, School Board *Bylaws and Policies*, and the *Administrative Procedures Manual*.

In determining what is an appropriate response to a finding that harassment in violation of this policy has occurred, Richmond Public Schools shall consider:

- i. What response is most likely to end any ongoing harassment;
- ii. Whether a particular response is likely to deter similar future conduct by the harasser or others;
- iii. The amount and kind of harm suffered by the victim of the harassment;
- iv. The identity of the party or parties who engaged in the harassing conduct; and
- v. Whether the harassment was engaged in by school personnel, and if so, the school division will also consider how it can best remediate the effects of the harassment.

In the event that evidence suggests that the harassment is also a crime under state or federal law, school officials shall report the results of the investigation to the appropriate law enforcement agency.

d. Appeal

If the results of Richmond Public Schools' evaluation of a complaint or harassment conclude that an individual has engaged in harassment in violation of this policy, or that any individual has failed to report harassment as required by this policy, that individual may appeal this determination by use of established School Board procedures for appealing other adverse employment related actions. If the results of Richmond Public Schools' investigation of a complaint of harassment conclude that no

harassment has occurred, an individual who was allegedly subjected to harassment and believes this conclusion to be erroneous may appeal this determination by use of established School Board procedures for appealing other adverse personnel related actions.

Copies of all complaints of harassment and the investigations conducted pursuant to them shall be maintained for a period of two years at the School Board administrative offices.

e. Privacy

The school division will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with Richmond Public Schools' legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

f. Acts of Reprisal

Submission of a good faith complaint or report of harassment will not affect the complainant's grades, learning environment, or work assignments.

The School Board shall discipline or take appropriate action against any student, teacher, administrator, or other school personnel who knowingly files a false complaint of harassment.

The School Board shall discipline or take appropriate action against any student, teacher, administrator, or other school personnel who retaliates against any person who reports an incident of alleged harassment, or any person who testifies, assists, or participates in a proceeding, investigation or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

g. 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 discriminatory actions or harassment including initiating civil action, filing a complaint with outside agencies, or seeking redress under state or federal law.

### **Dissemination of Policy and Training**

Richmond Public Schools shall conspicuously post this policy against harassment in each school, in a place accessible to students, faculty administrators, employees, parents, and members of the public. The notice shall include the name, mailing address and telephone number of the compliance officer and alternate for Richmond Public Schools, the Virginia Council on Human Rights, and the mailing address and telephone number of the United States Department of Education, Office of Civil Rights.

A summary of this policy shall appear in the Standards of Student Conduct. A summary of this policy is included in Appendix D. A complete copy of the policy shall be made available upon the request of parents, students, and other interested parties.

The division superintendent is directed to develop procedures and guidelines to implement this policy to include but not be limited to (a) a method of discussing this policy with students and employees; (b) training on the requirements of this policy and the appropriate responses to issues regarding harassment; (c) a division-wide plan to promote strategies to prevent harassment. Training of school personnel should take place on an annual basis, and at such other times as the School Board determines necessary or appropriate.

### **Application**

This policy does not render lawful any conduct prohibited by the laws of the Commonwealth of Virginia. This policy shall be reviewed at least annually for compliance with state and federal law.

**LEGAL REFERENCE:** 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d – 2000 d-7; 42 U.S.C. §§ 2000e – 2000e-17.

Adopted September 4, 2012  
Revised/Revised June 16, 2014  
Revised/Revised July 13, 2015

### **Personnel Statement of Ethics**

#### **POLICY 7-1.5 PERSONNEL – STATEMENT OF ETHICS**

The Richmond City Public Schools belong to the public. They serve the primary purpose of providing educational opportunities for all eligible Richmond City citizens. School Board employees acknowledge that schools operate through a cooperative effort with the community. All employees have the responsibility to maintain standards of exemplary professional conduct and provide services that create a positive school environment. Employee duties, responsibilities and personal judgment shall be consistent with School Board policies and regulations. By accepting employment with Richmond Public Schools, all employees shall strive to fulfill their individual responsibilities with honesty and integrity and shall strive to keep the well being of the pupils as their primary goal while maintaining the highest standards of professional ethics.

To support this philosophy, School Board employees shall adhere to the following standards.

