WACTC

Western Area Career & Technology Center

Section: Operations
Title: Public Records Policy
Adopted: March 26, 2003
Revised: June 17, 2009

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801. PUBLIC RECORDS

The Joint Operating Committee of the Western Area Career & Technology Center recognizes the importance of public records as the record of the School's actions and the repository of information about this School. The public has the right to inspect and procure copies of public records, with certain exceptions, subject to law, Board policy and administrative regulations.

Public record - a record that is not protected from disclosure by a privilege or is not exempt from being disclosed by one of the exemptions in Pennsylvania's Right-to-Know Law or under other federal or state law or regulation, or judicial decree or order.

Record - information, regardless of physical form or characteristics, that documents a school transaction or activity and is created, received or retained pursuant to law or in connection with a school transaction, business or activity, including: a document; paper; letter; land map; book; tape; photograph; film or sound recording; information stored or maintained electronically; and a data-processed or image-processed document.

The Director is designated to serve as the School's Open Records Officer, who shall be responsible to:

1. Receive written requests for access to records submitted to the school.

2. Review and respond to written requests in accordance with law, Board policy and administrative regulations.

3. Consult with other school employees who may have records responsive to the request.

4. Track the school's progress in responding to requests.

5. Issue interim and final responses to submitted requests.

6. Maintain a log of all record requests and their disposition.

7. Ensure school staff are trained to perform assigned job functions relative to requests for access to records.

The JOC shall make the School's public records available for access and duplication to a requester, in accordance with law, Board policy and administrative regulations.

Request for Access

A written request for access to a public record shall be submitted on the required form(s) and addressed to the Open Records Officer.

Written requests may be submitted to the Open Records Officer in person, by mail, to a designated facsimile machine, and to a designated e-mail address.

Each request must include the following information:

1. Identification or description of the requested record, in sufficient detail.

2. Medium in which the record is requested.

3. Name and address of the individual to receive the school's response.

The School shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law.

Requesters may access and procure copies of the public records of the school during the regular business hours of the administration offices. Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.

A requester's right of access does not include the right to remove a record from the premises or control of the school.

The School shall not limit the number of records requested.

When responding to a request for access, the School is not required to create a record that does not exist nor to compile, maintain, format or organize a record in a manner which the school does not currently use.

Response to Request

Upon receiving a request for access to a record, the Open Records Officer shall:

1. Note the date of receipt on the written request.

2. Compute and note on the written request the day on which the five-day period for response will expire.

3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled.

4. If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

School employees shall forward requests for access to public records to the Open Records Officer.

Upon receipt of a written request for access to a record, the Open Records Officer shall determine if the requested record is a public record and if the school has possession, custody or control of that record.

The Open Records Officer shall respond as promptly as possible under the existing circumstances, and the initial response time shall not exceed five (5) business days from the date the written request is received by the Open Records Officer.

The initial response shall grant access to the requested record, deny access to the requested record, partially grant and partially deny access to the requested record, or notify the requester of the need for an extension of time to fully respond.

If the Open Records Officer fails to respond to a request within five (5) business days of receipt, the request for access shall be deemed denied.

Extension of Time

If the Open Records Officer determines that an extension of time is required to respond to a request, in accordance with the factors stated in law, written notice shall be sent within five (5) business days of receipt of request. The notice shall indicate that the request for access is being reviewed, the reason that the review requires an extension, a reasonable date when the response is expected, and an estimate of applicable fees owed when the record becomes available.

Up to a thirty (30) day extension for one (1) of the listed reasons does not require the consent of the requester. If the response is not given by the specified date, it shall be deemed denied on the day following that date.

A requester may consent in writing to an extension that exceeds thirty (30) days, in which case the request shall be deemed denied on the day following the date specified in the notice if the Open Records Officer has not provided a response by that date.

Grant of Request

If the Open Records Officer determines that the request will be granted, the response shall inform the requester that access is granted and either include information on the regular business hours of the administration office during which an inspection on site may be scheduled, provide electronic access or, if the record is accessible from the school's website, state the manner in which the requester may access the record. The response shall include a copy of the fee schedule in effect, a statement that prepayment of fees is required in a specified amount if access to the records will cost in excess of one hundred dollars ($100.00), and the medium in which the records will be provided.

A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium. However, the school is not required to permit use of its computers.

The Open Records Officer may respond to a records request by notifying the requester that the record is available through publicly accessible electronic means or that the school shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the school's notice, submits a written request to have the record converted to paper, the school shall provide access in printed form within five (5) days of receipt of the request for conversion to paper, subject to the payment of applicable copying charges.

A public record that the school does not possess but is possessed by a third party with whom the school has contracted to perform a governmental function and which directly relates to that governmental function shall be considered a public record of the school. Third parties contracting with the school to perform a governmental function shall be required to provide the school with the requested record in a timely manner to allow the school to comply with law.

If the Open Records Officer determines that a public record contains information both subject to and not subject to access, the Open Records Officer shall grant access to the information subject to access and deny access to the information not subject to access. The Open Records Officer shall redact from the record the information that is not subject to access. The Open Records Officer shall not deny access to a record if privileged or exempt information is able to be redacted from an otherwise public record.

If the Open Records Officer responds to a requester that a copy of the requested record is available for delivery at the administration office and the requester does not retrieve the record within sixty (60) days of the school's response, the school shall dispose of the copy and retain any fees paid to date.

Denial of Request

If the Open Records Officer denies a request for access to a record, whether in whole or in part, a written response shall be sent within five (5) business days of receipt of the request. The response denying the request shall include the following:

1. Description of the record requested.

2. Specific reasons for denial, including a citation of supporting legal authority.

3. Name, title, business address, business telephone number, and signature of the Opens Records Officer on whose authority the denial is issued.

4. Date of the response.

5. Procedure for the requester to appeal a denial of access.

The Open Records Officer may deny a request for access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the school.

The Opens Records Officer may deny a request for access to a record when timely access is not possible due to a disaster, or when access may cause physical damage or irreparable harm to the record.

Fees

The Board establishes the following fees in relation to requests for public records:

1. Where copies of public records are forwarded to the requester by mail, the requester shall be responsible for the actual cost of postage and mailing.

2. Duplication fees shall be $0.25 per page for standard-sized (8.5" x 11") black-and-white reproductions. Duplication fees for specialized documents (for example, color copies and non-standard sized documents) shall be $0.25 per page or, if greater, the actual cost of reproduction.

3. Prior to granting access, the school may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed $100.

Posting of Information

The School shall post at the administration office and on the School's web site the following information:

1. Contact information for the Open Records Officer.

2. Contact information for the state's Office of Open Records or other applicable appeals officers.

3. The form to be used to file a request, with a notation that the state Office of Open Records form may also be used if the school decides to create its own form.

4. JOC policy, administrative regulations and procedures governing requests for access to the school's public records.

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Records Management
Adopted: June 17, 2009

801.1 RECORDS MANAGEMENT

Purpose

The Joint Operating Committee of the Western Area Career & Technology Center recognizes the importance of establishing and maintaining a records management plan that defines staff responsibilities and complies with federal and state laws and regulations governing the preservation and retention of records, whether in written or electronic form.

Policy

The JOC shall retain, as a permanent record of the School, JOC minutes, annual auditor's reports and annual financial reports. All other financial records, including financial account books, orders, bills, contracts, invoices, receipts and purchase orders, shall be retained by the School for a period of not less than six (6) years.

All other School records shall be retained in accordance with state and federal law and regulations and any Administrative Procedures adopted by the School. All School employees shall be responsible for creating, managing, preserving and disposing of School records in accordance with the requirements of this Policy.

The School shall make a good faith effort to comply with all proper requests for record production. Selective destruction of records in anticipation of litigation is forbidden.

Definitions

An "electronic mail ("e-mail") system" is a system that enables users to compose, transmit, receive and manage text and/or graphic electronic messages and images across local and wide area networks and through gateways connecting other networks. This information consists primarily of messages but may include attachments such as calendars, directories, distribution lists, word processing documents, spreadsheets, and other electronic documents.

A "litigation hold" is a communication ordering that all records and data relating to the subject of a dispute being addressed by current or potential litigation or investigation be preserved for possible production during the litigation or investigation. During the duration of a litigation hold, all of those individuals deemed to be possible custodians of records and data possibly relating to the dispute at issue shall suspend all normal records or data destruction or disposal practices and procedures.

A "record" is any recorded information, regardless of form, medium or characteristics, that documents a transaction or activity of the School and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the School. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

The "retention period" shall be the length of time particular records must be kept and maintained. This is usually expressed in terms of years, months or days and is often dependent upon an event, dispute, law or regulation.

The "records management plan" is the system implemented by the School for the retention, retrieval, and disposition of all records generated by School operations.

Records Management Committee

A committee responsible for the development, recommendation and implementation of the School's records management plan shall be established by the JOC. The records management committee shall give primary consideration to the most efficient and economical means of implementing the recommended plan. Members of the committee shall include the Superintendent of Record, Director, Business Manager and Solicitor.

The records management committee shall meet periodically to evaluate the effectiveness and implementation of the records management plan and recommend changes, as needed, to the JOC.

Records Coordinator

The Director shall serve as records coordinator and shall be responsible for the following:

1. Providing appropriate training to School personnel regarding the requirements of this Policy and the records management plan, including without limitation the protocols for preserving and categorizing School records and responsibilities of the staff in the event of a litigation hold.

2. Periodically reviewing the records management plan to ensure that record descriptions and retention periods are updated.

3. Upon the expiration of the applicable retention period, identifying and ensuring that all identified records are properly disposed of as scheduled.

Records Management Plan

The School's records management plan shall be the principal means for the retention, retrieval, and disposition of manual and electronic records, including e-mails. The records management plan should include the following:

1. Comprehensive listing of records and data of the School and the retention periods applicable to such records.

2. Criteria to distinguish School records from an employee's personal records.

3. System(s) of records storage and retrieval to be used, including in what form the records will be stored, maintained, reproduced, and disposed.

4. Preservation measures to protect the safety, security, confidentiality and integrity of records and data.

5. Data map or flow chart detailing the sources, routes, and destinations of electronic records.

6. Procedures for determining whether an item is a record.

7. Procedures for adding, revising or deleting records and data, and any other details necessary to implement the records management plan.

8. Provisions for the storage and retrieval of records in the event of an emergency or disaster.

9. Identifying School personnel who will serve as the custodians of and/or who will otherwise be authorized to access specific School records.

10. Procedures to be implemented in the event of a litigation hold that immediately suspends the destruction or disposal of all records relevant to a current or potential claim or investigation and ensures the preservation of such records.

Any type of record which is not specifically addressed in the records retention policy may be destroyed in the normal course of business except where prohibited by law or unless the record is the subject of a litigation hold.

The records management plan, and any revisions or amendments thereto, shall be periodically reviewed by the JOC.

The School shall maintain and dispose of records in a manner that protects any sensitive, proprietary or confidential information or individual privacy rights, and helps conserve both School and natural resources.

The School shall maintain the confidentiality of students' educational records in accordance with the requirements of all applicable federal and state laws and School policy.

Manual Records

Manual records, which include all records not stored electronically, shall be retained and disposed of in accordance with the records management plan.

Where practical, manual records shall be indexed in an organized and consistent manner, reflecting the way the records will be retained and referenced for later retrieval.

Up-to-date documentation should be maintained for each such manual records system, which should define the contents of the system, identify vital records and information maintained therein, and determine restrictions on access and use of such records.

Electronic Records

Electronic records shall be retained and disposed of in the same manner as records in other formats and in accordance with the records management plan.

Where practical, electronic records shall be indexed in an organized and consistent manner, reflecting the way the records will be retained and referenced for later retrieval.

The School shall develop and maintain adequate and up-to-date documentation about each electronic record system, which should define the contents of the system, identify vital records and information maintained therein, and determine restrictions on access and use of such records, identify all defined inputs and outputs of the system and describe any update cycles or conditions.

The School's usage policies regarding electronic devices, computer networks and internet use shall be consistent with all policies and procedures used to preserve and dispose of electronic records.

E-mail Records

Retention and disposition of e-mail messages depends on the function and content of the individual message. Records on School e-mail systems will be retained and disposed of in the manner prescribed in the records management plan.

Contractors

Records created or maintained by contractors employed or engaged by the School shall be retained and disposed of in accordance with the records management plan.

Litigation Hold

When the School receives notice that the School is involved in litigation as a party to a lawsuit or other legal proceeding, the School is issued a subpoena by a party to a lawsuit in which it is not a party, an investigation concerning the School has commenced or may commence, the School receives information that would reasonably lead the School to anticipate the possibility of litigation or when the School decides to initiate legal proceedings or litigation, the Director will immediately take steps to ensure that any records that could be related to the ongoing litigation/investigation or potential litigation/investigation are preserved from deletion or destruction ("a litigation hold").

Any School employee or administrator who becomes aware of the possibility of legal proceedings involving the School shall immediately notify the Director, who will then inform the Solicitor.

Any scheduled or other destruction or disposal of records that are the subject of litigation hold, including e-mails, shall be immediately halted. All records that are the subject of litigation hold shall be preserved, collected and produced in accordance with the requirements of the records management plan and applicable law and regulations.

Actions to preserve records and data will include, but not be limited to, postponing or canceling any automatic deletion of electronically stored information until relevant information and documents can be identified and stored, notifying employees of a litigation hold to prevent the deletion and destruction of records and data that might be related to the litigation/investigation or potential litigation/investigation, and identifying records, data and custodians thereof that are subject to preservation.

A litigation hold triggers the duty to preserve records and data that could otherwise be deleted or destroyed under the School's records management plan.

The Solicitor, in consultation with the Director, will be responsible for issuing a litigation hold that specifically describes the types of records that must be preserved and in which form the records will be retained or produced. The litigation hold will be sent directly to the Director, who will acknowledge receipt of the litigation hold. The litigation hold may be communicated initially by phone but will be followed by a written notification (fax, e-mail or letter).

Upon receipt of the litigation hold, the Director will be responsible for:

1. Coordinating the collection and preservation of records and data that are subject to the litigation hold.

2. Monitoring and ensuring the School's ongoing compliance with the litigation hold.

3. Checking periodically on the status of a litigation hold.

4. Ensuring that all steps taken by the School to identify and preserve relevant records, data and custodians are documented.

The Solicitor will inform the Director of changes to the litigation hold as they occur. All documents or data created after the institution of the litigation hold that may be related to the dispute must also be preserved and maintained as set forth above.

WESTERN AREA CAREER & TECHNOLOGY CENTER
RECORDS RETENTION AND DESTRUCTION SCHEDULE

How To Use The Retention Schedule

The records retention schedule lists records that are created, received or retained as a result of School District operations. The schedule includes a description of the records, format in which the records will be retained, classification of the records, retention period, and disposal code. The following information will assist in applying this schedule.

Media codes are used to identify the format(s) of a record and are assigned as follows:

A. Paper

B. Microform

C. Electronic (machine readable)

D. Audiovisual (tapes, movies, film strips, etc.)

E. Cartographic (maps, drawings, blue prints, plans, etc.)

F. Photographic

The records retention schedule is promulgated by the Superintendent in administration of, and subject to, Board Policy No. 801.1 (Records Management).