Employees shall strive to:

1. make the well-being of pupils the fundamental value of all decision-making and actions;

2. support the civil and human rights of all individuals;
3. maintain personal and professional behaviors that demonstrate positive role modeling for pupils, colleagues, and the education profession;
4. refrain from discourse and actions that undermine the integrity of self or other employees and compromise the professional standards of Richmond Public Schools;
5. fulfill job responsibilities with honesty and integrity;
6. maintain the standards of Richmond Public Schools and seek to improve effectiveness through continuous professional development;
7. avoid using position for personal gain through political, social, religious, economic, or other influence; and
8. honor all contracts with honesty and integrity until fulfillment or release.

Nothing in this policy should be interpreted as infringing upon employees' civil rights and liberties that have been established by the State and Federal Constitutions, court rulings, and statutory laws and administrative regulations.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.  
Adopted December 5, 2011

### **Tobacco-Free School For Staff**

#### **POLICY 7-3.18 TOBACCO-FREE SCHOOL FOR STAFF**

Smoking is prohibited at all times and under all circumstances in all Richmond Public School buildings as provided in federal, state and local law. Each principal shall post signs stating "No Smoking" as applicable within each school building. The supervisor of transportation shall post signs visible upon entering each school bus stating "No Smoking."

Smoking, chewing, or any other use of any tobacco products by staff, is prohibited on School Board property as defined in this policy.

For purposes of this policy, the following definitions shall apply:

- a. "School Board property" shall mean all property owned, leased, rented, or otherwise used by a school including, but not limited to, all interior portions of any building or structure used for instruction, administration, support services, maintenance or storage, as well as outdoor bleachers; and all vehicles used by Richmond Public Schools for transporting students, staff, visitors, or other persons.

- b. "Tobacco" shall include 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" shall include cloves or any other product packaged for smoking.
- c. "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 or smoke from a pipe, cigar, or cigarette of any kind.

This policy shall be published in employee handbooks, posted on bulletin boards, and announced in meetings. Staff found to be in violation of this policy shall be subject to appropriate disciplinary action.

### **Exemptions and Designated Smoking Areas**

The School Board may consider requests for exemptions from this policy that demonstrate the existence of extraordinary circumstances to warrant such an exemption and that do not violate federal or state law. The School Board may direct the Superintendent to issue regulations designating smoking areas on school grounds outside buildings.

### **Electronic Cigarettes**

The use of electronic cigarettes on school premises and in school vehicles is prohibited.

**LEGAL REFERENCE:** 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.  
Adopted June 16, 2014

### **Dress Code Policy**

#### **POLICY 7-3.4 DRESS CODE**

Richmond Public Schools honors all of its employees as highly skilled professionals. To this end, the Richmond Public Schools encourages its employees to bear in mind that as professionals, employees are expected to dress accordingly. Employee attire is expected to reflect the tenets of the education profession and to set an appropriate example for pupils.

All Richmond Public Schools employees are required to dress and present themselves in a mature, professional manner, consistent with their worksite duties (i.e., physical education teachers, nurses, and uniform employees dress as duties require). The School Board directs the division superintendent or his/her designee to develop procedures to implement this policy to be updated regularly. The principal of each school is responsible for ensuring compliance with this policy and resulting administrative procedures.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70 and 22.1-78.  
Adopted December 5, 2011

## **Drug & Alcohol Free Workplace Policy**

### **DRUG-FREE AND ALCOHOL-FREE WORKPLACE PROCEDURES**

#### **Generally**

Richmond Public Schools maintains a drug-free and alcohol-free workplace for all individuals employed within the school division. The following procedures have been developed pursuant to School Board Policy 7-3.1, Drug-Free and Alcohol-Free Workplace.

#### **Definitions**

As used in these procedures:

- a. "Alcohol" means any product defined as alcohol in "The Alcoholic Beverage Control Act," Title 4.1 of the Code of Virginia, as amended.
- b. "Controlled Drug" means any substance as defined in the "Drug Control Act," Title 54.1, Chapter 34 of the Code of Virginia, as amended, and whose manufacture, distribution, dispensation, use or possession is controlled by law.
- c. "Conviction" means a finding of guilt (including a plea of guilty or a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug laws, alcoholic beverage control laws, or laws that govern driving while intoxicated.
- d. "Criminal Drug Law" means any criminal law governing the manufacture, distribution, use or possession of any controlled substance.
- e. "Drug paraphernalia" means those items described in §18.2-265.1 of the Code of Virginia.
- f. "Employee" means any employee of the School Board of the City of Richmond or Richmond Public Schools, whether part-time, full-time, or temporary.
- g. "Imitation controlled substance" means those substances defined in §18.2-247(B) of the Code of Virginia.
- h. "Reasonable suspicion" means suspicion, based upon objective and articulable facts, sufficient to lead a prudent supervisor to suspect that an employee is under the influence of alcohol or drugs. Such objective and articulable facts may include, but are not limited to, impaired motor coordination, smell of alcohol, observed use, possession or sale, frequent tardiness and/or absences, job performance.
- i. "Safety-sensitive positions" means (1) those positions within the Department of Pupil Transportation for which maintenance of a valid Commercial Driver's License is required as a condition of employment, or which require the

- performance of “safety sensitive functions” as defined in U.S. Department of Transportation regulations; (2) positions within the Department of Safety and Security; and (3) positions within the Office of Family and Community Engagement (FACE).
- j. “Under the influence of alcohol” means having an alcohol concentration of .02 or greater.
  - k. “Under the influence of drugs” means having a detectable trace of anabolic steroids, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance as defined in the Drug Control Act, Chapter 34 of Title 54.1, Code of Virginia, as amended, and as defined in Schedules I through V of Title 21, §812 of the United States Code, any imitation controlled substance.
  - l. “Workplace” means the site for the performance of work and includes any school property, school-owned or school-approved vehicles used to transport employees or students, the site of any school-sponsored activity and any site where a school division employee is performing assigned duties.

### **Prohibited Activity**

#### In the Workplace

No employee shall unlawfully manufacture, distribute, dispense, purchase, possess, be under the influence of, or use in the workplace any form of alcohol, anabolic steroids, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance as defined in the Drug Control Act, Chapter 34 of Title 54.1, Code of Virginia, as amended, and as defined in Schedules I through V of Title 21, §812 of the United States Code, any imitation controlled substance, or drug paraphernalia.

#### Outside the Workplace

If an employee is charged with and/or convicted of the use, manufacture, possession, distribution, or purchase of a controlled substance, imitation controlled substance or drug paraphernalia while outside of the workplace, disciplinary action may result, up to and including termination, if the employee’s conduct may adversely impact or otherwise presents an unacceptable security risk to the school division, its employees or its students.

#### Violation of Criminal Drug or Alcohol Beverage Control Laws

Any employee convicted of violating a criminal drug statute or alcohol beverage control law or law which governs driving while intoxicated or driving under the influence, shall notify his or her supervisor and the Director of Human Resources, in writing, no later than five (5) calendar days after his or her conviction. Appealing the conviction does not affect the requirement to notify the supervisor and the Director of Human Resources of the conviction. Upon notification of a conviction, an employee shall be subject to appropriate disciplinary actions up to and including

termination. The employee may be required to participate, at their own expense, in a substance abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency.

## **Drug and Alcohol Testing**

### Generally

Richmond Public Schools reserves the right to conduct drug and alcohol tests on employees and job applicants under the circumstances described below and to require employees and applicants to release to the division superintendent, the Director of Human Resources, or their designee(s), and to a Medical Review Officer the test results performed by any laboratory or health care provider performing drug and alcohol testing.

### Types of Testing

Testing of an individual for the presence of alcohol or drugs may be conducted under any of the following circumstances:

- a. where there is reasonable suspicion, as defined above, that an employee is under the influence and/or using drugs or alcohol in violation of the School Board policy and school division procedures;
- b. following a work-related accident involving personal injury or property damage while on the job or an accident involving a School Board owned vehicle;
- c. as part of pre-employment screening for all positions;
- d. follow-up and return to duty testing, or testing as part of an agreed upon testing schedule, as a result of prior drug or alcohol-related disciplinary proceedings against an employee; and
- e. random testing of employees who hold safety-sensitive positions as defined above.

### Drug and Alcohol Testing Procedures

All drug and alcohol testing procedures (including, but not limited to, sample collection procedures, laboratory analysis of samples, and reporting and review of test results) shall also be developed in accordance with Procedures for Transportation Workplace Drug Testing Programs, 49 C.F.R. Part 40.