Upon expiration of the retention period, identified records will be disposed of in accordance with the schedule.
Disposal codes are used to direct the final disposition of records. Records must be disposed of according to the assigned code listed on the schedule. Assigned disposal codes are as follows:

1. Routine Handling – No special precautions are necessary upon disposal. The records should be recycled or disposed of in accordance with standard district procedures.

2. Special Handling – The destruction of records containing confidential or sensitive information that requires special handling by shredding, burning, recycling or any other method that reduces information to an illegible condition.

3. Archival Retention – Records requiring permanent retention or records that have sufficient archival or historic value must be preserved in perpetuity.

4. Delete – For use with electronic records. When electronic records have met their retention period, they will be deleted.

Litigation Hold
Upon the issuance of a "litigation hold" pursuant to the School's Records Management Policy, any documents that are subject to the litigation hold must be preserved and, as to such documents, the implementation of the document retention schedule is to be suspended pending further notice from the Superintendent.

Records Not On Schedule
For any record not covered by the retention schedule, the Records Management Committee will determine how long the record must be kept and recommend any necessary revisions to the retention schedule.

Schedule
NOTE that the retention periods listed below were developed to comply with, and sometimes exceed, the minimum period recommended or required by applicable law or regulations.

OPERATIONAL RECORDS:

Record Description	Record Format	Retention Period	Disposal Code
Accident Reports		5 years	1
Accounts Payable		6 years	1
Accounts Receivable		6 years	1
Adopted Annual Budget		10 years	1
Annual Financial Reports		Permanent	3
Annual Audit Reports		Permanent	3
Bank Statements		6 years	1
Bid Contracts (Accepted)		6 years after termination	1
Bid Contracts (Declined)		3 years after completion	1
Board Minutes		Permanent	3
Board Policies and Procedures (Current)		Permanent	3
Board Policies and Procedures (Old)		Permanent	3
Budget Work Papers		1 year after adoption	2
Check Registers		6 years	1
Complaints (General)		6 years	1
Construction Contracts		Permanent	3
Construction Drawings and Specifications		2 years after sale or demolition of building	
Correspondence (General)		3 years	2
Deeds and Related Records		Permanent	3
Deposit Slips		6 years	1
Electronic mail (E-mail)		3 months	4
Emergency Preparedness Plan		2 years after revised	1
Equal Employment Opportunity Reports		3 years	1
Equipment Inventories		6 years	1
Ethics Statement of Financial Interest		5 years	1
Facility Use Files		6 years	1
Fixed Asset List		Permanent	3

Record Description	Record Format	Retention Period	Disposal Code
General Ledger		Permanent	3
Insurance Claims and Policies		6 years after settlement and/or expiration	1
Investment Records		6 years after cancellation	1
Leases (Real Estate)		Permanent	3
Leases (Equipment/Vehicles)		6 years after expiration	1
Leave Records (FMLA)		3 years after employment ends	2
Leave Records (Other)		3 years after employment ends	2
Litigation Files		7 years after final conclusion of litigation	2
Medical Records (Student)		2 years after graduation	2
Pesticide Application Record		3 years	1
Press Releases		Permanent	3
Purchase Orders		6 years	1
Real Property Purchase or Sale		Permanent	3
Safe School Act Reports		Permanent	3
School Organizational Records		Permanent	3
Student Records*****			
Category A		100 years	3
Category B		Reviewed periodically	2
Category C		Reviewed annually	2

***** The retention periods for student records should coincide with the district's plan for student records. 22 PA Code Sec. 12.32 requires

each district to develop a plan for the management of student records. Section 12.32 also states that the Department of Education will

issue guidelines for the retention of student records. Because no current guidelines exist, the student record retention periods above

are based on the previous guidelines issued by the Department.

EMPLOYMENT RECORDS:

Record Description	Record Format	Retention Period	Disposal Code
Administrative Compensation (Act 93) Plans		Permanent	3
Child Abuse Clearance Reports		7 years after cessation of employment	2
Collective Bargaining Agreements		Permanent	3
Complaints (by or about employee)		7 years after cessation of employment	1
Correspondence (to or from employee)		7 years after cessation of employment	1
Credentials (certificates / licenses)		7 years after cessation of employment	1
Criminal Clearance Reports		7 years after cessation of employment	2
Disability insurance contracts		7 years after termination of contract	1
Disciplinary records		7 years after cessation of employment	2
Employee attendance records		7 years after cessation of employment	2
Employee handbooks		Permanent	3
Employment agreements (including professional employee and temporary professional employee contracts)		7 years after cessation of employment	1
Employment application and related materials (applicant hired)		7 years after cessation of employment	2
Employment application and related materials (applicant not hired)		4 years after hiring decision	2
Equal employment opportunity reports		7 years	1
Evaluations (including observation reports and supporting anecdotal records)		7 years after cessation of employment	2
Grievance materials		Permanent	3
Healthcare insurance policies		7 years after termination of contract	1
Immigration forms (including I-9's)		7 years after cessation of employment	2
Interview records		4 years after hiring decision	2
Job advertisements and posting		4 years after hiring decision	1
Job descriptions		Permanent	3
Leave of absence records		7 years after cessation of employment	2

Record Description	Record Format	Retention Period	Disposal Code
Life insurance policies		7 years after termination of contract	1
Litigation records		Subject to solicitor review at conclusion of litigation for ongoing relevance	2
Medical examination records (TB test and pre-employment records)		7 years after cessation of employment	2
Memoranda of Understanding		Permanent	3
Professional development records		7 years after cessation of employment	1
Resignation and retirement notices		7 years after cessation of employment	1
Salary placement records		7 years after cessation of employment	1
Tax forms (including W-2's and W-4's)		4 years after cessation of employment	2
Tax sheltered annuity program contracts		7 years after termination of contract	1
Third-party insurance administrator contracts		7 years after termination of contract	1

WACTC

Western Area Career & Technology Center

Section: Operations
Title: School Calendar
Adopted: January 24, 2007

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803. SCHOOL CALENDAR

The Western Area Career & Technology Center Joint Operating Committee recognizes that preparation of an annual school calendar is necessary for the efficient operation of the school.

The Joint Operating Committee shall determine annually the days and the hours when the school shall be in session for instructional and other purposes, in accordance with state law.

The Western Area Career & Technology Center shall be kept open each school year for at least one hundred eighty (180) days of instruction for students. No days on which the school is closed shall be counted as a day taught.

The school calendar will be developed by the Director or designee and approved by the Joint Operating Committee. To the extent possible, the calendar will be coordinated with the school calendars of member districts.

Students are expected to abide by the school calendar of Western Area Career & Technology Center regardless of the calendars of their local school districts.

Any days that the schools are closed for emergency reasons will be made up as required in a timely manner and as approved by the Joint Operating Committee upon the Director's recommendations.

The calendar for evening classes will be developed by the Director or designee in keeping with state and/or certification and training time requirements.

School Code 1501, 1504
PA Code, Title 22, §§ 4.4, 11.1, 11.3

WACTC

Western Area Career & Technology Center

Section: Operations
Title: School Day
Adopted: January 24, 2007

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804. SCHOOL DAY

The Western Area Career & Technology Center Joint Operating Committee has the responsibility for establishing the normal school day for the instruction of students. It shall be in accordance with law, Joint Operating Committee Policy, and existing contractual agreements.

The Joint Operating Committee shall establish the times for the daily sessions of the school.

The Joint Operating Committee shall empower the Director to close or dismiss Western Area Career & Technology Center early in the event of hazardous weather or other emergencies which threaten the health or safety of students and personnel.

In making the decision to close school, the Director or his/her designee will consider many factors, including the following principle ones relating to the safety and health of children and staff.

When circumstances of weather, power failure, lack of water or heat, work stoppage, epidemic or other civil or natural emergency make it impossible or unsafe to open the school, the Director may delay the opening or close the school. In such cases, the Director shall notify the Superintendent of Record and/or the Chairperson of the Joint Operating Committee of the action.