### Searches

Richmond Public Schools reserves the right to search, without employee consent, all areas and property in which it maintains either full control or joint control with the employee, including, but not limited to, School Board vehicles, property and equipment, when:

- a. an employee is required to submit to reasonable suspicion testing;
- b. when an employee is required to submit to post-accident testing; and
- c. when an employee who is subject to random testing receives a confirmed positive result.

Searches made pursuant to these procedures may be conducted only by authorized administrative personnel after consultation with the division superintendent or his/her designee.

Nothing in the School Board policy or procedures, however, shall be interpreted to prohibit any search by law enforcement personnel.

#### Costs of Testing

Richmond Public Schools shall bear the cost of all initial testing, including the initial screen and confirmation testing. Should an applicant or employee have a confirmed positive test result and elect to have a re-test pursuant to the testing procedures, the cost of such test shall be borne by the applicant or employee.

#### Prescription and Non-Prescription Drugs

An individual who is taking a drug legitimately, whether it is a non-prescription drug being used for bona fide health reasons, a prescription drug being taken pursuant to a valid prescription, or a drug being taken under supervision as part of a court-approved or courtsupervised drug rehabilitation program, shall not be deemed to have violated these procedures due to testing positive for that drug, provided that the individual provides a valid prescription or order for that drug to the Medical Review Officer in accordance with the policy and the applicable procedures for review of test results.

#### Confidentiality of Test Results

The results of all alcohol and drug testing conducted pursuant to the policy and procedures shall remain confidential and may be released by the Medical Review Officer only to the division superintendent, the Director of Human Resources or their designee(s) upon the written consent of the employee. Test results may be released to and relied upon by the School Board in any disciplinary action taken by the school division, or to the court in any criminal proceeding.

The Medical Review Officer shall maintain all test results in a secure fashion. All personnel records and information regarding referral, evaluation, test results and treatment shall be maintained in a confidential manner and shall be maintained separate from an employee's personnel file.

### **Consequences**

#### Alcohol

- a. Applicants - Any applicant who refuses to submit to alcohol testing, attempts to tamper with the results of an alcohol test, tests positive for alcohol, or refuses to release the results of an alcohol test will be disqualified from consideration for the position sought and shall be ineligible for employment and shall be prohibited from entering into any other contractual relationship with Richmond Public Schools for a period of three (3) years from the date of the test.
- b. Refusal to Submit to an Alcohol Test – An employee who refuses to provide an adequate breath sample for alcohol testing without a valid medical explanation after they have received notice of the requirement to be tested, or who engages in conduct that clearly obstructs the testing procedure, shall be recommended for termination.
- c. On-Duty Use of Alcohol – Any employee who is found consuming alcohol on the School Board premises or during work time shall be recommended for termination.
- d. Results of an Alcohol Test Indicating an Alcohol Concentration of .04 or Greater– Any employee who tests for alcohol at a concentration level of .04 or greater shall be relieved from duty and recommended for termination.
- e. Results of an Alcohol Test Indicating an Alcohol Concentration between .02 and .039 – Any employee who tests for alcohol at a concentration level between .02 and .039 will be relieved from duty and be recommended for suspension with or without pay. Such employee may conditionally return to duty upon completion of the suspension and after they have retested at an alcohol concentration level below .02. The employee will receive a mandatory referral to the Richmond Employee’s Assistance Program (REAP) and be required to participate and successfully complete any rehabilitation imposed through REAP.
- f. Repeat Usage – Employees who test for a second time at an alcohol concentration of .02 or greater will be recommended for termination.
- g. Any employee terminated pursuant to sub-sections (b), (c), (d) or (f) above will be ineligible for re-employment and shall be prohibited from entering into any other contractual relationship with Richmond Public Schools for a three (3) year period from the effective date of termination.

#### Illegal Drugs or Controlled Substances

- a. Applicants - Any applicant who refuses to submit to drug testing, attempts to tamper with the results of a drug test, tests positive for illegal drugs, or refuses to release the results of a drug test will be disqualified from consideration for the position sought and shall be prohibited from entering into any other contractual

relationship with Richmond Public Schools for a period of three (3) years from the date of the test.