The Director shall develop procedures to be implemented in the event the school needs to be closed or delayed in opening.

Students, parents, and staff will be informed early in each school year of the procedures to be used to notify them in case of emergency closing.

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Emergency Evacuation
Adopted: January 24, 2007

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805. EMERGENCY EVACUATION

The Western Area Career & Technology Center Joint Operating Committee believes that emergency school evacuation needs to be provided for.

Established policy shall be followed for emergency evacuations that affect the operation of the school, such that:

1. Health and safety of students and staff are safeguarded.

2. The time necessary for instructional purposes is not unduly diverted.

3. Minimum disruption occurs to the educational program.

4. Students are taught to respond appropriately to emergency situations.

All threats to the safety of the school shall be identified by appropriate personnel and responded to promptly, in accordance with plans for emergency preparedness promulgated by the Director or designee.

Bomb threats and reports of fire shall normally require the evacuation of the threatened school, after consideration of mitigating circumstances by the Director.

Fire, bus evacuation, and other emergency drills shall be accomplished in accordance with state law.

The Director or designee shall develop procedures for the handling of school emergencies which include:

1. A plan for sequestering students in a safe place other than the school.

2. Design of a communications system to alert the participating school districts and whole school community when necessary and to notify parents of the evacuation of students.

3. Instruction in emergency preparedness and survival techniques as part of the regular curriculum.

4. Immediate notification of appropriate administrative personnel whenever any employee becomes aware of an emergency or impending emergency.

5. Cooperation with local agencies, such as the police department, fire department and civil defense.

6. Instruction of staff members in the techniques of handling emergencies.

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Child / Student Abuse
Adopted: January 24, 2007
Revised: June 16, 2021

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806. CHILD / STUDENT ABUSE

Authority

The Joint Operating Committee requires school employees, independent contractors and volunteers to comply with identification and reporting requirements for suspected child abuse, as well as the training requirement for recognition and reporting of child abuse in order to comply with the Child Protective Services Law and the School Code.[1][2][3]

Definitions

The following words and phrases, when used in this policy, shall have the meaning given to them in this section:

Adult - an individual eighteen (18) years of age or older.[4]

Bodily injury - impairment of physical condition or substantial pain.[4]

Certifications - refers to the child abuse history clearance statement and state and federal criminal history background checks required by the Child Protective Services Law and/or the School Code.[5][6]

Child - an individual under eighteen (18) years of age.[4]

Child abuse - intentionally, knowingly or recklessly doing any of the following:[4]

1. Causing bodily injury to a child through any recent act or failure to act.
2. Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
3. Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
4. Causing sexual abuse or exploitation of a child through any act or failure to act.
5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
7. Causing serious physical neglect of a child.
8. Engaging in any of the following recent acts:

    a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
    b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
    Forcefully shaking a child under one (1) year of age.

    c. Forcefully slapping or otherwise striking a child under one (1) year of age.

d. Interfering with the breathing of a child.

e. Causing a child to be present during the operation of methamphetamine laboratory, provided that the violation is being investigated by law enforcement.[7]

f. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known was required to register as a Tier II or Tier III sexual offender, has to register for life, or has been determined to be a sexually violent predator or sexually violent delinquent. [8][9][10][11]

9. Causing the death of the child through any act or failure to act.

10. Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined in the law.[12]

The term **child abuse** does not include physical contact with a child that is involved in normal participation in physical education, athletic, extracurricular or recreational activities. Also excluded from the meaning of the term **child abuse** is the use of reasonable force by a person responsible for the welfare of a child for purposes of supervision, control or safety, provided that the use of force:

1. Constitutes incidental, minor or reasonable physical contact in order to maintain order and control;

2. Is necessary to quell a disturbance or remove a child from the scene of a disturbance that threatens property damage or injury to persons;

3. Is necessary for self-defense or defense of another;

4. Is necessary to prevent the child from self-inflicted physical harm; or

5. Is necessary to gain possession of weapons, controlled substances or other dangerous objects that are on the person of the child or in the child's control.

Direct contact with children - the possibility of care, supervision, guidance or control of children or routine interaction with children.[1]

Independent contractor - an individual other than a school employee who provides a program, activity or service and who has direct contact with children. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with children.[4][13]

Perpetrator - a person who has committed child abuse and is a parent/guardian of the child; a spouse or former spouse of the child's parent/guardian; a paramour or former paramour of the child's parent/guardian; an individual fourteen (14) years of age or older who is responsible for the child's welfare or who has direct contact with children as an employee of child-care services, a school or through a program activity or service; an individual fourteen (14) years of age or older who resides in the same home as the child; or an adult who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child; or an adult who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined in the law. Only the following may be considered a perpetrator solely based upon a failure to act: a parent/guardian of the child; a spouse or former spouse of the child's parent/guardian; a paramour or former paramour of the child's parent/guardian; an adult responsible for the child's welfare; or an adult who resides in the same home as the child.[4][12]

Person responsible for the child's welfare - a person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.[4]

Program, activity or service - any of the following in which children participate and which is sponsored by a school or a public or private organization:[4]

1. A youth camp or program.
2. A recreational camp or program.
3. A sports or athletic program.
4. A community or social outreach program.
5. An enrichment or educational program.
6. A troop, club or similar organization.

Recent act or failure to act - any act or failure to act committed within two (2) years of the date of the report to the Department of Human Services of the Commonwealth or county agency.[4]

Routine interaction - regular and repeated contact that is integral to a person's employment or volunteer responsibilities.[4]

School - the Western Area Career & Technology Center.

School employee - an individual who is employed by the School or who provides a program, activity or service sponsored by the School. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with children.[4]

Serious mental injury - a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:[4]

1. Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
2. Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical neglect - any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:[4]

1. A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
2. The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

Sexual abuse or exploitation - any of the following:[4]

1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:
    a. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
    b. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.

c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.

d. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

The conduct described above does not include consensual activities between a child who is fourteen (14) years of age or older and another person who is fourteen (14) years of age or older and whose age is within four (4) years of the child's age.

2. Any of the following offenses committed against a child: rape; statutory sexual assault; involuntary deviate sexual intercourse; sexual assault; institutional sexual assault; aggravated indecent assault; indecent assault; indecent exposure; incest; prostitution; sexual abuse; unlawful contact with a minor; or sexual exploitation.

Student - an individual enrolled in the School who is under eighteen (18) years of age.[4]

Volunteer - an unpaid adult individual, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service and has direct contact with children.[13]

Delegation of Responsibility

The Executive Director or designee shall:

1. Require each candidate for employment to submit an official child abuse clearance statement and state and federal criminal history background checks (certifications) as required by law.[5][6][14][15][16][17]

2. Require each applicant for transfer or reassignment to submit the required certifications unless the applicant is applying for a transfer from one position as a school employee to another position as a school employee of this School and the applicant's certifications are current.[18][19][20]

School employees and independent contractors shall obtain and submit new certifications every sixty (60) months.[19]

Certification requirements for volunteers are addressed separately in Board Policy 916.[21]

The Executive Director or designee shall annually notify School staff, independent contractors, and volunteers of their responsibility for reporting child abuse in accordance with Board policy and administrative regulations.

The Executive Director or designee shall ensure that the poster, developed by the PA Department of Education, displaying the statewide toll-free telephone numbers for reporting suspected child abuse, neglect and school safety issues be posted in a high-traffic, public area of the School. The designated area shall be readily accessible and widely used by students.[22]

The Executive Director or designee shall annually inform students, parents/guardians, independent contractors, volunteers and staff regarding the contents of this Board policy.

Guidelines

Aiding and Abetting Sexual Abuse

School employees, acting in an official capacity for the School, are prohibited from assisting another school employee, contractor or agent in obtaining a new job if the school employee knows, or has probable cause to believe, that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or student.[14][15][16][17][20][23][24][25][26]

This prohibition applies only to assistance that extends beyond performance of normal processing of personnel matters including routine transmission of files or other information. This prohibition shall not apply if:[24]

1. The relevant information has been properly reported to law enforcement officials and any other authority required by federal, state or local law and the matter has been officially closed or the prosecutor or law enforcement officials notified school officials that there is insufficient information to establish probable cause.

2. The school employee, contractor or agent has been acquitted or otherwise exonerated of the alleged misconduct.

3. The case or investigation remains open and no charges have been filed against, or indictment of, the school employee, contractor or agent within four (4) years of the date on which the information was reported to the law enforcement agency.

Training

The School and independent contractors of the School shall provide their employees who have direct contact with children with mandatory training on child abuse recognition and reporting. The training shall include, but not be limited to, the following topics:[1][3][25]

1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.

2. Provisions of the Educator Discipline Act, including mandatory reporting requirements.[25][27]

3. School policy related to reporting of suspected abuse and sexual misconduct.

4. Maintenance of professional and appropriate relationships with students.[26]

Employees are required to complete a minimum of three (3) hours of training every five (5) years.[1]

Duty to Report

School employees, independent contractors and volunteers shall make a report of suspected child abuse if they have reasonable cause to suspect that a child is the victim of child abuse under any of the following circumstances:[13]

1. The school employee, independent contractor or volunteer comes into contact with the child in the course of employment, occupation and the practice of a profession or through a regularly scheduled program, activity or service.

2. The school employee, independent contractor or volunteer is directly responsible for the care, supervision, guidance or training of the child.

3. A person makes a specific disclosure to a school employee, independent contractor or volunteer that an identifiable child is the victim of child abuse.

4. An individual fourteen (14) years of age or older makes a specific disclosure to a school employee, independent contractor or volunteer that s/he has committed child abuse.

A child is not required to come before the school employee, independent contractor or volunteer in order for that individual to make a report of suspected child abuse.[13]

A report of suspected child abuse does not require the identification of the person responsible for the child abuse.[13]

Any person who, in good faith, makes a report of suspected child abuse, regardless of whether the report is required, cooperates with an investigation, testifies in a proceeding, or engages in other action authorized by law has immunity from civil and criminal liability related to those actions.[28] The School shall not discriminate or retaliate against any person for making, in good faith, a report of suspected child abuse.[32]

Any person (a) required to report child abuse who willfully fails to do so; (b) who intentionally or knowingly makes a false report of child abuse or intentionally or knowingly induces a child to make a false claim of child abuse; or (c) engages in intimidation, retaliation, or obstruction in the making of a child abuse report or the conducting of an investigation into suspected child abuse, may be subject to disciplinary action, including discharge from employment, and criminal prosecution.[29] [30] [31]

Reporting Procedures

School employees, independent contractors or volunteers who suspect child abuse shall immediately make a written report of suspected child abuse using electronic technologies (www.compass.state.pa.us/cwis) or an oral report via the statewide toll-free telephone number (1-800-932-0313). A person making an initial oral report of suspected child abuse must also submit a written electronic report within forty-eight (48) hours after the oral report. Upon receipt of an electronic report, the electronic reporting system will automatically respond with a confirmation, providing the School with a written record of the report.[13][33][34]

A school employee, independent contractor or volunteer who makes a report of suspected child abuse shall immediately, after making the initial report, notify the Principal or Executive Director and if the initial report was made electronically, also provide the Principal or Executive Director with a copy of the report confirmation. The Principal or Executive Director shall then immediately notify the Superintendent of Record that a child abuse report has been made and if the initial report was made electronically, also provide a copy of the report confirmation.[13][33][34]

When a report of suspected child abuse is made by a school employee, independent contractor or volunteer as required by law, the School is not required to make more than one (1) report. An individual otherwise required to make a report who is aware that an initial report has already been made by a school employee, independent contractor or volunteer is not required to make an additional report. The person making an initial oral report is responsible for making the follow-up written electronic report within forty-eight (48) hours, and shall provide the Principal or Executive Director with a copy of the report confirmation promptly after the written electronic report has been filed. The Principal or Executive Director shall in turn provide a copy of the report confirmation to the Superintendent of Record.[13][34][35]

If the Executive Director or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Safe Schools Act, the Executive Director or designee shall inform local law enforcement, in accordance with applicable law, regulations and School policy.[36][37][38][39][40]

Investigation

The Principal or Executive Director shall facilitate the cooperation with the Department of Human Services of the Commonwealth or the county agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at school.[13][41]

Upon notification that an investigation involves suspected child abuse by a school employee, the Principal or Executive Director shall immediately implement a plan of supervision or alternative arrangement for the school employee under investigation. The plan of supervision or alternative arrangement shall be submitted to the county agency for approval.[42]

Legal

1. 24 P.S. 1205.6
2. 23 Pa. C.S.A. 6301 et seq
3. Pol. 818
4. 23 Pa. C.S.A. 6303
5. 24 P.S. 111
6. 23 Pa. C.S.A. 6344

7. 18 Pa. C.S.A. 7508.2
8. 42 Pa. C.S.A. 9799.12
9. 42 Pa. C.S.A. 9799.24
10. 42 Pa. C.S.A. 9799.55
11. 42 Pa. C.S.A. 9799.58
12. 22 U.S.C. 7102
13. 23 Pa. C.S.A. 6311
14. Pol. 302
15. Pol. 304
16. Pol. 305
17. Pol. 306
18. 23 Pa. C.S.A. 6344.3
19. 23 Pa. C.S.A. 6344.4
20. Pol. 309
21. Pol. 916
22. 23 Pa. C.S.A. 6332
23. 24 P.S. 111.1
24. 20 U.S.C. 7926
25. Pol. 317.1
26. Pol. 824
27. 24 P.S. 2070.1a
28. 23 Pa. C.S.A. 6318
29. 23 Pa. C.S.A. 6319
30. 18 Pa. C.S.A. 4906.1
31. 18 Pa. C.S.A. 4958
32. 23 Pa. C.S.A. 6320
33. 23 Pa. C.S.A. 6305
34. 23 Pa. C.S.A. 6313
35. 23 Pa. C.S.A. 6314
36. 24 P.S. 1302.1-A
37. 24 P.S. 1303-A
38. 22 PA Code 10.2
39. 22 PA Code 10.21
40. 22 PA Code 10.22
41. 23 Pa. C.S.A. 6346
42. 23 Pa. C.S.A. 6368

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Sex Discrimination and Sexual Harassment
Adopted: January 24, 2007
Revised: August 11, 2020

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807. Sex Discrimination and Sexual Harassment

Purpose

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, provides: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . . ."

Sexual Harassment is a form of sex discrimination and the Office for Civil Rights, Department of Education issued Regulations implementing Title IX that specify how recipients of Federal financial assistance covered by Title IX, like the Western Area Career & Technology Center ("Center"), must respond to allegations of Sexual Harassment that are scheduled to become effective on August 14, 2020. The purpose of this Policy is to comply with these Regulations.

The Western Area Career & Technology Center Joint Operating Committee fully endorses and enforces this prohibition against Sex Discrimination and Sexual Harassment. The Joint Operating Committee advises all students and employees of the Center that sexual harassment in any form is prohibited. Such conduct shall result in disciplinary action, which may include suspension and/or expulsion as appropriate, and administered as outlined in the Student Discipline policy.

Definitions

Actual Knowledge means notice of Sexual Harassment or allegations of Sexual Harassment to a Center's Title IX Coordinator or any official of the Center who has authority to institute corrective measures on behalf of the Center, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. This standard is not met when the only official of the Center with Actual Knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the Center. ''Notice'' as used in this definition includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator.