- b. Refusal to Submit to a Drug Test – An employee who refuses to provide an adequate urine sample for drug testing without a valid medical explanation after they have received notice of the requirement to be tested, or who engages in conduct that clearly obstructs the testing procedure, shall be recommended for termination.
- c. On-Duty Use or Possession of Illegal Drugs or Controlled Substances – Any employee who is found in possession of or using illegal drugs or controlled substances on the School Board premises or during work time shall be recommended for termination.
- d. Positive Drug Testing Results – Any employee found to have a detectable trace of anabolic steroids, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance as defined in the Drug Control Act, Chapter 34 of Title 54.1, Code of Virginia, as amended, and as defined in Schedules I through V of Title 21, Section 812 of the United States Code or any imitation controlled substance shall be recommended for termination.
- e. Any employee terminated pursuant to sub-sections (b), (c) or (d) above will be ineligible for re-employment and shall be prohibited from entering into any other contractual 31 relationship with Richmond Public Schools for a three (3) year period from the effective date of termination.

#### Voluntary Participation in Substance Abuse Programs or Rehabilitation

An employee voluntarily seeking assistance for a substance abuse problem through an appropriate medical source or treatment programs approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency will not be disciplined pursuant to these procedures provided the employee volunteers for such treatment prior to being charged by any local, state or federal authorities with a violation of a drug controlled statute or regulation or charged with a violation of the School Board policy and procedures regarding alcohol or drugs.

An employee who performs safety sensitive functions shall be removed from those functions temporarily until released to perform those functions by the treating physician, therapist or counselor and/or when the employee can perform the duties of the position in compliance with these procedures.

#### **Drug-Free and Alcohol –Free Workplace Awareness Program**

Each employee shall be required to participate in a continuing drug-free and alcohol-free work place education and awareness program on a periodic basis regarding:

- a. The dangers of drug and alcohol abuse in the workplace;

- b. The School Board policy of maintaining a drug-free and alcohol-free workplace;
- c. Any available substance abuse counseling, rehabilitation and employee assistance programs; and
- d. The penalties that may be imposed upon employees for substance abuse violations.

**REFERENCE:** School Board Policy 7-3.1; 41 U.S.C. §§ 702 and 703; Code of Virginia, 1950, as amended, §§ 4.1-309 and 18.2-255.2; Virginia Administrative Code 8 VAC 20-560-10.

Effective Date: October 21, 2013  
Revised/Adopted July 13, 2015

### **Child Abuse and Neglect Reporting**

#### **POLICY 7-3.17 CHILD ABUSE AND NEGLECT REPORTING**

##### **Reporting Requirement**

Every employee 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:

- (i) the local department of social services where the child resides or where the abuse or neglect is believed to have occurred;
- (ii) to the Virginia Department of Social Services' toll-free child abuse and neglect hotline; or
- (iii) 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 shall post in each school a notice that:

- (i) 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

- (ii) 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 shall adopt 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 will be based on recommended procedures for conducting investigations developed by the Departments of Education and Social Services.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-253.13:7.A, 22.1-291.3, 63.2- 1509, 63.2-1511.  
Adopted June 16, 2014

### **Workplace Bullying Policy**

#### **POLICY 7-3.20 WORKPLACE BULLYING**

##### **Policy Statement**

The School Board of the City of Richmond is committed to maintaining a safe and healthy work environment for all employees that is free from workplace bullying. Realizing that workplace bullying can have a detrimental impact on individuals (e.g. mental anguish, physical illness, undue stress) and the organization as a whole (e.g. lost employee time, poor workplace morale, decreased productivity), the School Board strictly prohibits workplace bullying of any school division personnel at any school and/or school division assigned work site(s) and/or at any school sponsored activities.

For the purpose of this policy, "school personnel" means School Board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the School Board and Richmond Public Schools.

The Compliance Officer for Richmond Public Schools shall (a) promptly investigate all complaints, written or verbal, of workplace bullying; (b) promptly take appropriate action to stop workplace bullying; and (c) take appropriate action against any school personnel who violates this policy and take any other action reasonably calculated to end and prevent further workplace bullying of school personnel.

##### **Definition**

Workplace bullying is the repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators. It is **abusive conduct** that is:

- i. threatening, humiliating, or intimidating;

- ii. work interference or sabotage which prevents work from getting done; or
- iii. verbal abuse

Workplace bullying is not limited to supervisor / employee relationships; it may also occur among peers / co-workers. While the following is list of examples of workplace bullying, this list is not exhaustive and other instances of inappropriate behavior on the part of an employee that is aligned with the identified definition may be considered workplace bullying:

- i. Verbal communication to include, but not be limited to, abusive and offensive language, insults, teasing, spreading rumors or innuendo, unreasonable criticism, cyber bullying or repeated yelling regarding job performance;
- ii. Manipulating the work environment to include, but not be limited to, isolating someone from normal work interaction, excessive demands or setting impossible deadlines; or
- iii. Psychological manipulation to include, but not be limited to, deliberate exclusion, excessive supervision, practical jokes or public criticism

The School Board does not consider the following to be examples of workplace bullying:

- i. Non-abusive exercise of management rights to assign tasks;
- ii. Appropriately monitoring work;
- iii. Performance evaluation;
- iv. Constructive criticism / feedback
- v. Reprimand for misconduct or lack of work performance;
- vi. High reasonable expectations for employees; or
- vii. Reporting concerns regarding the inappropriate behavior of another employee

### **Complaint Procedure**

#### **a. Submission of a Report of Workplace Bullying**

Any school personnel who believes he or she has been the victim of workplace bullying should report the alleged bullying as soon as possible to one of the compliance officers designated below in this policy in sub-section (e).

The reporting party should use the form, "Report of Workplace Bullying", located in Appendix J, to make complaints of workplace bullying. However, oral reports of workplace bullying shall also be accepted if the report is made directly to the compliance officer during regular business hours on the day that the report is made. If a written complaint is submitted, the complaint must be submitted to either the building principal, the department's director, manager, or supervisor, or one of the compliance officers designated in this policy at sub-section (e). The principal / director shall immediately, but no later than twenty-four (24) hours after receiving the report, forward any report of

alleged prohibited workplace bullying to the compliance officer. Any complaint that involves the building principal / director shall be reported directly to the compliance officer. Any complaint that involves the compliance officer shall be reported directly to the division superintendent. Any complaint that involves the division superintendent shall be reported directly to the Chair or the Vice-Chair of the School Board. Any complaint that involves the School Board shall be directed to the compliance officer who will retain an external (non-RPS personnel) investigator to conduct the investigation and issue a report regarding the alleged bullying.

The complaint and identity of the complainant and alleged harasser shall not be disclosed except as required by law or policy and/or as necessary to fully investigate the complaint or as authorized by the complainant. Additionally, a complainant who wishes to remain anonymous shall be advised that such confidentiality may limit the compliance officer's ability to fully respond to and investigate the complaint.

#### b. Investigation

Upon receipt of a report of alleged prohibited workplace bullying, the compliance officer shall immediately authorize or undertake an investigation. School personnel (person employed by RPS, but not involved in the alleged incident) may conduct the investigation or, if it is a claim against a member of the School Board, a third party shall be designated by the Compliance Officer, in conjunction with Chair of the School Board (or the Vice Chair if the allegation involves the Chair), to conduct an investigation. The investigation shall be completed as soon as practicable, but not later than 14 business days after receipt of the report. 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 workplace 48 bullying and the person accused of bullying. The Complainant will not have choice in whether an internal or external investigator is used to investigate the allegations. Additionally, the Complainant will not have a choice in who investigates the allegations.

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 accused 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 business 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 bullying may also constitute child abuse, then the party that receives the complaint must follow Richmond Public Schools' Child Abuse Reporting Procedures including notification of the complaint to the Department of Social Services. The investigation may consist of personal interviews with the complainant, the accused, and any others who may have knowledge of the alleged bullying or the circumstances giving rise to the complaint. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator.

In determining whether alleged conduct constitutes a violation of this policy, Richmond Public Schools shall consider, at a minimum, (a) the surrounding

circumstances; (b) the nature of the behavior; (c) past incidents or past or continuing patterns of behavior; (d) how often the conduct occurred; (e) the location(s) of the alleged bullying; (f) the ages of the parties and (g) the context in which the alleged incidents occurred. Whether a particular sequence of events 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.

Based on the results of the investigation, the compliance officer shall issue a written report to the division superintendent upon completion of the investigation. If the complaint involves the division superintendent, then the report shall be sent to the Chair of the School Board. If the complaint involves a member of the School Board, the report shall be sent to the compliance officer who will give a copy to the Chair of the School Board. If the Chair of the School Board is the one being accused of bullying, the report shall be given to the Vice Chair of the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated, and give recommendations for corrective action, if any.