Assistant Secretary shall mean the Assistant Secretary for Civil Rights of the Department of Education.

Complainant means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

Consent shall mean to give assent or approval. With respect to claims of Sexual Harassment, Consent shall not exist when the person engages in conduct constituting Sexual Harassment with a Complainant:

(1) By Forcible Compulsion;

(2) By threat of Forcible Compulsion that would prevent resistance by a person of reasonable resolution;

(3) Who is unconscious or where the person knows that the Complainant is unaware that the Sexual Harassment is occurring;

(4) Where the person has substantially impaired the Complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the Complainant, drugs, intoxicants or other means for the purpose of preventing resistance; or

(5) Who suffers from a mental disability which renders the Complainant incapable of Consent.

Lack of resistance does not equal Consent. As used in this definition, Forcible Compulsion shall mean compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied.

Deliberately Indifferent, as used in this Policy, shall mean the Center is Deliberately Indifferent only if its response to Sexual Harassment is clearly unreasonable in light of the known circumstances.

Designated Recipients shall include applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements.

Education Program or Activity includes locations, events, or circumstances over which the Center exercised substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the Center investigate the allegation of Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the Education Program or Activity of the Center with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the Center. As used in this paragraph, the phrase ‘‘document filed by a Complainant’’ means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the Center) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party and must comply with the requirements of this Policy, including those related to conflicts of interest and bias.

Forcible Compulsion means compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied.

Regulations means the Final Rule issued by the Office for Civil Rights, Department of Education on May 6, 2020 (as amended), amending the regulations implementing Title IX specifying how recipients of Federal financial assistance covered by Title IX must respond to allegations of Sexual Harassment consistent with Title IX’s prohibition against sex discrimination.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the Center conditioning the provision of an aid, benefit, or service of the Center on an individual’s participation in unwelcome sexual conduct; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Center’s Education Program or Activity; or (3) ‘‘Sexual assault’’ as defined in 20 U.S.C. 1092(f)(6)(A)(v) (an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal

Bureau of Investigation such as rape, fondling, and statutory rape which contain elements of ‘‘without the consent of the victim.’’), ‘‘dating violence’’ as defined in 34 U.S.C. 12291(a)(10), ‘‘domestic violence’’ as defined in 34 U.S.C. 12291(a)(8), or ‘‘stalking’’ as defined in 34 U.S.C. 12291(a)(30).

Sufficient Details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment under § 106.30, and the date and location of the alleged incident, if known

Supportive Measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the Center’s Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Center’s educational environment, or deter Sexual Harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Center shall maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the Center to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Title IX means Title IX of the Education Amendments of 1972.

Policy:

Non-Discrimination Policy:

The Center shall update its Non-Discrimination policy to comply with the Regulations. Specifically, the Center shall confirm that it does not discriminate on the basis of sex in the Education Program or Activity that it operates and the Center is required by Title IX and the Regulations not to discriminate in such a manner.

The requirement not to discriminate in the Education Program or Activity extends to admission and employment, and that inquiries about the application of Title IX and the Regulations to the Center may be referred to the Center’s Title IX Coordinator, to the Assistant Secretary, or both.

The Center shall notify Designated Recipients of this Non-Discrimination Policy.

The Center shall prominently display this Non-Discrimination Policy on its website, if any, and in each handbook or catalog that it makes available to Designated Recipients.

The Center shall not use or distribute a publication stating that the Center treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX or the Regulations

Designation of Title IX Coordinator:

The Center shall designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this part, which employee shall be referred to as the ‘‘Title IX Coordinator.’’ The initial Title Ix Coordinator shall be the Executive Director.

The Center shall notify Designated Recipients of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.

The Center shall prominently display the contact information for the Title IX Coordinator on its website, if any, and in each handbook or catalog that it makes available to Designated Recipients.

Reporting Sex Discrimination and Sexual Harassment:

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

The Center shall develop a standard complaint for claims of sex discrimination, including Sexual Harassment.

Adoption of Grievance Procedures:

The Center shall adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and the Regulations and a grievance process that complies with the Regulations for Formal Complaints.

The Center shall provide to Designated Recipients notice of the Center's grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a Formal Complaint of Sexual Harassment, and how the Center will respond.

Grievance Procedures

Reports of sex discrimination not constituting Sexual Harassment will be investigated fully, promptly and confidentially, and appropriate action will be taken after which the Complainant will be advised that the matter has been addressed. A written report of the investigation will be prepared and retained in the Center central office and supplied to local law enforcement when appropriate.

Reports of sex discrimination that do constitute Sexual Harassment shall be governed by the following procedures and processes set forth in this Policy.

Response to Sexual Harassment:

1. <u>General Response to Sexual Harassment</u>

The Center shall respond promptly in a manner that is not Deliberately Indifferent if it has Actual Knowledge of Sexual Harassment in an Education Program or Activity of the Center against a person in the United States.

The Center's response shall treat Complainants and Respondents equitably by offering Supportive Measures to a Complainant, and by following a grievance process that complies with this Policy and the Regulations before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against a Respondent.

The Title IX Coordinator shall promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

The Center shall comply with these requirements with or without the filing of a Formal Complaint.

2. Available Supportive Measures

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive Measures are designed to restore or preserve equal access to the Center's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Center's educational environment, or deter Sexual Harassment.

Supportive Measures made available by the Center may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The Center shall maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the Center to provide the Supportive Measures.

The Title IX Coordinator shall be responsible for coordinating the effective implementation of Supportive Measures.

3. Process for Filing a Formal Complaint

Complainant may file any document with the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the Center investigate the allegation of Sexual Harassment. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information provided. The fling must contain the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

The Title IX Coordinator may also file a Formal Complaint. The Formal Complaint must be signed by the Title IX Coordinator and it must allege Sexual Harassment against a Respondent and request that the Center investigate the allegation of Sexual Harassment. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party and must comply with the requirements of this Policy, including those related to conflicts of interest and bias.

4. Emergency Removal

The Center may remove a Respondent from the Center's Education Program or Activity on an emergency basis, provided that the Center undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal (i.e., an individualized safety and risk analysis determines the Respondent poses an immediate threat to any person's physical health or safety), and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

The emergency removal provision shall only be used in response to threats to the physical health and safety of a person and shall not be used to prematurely punish Respondents by relying on a person's mental or emotional ''health or safety'' to justify an emergency removal, as the emotional and mental well-being of Complainants may be addressed by the Center via Supportive Measures. In addition, the emergency removal provision shall not apply where a Respondent poses a threat of illegal conduct (perhaps not constituting a threat to physical health or safety) that does not arise from the sexual harassment allegations.

Emergency Removal is not limited only to instances where a Complainant has alleged sexual assault or Rape. For example, if a Respondent threatens physical violence against the Complainant in response to the Complainant's allegations that the Respondent verbally sexually harassed the Complainant, the immediate threat to the Complainant's physical safety posed by the Respondent may ''arise from'' the Sexual Harassment allegations. As a further example, if a Respondent reacts to being accused of Sexual Harassment by threatening physical self-harm, an immediate threat to the Respondent's physical safety may ''arise from'' the allegations of Sexual Harassment and could justify an emergency removal.

The required individualized safety and risk analysis does not need to be based on objective evidence, current medical knowledge, or performed by a licensed evaluator. However, the Center may adopt a policy or practice of relying on objective evidence, current medical knowledge, or a licensed evaluator when considering emergency removals.

The Center may place a non-student employee Respondent on administrative leave during the pendency of a grievance process that complies with this Policy and the Regulations. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Grievance Process for Formal Complaints of Sexual Harassment:

The Center shall adopt a grievance process that complies with the requirements of this Policy and the Regulations. The Administration may adopt other provisions, rules, or practices as part of its grievance process for handling Formal Complaints, but they shall apply equally to both parties.