All employees shall cooperate with any investigation of workplace bullying conducted under this policy or by an appropriate state or federal agency. Failing to cooperate with an investigation of this nature constitutes a violation of the employee's employment and/or terms of employment.

#### c. Division Superintendent Action

Within five (5) business days of receiving the compliance officer's report, the division superintendent or his or her designee shall issue a decision regarding whether this policy was violated. The decision must be provided in writing to the complainant and the alleged perpetrator. If the division superintendent determines that prohibited workplace bullying occurred, Richmond Public Schools 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 discharge of the employee(s) involved. If the compliance officer, based on the results of the investigation, determines that prohibited workplace bullying occurred as a result of a Board member's action, Policy 1-1.5, *School Board Procedures and Standards of Conduct*, of the Board Bylaws will be implemented as written.

If the division superintendent or designee determines that prohibited actions 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.

#### d. Appeal

If the division superintendent determines that no workplace bullying occurred, the employee who was allegedly subjected to workplace bullying may appeal this finding to the School Board within five (5) business days of receiving the written decision. Notice of appeal must be filed with the division superintendent who shall forward the record to the School Board within fifteen (15) business days of receipt. The School Board shall make a decision whether to uphold the decision of the Superintendent within thirty (30) business days of receiving the record. In order to make its decision as to whether to

uphold the decision of the Superintendent, the School Board may ask for oral or written argument from the aggrieved party and the division superintendent and any other individual the School Board deems relevant.

#### e. Compliance

Officer and Alternate Compliance Officer The School Board has designated the Chief of Staff, Richmond City Public Schools, 301 N. Ninth Street, 17th Floor, Richmond, Virginia 23219, as the compliance officer to be responsible for identifying, preventing, and remedying prohibited workplace bullying. The School Board has designated the Associate Superintendent for Academic Services, Richmond City Public Schools, 301 N. Ninth Street, 17th Floor, Richmond, Virginia 23219 as the alternate compliance officer.

The compliance officer or the alternate compliance officer shall:

- i. receive reports or complaints of workplace bullying;
- ii. oversee the investigation of any alleged workplace bullying;
- iii. assess the training needs of Richmond Public Schools in connection with this policy; and
- iv. arrange necessary training of all school division employees and staff to achieve compliance with this policy

#### **Retaliation**

Retaliation against school personnel who report workplace bullying or who participate in any related proceedings is prohibited. Richmond Public Schools shall take appropriate disciplinary action against school personnel who retaliate against any other school personnel who 50 reports alleged workplace bullying or participates in related proceedings. Such action may include discipline up to and including discharge of the employee(s) involved.

#### **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 workplace bullying including initiating civil action, filing a complaint with outside agencies, or seeking redress under state or federal law.

#### **Prevention and Notice of Policy**

Training to prevent bullying shall be included in employee orientation as well as employee in-service training at least annually, no later than October 31st, in each school / department. Documentation of participation shall be retained at the school / department for at least 12 months from the date of the training. Employees hired after the training date, will receive the training within 30 days of employment. This policy shall be

displayed in the Administrative Manual, posted to the RPS School Board website with other relevant School Board policies, and displayed in prominent areas of each Richmond Public Schools building.

### **False Charges**

School personnel who knowingly make false charges of workplace bullying may be subject to disciplinary action up to and including discharge of the employee(s) involved.

**LEGAL REFERENCE:** Code of Virginia, 1950 as amended, § 22.1-291.4.  
Adopted July 13, 2015

### **Weapons in the Schools Policy**

#### **POLICY 7-3.2 STAFF: WEAPONS IN SCHOOLS**

The School Board of the City of Richmond is committed to maintaining a safe and secure working and learning environment. Staff members are prohibited from carrying, bringing, using or possessing any weapon in any school building, on school grounds, in any school vehicle or at any school-sponsored activity without the authorization of the school or the school division. The division superintendent and School Board will take appropriate personnel action up to and including dismissal of any employee found in violation of this provision. Such actions of the division superintendent and School Board shall begin immediately upon notification of a violation. All incidents involving illegal carrying of a firearm shall be reported in accordance with state law.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 18.2-308.1, 22.1-78, and 22.1-279.3:1; Virginia Administrative Code 8 VAC 20-560-10.  
Adopted December 5, 2011