1. Basic Requirements for Grievance Process. The Center's grievance process shall:

    a. Treat Complainants and Respondents equitably by providing remedies to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent, and by following a grievance process that complies with this Policy and the Regulations before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against a Respondent. Remedies shall be designed to restore or preserve equal access to the Center's Education Program or Activity. Such remedies may include Supportive Measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

    b. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness;

    c. Require that the Center's Title IX Coordinator(s), Investigator(s), Decision-Maker(s), or the person(s) designated to facilitate an informal resolution process, not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

    d. Include a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

    e. Include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the Center offers informal resolution processes, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

f. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the Center may implement following any determination of responsibility.

g. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for Formal Complaints against students as for Formal Complaints against employees, including faculty, and apply the same standard of evidence to all Formal Complaints of Sexual Harassment.

h. Include the procedures and permissible bases for the Complainant and Respondent to appeal.

i. Describe the range of Supportive Measures available to Complainants and Respondents.

j. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

2. Notice Requirements of the Grievance Process. Upon receipt of a Formal Complaint, the Center shall provide the following written notice to the parties who are known:

a. Notice of the Center's Grievance Process.

b. Notice of the allegations of Sexual Harassment potentially constituting Sexual Harassment, including Sufficient Details (such the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known) known at the time and with sufficient time to prepare a response before any initial interview.

c. The written notice shall include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

d. The written notice shall inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review all evidence directly related to the allegations including exculpatory evidence, whether obtained by a party or other source.

e. The written notice shall inform the parties of any provision in the Center's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the Center decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided, the Center shall provide notice of the additional allegations to the parties whose identities are known

3. Dismissal of Formal Complaint

a. Mandatory Dismissal: If the conduct alleged in the Formal Complaint does not constitute Sexual Harassment even if proved, did not occur in the Center's Education Program or Activity, or did not occur against a person in the United States, then the Center **shall** dismiss the Formal Complaint with regard to that conduct for purposes of Sexual Harassment under Title IX or this part. Such a dismissal does not preclude action under another provision of the Center's code of conduct.

b. Discretionary Dismissal: The Center **may** dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing: A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer enrolled or employed by the Center; or specific circumstances prevent the

c. Upon a dismissal required or permitted pursuant to this section, the Center shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

4. Consolidation of Formal Complaints

a. The Center may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

5. Investigation of a Formal Complaint. The Center, through its duly-appointed Investigator(s), shall investigate the allegations in a Formal Complaint. When investigating a Formal Complaint and throughout the grievance process, the Center shall:

a. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the Center and not on the parties provided that the Center cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the Center obtains that party's voluntary, written consent to do so for a grievance process under this section. If a party is not an ''eligible student,'' as defined in 34 CFR 99.3, then the Center shall obtain the voluntary, written Consent of a ''parent,'' as defined in 34 CFR 99.3.

b. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

c. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

d. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding. However, the Center may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

e. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

f. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the Center does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

g. Prior to completion of the investigative report, the Center shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties shall have at least 10 days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

h. The Center shall make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

i. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

6. Hearings

a. Unless required by federal or state law, the Center's grievance process shall not provide for a hearing.

b. If required by state law (i.e., in an expulsion proceeding), the grievance process hearing shall comply with federal and state law and applicable Center policies. See Policy No. 233 (Suspension and Expulsion)

c. With or without a hearing, after the Center has sent the investigative report to the parties and before reaching a determination regarding responsibility, the Decision-Maker(s) shall afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

d. With or without a hearing, questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

e. The Decision-Maker(s) shall explain to the party proposing the questions any decision to exclude a question as not relevant.

7. Determination

a. The Decision-Maker(s) cannot be the same person(s) as the Title IX Coordinator or the Investigator(s).

b. The Decision-Maker(s) shall issue a written determination regarding responsibility. To reach this determination, the Center shall apply the standard of evidence described in this Policy.

c. The written determination shall include:

i. Identification of the allegations potentially constituting Sexual Harassment;

ii. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.

iii. Findings of fact supporting the determination.

iv. Conclusions regarding the application of the Center's code of conduct to the facts.

v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Center imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the Center's Education Program or Activity will be provided by the Center to the Complainant.

vi. The Center's procedures and permissible bases for the Complainant and Respondent to appeal.

d. The Center shall provide the written determination to the parties simultaneously.

e. The determination regarding responsibility becomes final either on the date that the Center provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

f. The Title IX Coordinator is responsible for effective implementation of any remedies

8. Appeals

a. Both parties may appeal from a determination regarding responsibility, and from a Center's dismissal of a Formal Complaint or any allegations therein, on the following bases:

i. Procedural irregularity that affected the outcome of the matter;

ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

iii. The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

b. The Center may offer an appeal equally to both parties on additional bases.

c. As to all appeals, the Center shall:

i. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;

ii. Ensure that the Decision-Maker(s) for the appeal is not the same person as the Decision-Maker(s) that reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator;

iii. Ensure that the Decision-Maker(s) for the appeal complies with the standards set forth in paragraph (b)(1)(iii) of this section;

iv. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

v. Issue a written decision describing the result of the appeal and the rationale for the result; and

vi. Provide the written decision simultaneously to both parties.

9. Informal Resolution Process

a. At any time prior to reaching a determination regarding responsibility, the Center may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the Center:

i. Provides to the parties a written notice disclosing: The allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal

Complaint, and any consequences resulting from participating in the information resolution process, including the records that will be maintained or could be shared.

ii. Obtains the parties' voluntary, written Consent to the informal resolution process; and

iii. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

b. Participation in the Informal Resolution process is voluntary. The Center shall not require as a condition of enrollment or continuing enrollment, or employment or continuing employing, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Sexual Harassment consistent with this section. The Center shall not require the parties to participate in an informal resolution process.

c. The Center shall not offer an informal resolution process unless a Formal Complaint is filed.

10. Recordkeeping

a. The Center shall maintain for a period of seven (7) years records of:

i. Each Sexual Harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under paragraph (b)(6)(i) of this section, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the Center's Education Program or Activity;

ii. Any appeal and the result therefrom;

iii. Any informal resolution and the result therefrom; and

iv. All materials used to train Title IX Coordinators, Investigators, decision-makers, and any person who facilitates an informal resolution process. The Center shall make these training materials publicly available on its website, or, if the Center does not maintain a website, the Center shall make these materials available upon request for inspection by members of the public.

b. For each response to Sexual Harassment required by this Policy and the Regulations, the Center shall create, and maintain for a period of seven (7) years, records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Sexual Harassment.

i. In each instance, the Center shall document the basis for its conclusion that its response was not Deliberately Indifferent, and document that it has taken measures designed to restore or preserve equal access to the Center's Education Program or Activity.

ii. If the Center does not provide a Complainant with Supportive Measures, then the Center shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

iii. The documentation of certain bases or measures does not limit the Center in the future from providing additional explanations or detailing additional measures taken.

11. Training Requirements for the Grievance Process. The Center shall:

    a. Ensure that Title IX Coordinators, Investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of Sexual Harassment, the scope of the Center's Education Program or Activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially,

    b. Ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

    c. Ensure that Investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth this Policy.

    d. Ensure that any materials used to train Title IX Coordinators, Investigators, decision-makers, and any person who facilitates an informal resolution process, do not rely on sex stereotypes and do promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

    e. Make its training materials publicly available on its website, or, if the Center does not maintain a website, make these materials available upon request for inspection by members of the public.

12. Retaliation Prohibited

    a. No person or the Center shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, the Regulations or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.

    b. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

    c. The Center shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

    d. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination that have been adopted by the Center.

Administrative Responsibility:

The Executive Director's office is directed to establish appropriate procedures and forms for the processing of any such complaints, to advise staff, students, and parents or legal guardians of the content of this policy as required by law, to address any concerns relating to this policy and to take all the additional steps necessary to comply with this policy.

Grievance Procedures

Policy No. 807

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

These procedures shall be followed when a Formal Complaint alleging Sexual Harassment has not been filed, but there are allegations of prohibited and/or inappropriate conduct of a sexual nature that may constitute sex discrimination.

1. Complaints should be submitted to the Title IX Coordinator as soon as the objectionable conduct occurs, or otherwise as soon as possible after the incident. This complaint can be oral or written.

2. The Title IX Coordinator shall promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

3. If a Formal Complaint is not filed, the Title IX Coordinator or other Investigator, as applicable, will interview the Complainant and, thereafter, conduct a thorough investigation of the factual allegations of the complaint as expeditiously as possible. Witnesses, if any, such as employees, supervisors, students, visitors, etc., will be interviewed where appropriate. Before the investigation shall be considered completed, the individual(s) accused of shall be informed of the basis of the complaint and shall be afforded the opportunity to respond to the same. The Investigator shall make a written record if his or her investigation, which shall include the dates of all meetings/interviews, the persons present at such meetings/interviews, and the basic content of such meetings/interviews. All of the information obtained in the Executive Director's or Superintendent of Record's investigation will be kept in the maximum confidence permitted or required by law.

4. A written report of the investigation will be prepared and retained in the Center central office and supplied to local law enforcement when appropriate.

5. Upon the conclusion of the investigation, the Executive Director or Superintendent of Record, where applicable, shall attempt to resolve the matter to the mutual satisfaction of the parties involved. If the complaint cannot be resolved to the mutual satisfaction of the parties involved, the Executive Director or Superintendent of Record, as applicable, shall make a determination as to whether inappropriate conduct of a sexual nature (not constituting Sexual Harassment), has occurred.

6. If it is determined that such conduct has occurred, appropriate disciplinary action will be issued or recommended by the Executive Director or Superintendent of Record, if applicable.

7. Disciplinary action involving an employee may include, without limitation, a written reprimand and/or suspension; or the Executive Director or Superintendent of Record may recommend to the Joint Operating Committee the dismissal of the employee, subject to any procedures required either by any applicable collective bargaining agreement or in accordance with the Public School Code of 1949, as amended, and the policies and procedures of the Western Area Career & Technology Center.

8. Disciplinary action involving a student may include, without limitation, detention, in-school suspension, or out-of-school suspension for a period not exceeding ten (10) school days or the Executive Director may recommend expulsion of the student to the student's school district's Board of School Directors.

Formal Complaints of Sexual Harassment shall be governed by the Grievance Process.

Grievance Process for Formal Complaints of Sexual Harassment

Policy No. 807

Basic Requirements

1. Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment) in person, by mail, by telephone, or by electronic mail, using the above-contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The Center shall make a complaint form available.

2. Complaints should be submitted to the Title IX Coordinator as soon as the objectionable conduct occurs, or otherwise as soon as possible after the incident. This complaint can be oral or written.

3. The Title IX Coordinator shall promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

4. If a Formal Complaint is filed, the Center shall ensure that Complainants and Respondents are treated equitably by:

    a. Providing remedies to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent; and

    b. Following this grievance process before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against a Respondent.

5. Remedies shall be designed to restore or preserve equal access to the Center's education program or activity. Such remedies may include Supportive Measure; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

6. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence.

7. Credibility determinations shall not be based on a person's status as a Complainant, Respondent, or witness.

8. Any individual designated as a Title IX Coordinator, Investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

9. There is a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Time Frames

1. Whenever possible, the Center shall commence its investigation within forty-eight hours of receiving a Formal Complaint.

2. The Title IX Coordinator shall issue the required Written Notice within one day of instituting its investigation.

3. The Title IX Coordinator shall, within 15 days issuing the Written Notice, determine whether the Formal Complaint must be dismissed (i.e., the conduct alleged in the formal complaint: would not constitute Sexual Harassment even if proved, did not occur in the Center's education program or activity, or did not occur against a person in the United States) and, if appropriate, dismiss the Formal Complaint.

4. The nature and extent of the investigation to be conducted may vary from case to case and shall be determined by the circumstances involved, including the nature and severity of the alleged conduct, the existence and number of witnesses and the existence of disputed facts,

5. If possible, the Investigator shall complete its investigation and send to each party and the party's advisor the evidence that is subject to inspection and review within 15 days of issuance of the Written Notice.

6. The parties shall have 10 days to submit a written response, which the Investigator will consider prior to completion of the Investigative Report.

7. Within 7 days of receiving the last written response from the parties, the Investigator(s) shall complete its Investigation Report and send it to the parties. If warranted, the Investigation Report shall contain a notification of charges and proposed discipline.

    a. If the proposed discipline is an expulsion, the Center shall follow the procedures for a formal hearing set forth in 22 Pa. Code § 12.8, as amended.

    b. If the proposed discipline recommends that the student receive an in-school suspension, the Center shall follow the procedures set forth in 22 Pa. Code § 12.7, as amended.

    c. If the proposed discipline recommends a suspension that exceeds three school days, suspension, the Center shall follow the informal hearing procedures set forth in 22 Pa. Code §§ 12.6 and 12.8(c), as amended.

8. If the proposed discipline is expulsion, the parties and the Center administration shall submit a proposed scheduling order which shall include: 1) dates for the submission and answers to questions propounded on the other parties and witnesses, including limited follow-up questions; 2) proposed date for a formal hearing set forth in 22 Pa. Code § 12.8; and 3) if applicable, a waiver of statutory time limits.

9. If the proposed dripline is suspension that exceeds three school days the parties shall submit a proposed scheduling order which shall include: 1) dates for the submission and answers to questions propounded on the other parties and witnesses, including limited follow-up questions; 2) proposed date for a formal hearing set forth in 22 Pa. Code § 12.8; and 3) if applicable, a waiver of statutory time limits.

10. The Decision-Maker(s) shall promptly rule on objections to questions propounded on the opposing party and witnesses. If any objections are overruled, the decision-makers(s) shall order full and complete responses within a set time frame. If any objections are sustained, the Decision-Maker(s) must explain the basis for the decision to exclude a question as not relevant.

11. The Decision-Maker(s) may request that the parties submit proposed findings of fact, conclusions of law and legal argument.

12. If applicable, following submission of the last proposed findings of fact, conclusions of law and legal argument, each party may submit a reply.

13. Within 30 days of the final submissions of the parties, the Decision-Maker(s) shall issue their written determination.

14. Within 15 days of the issuance of the written determination, both parties may appeal from a determination regarding responsibility and from a recipient's dismissal of a Formal Complaint or any allegations therein to the Appeal Decision-Maker(s).

15. Within 15 days of such appeal, both parties may submit a written statement in support of, or challenging, the written determination.

16. Within 30 days of such appeal, the Appeal Decision-Maker(s) shall issue a written decision describing the result of the appeal and the rationale for the result and shall provide the written decision simultaneously to both parties.

17. At any time prior to reaching a determination regarding responsibility, the Center may facilitate an informal resolution process as described in this policy. Any time prior to agreeing at a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint. The timelines set forth above related to the grievance process with respect to the Formal Complaint shall be tolled while the parties are engaged in an informal resolution process. The Informal Resolution Process shall take no longer than 30 days.

18. Any party or the Center may seek a temporary delay of the grievance process or the limited extension of time frames for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities; or the consent of the parties. If granted, the Center shall provide written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

Disciplinary Sanctions and Remedies

If it is determined that Sexual Harassment has occurred, appropriate disciplinary action will be issued or recommended by the Investigator(s), if applicable.

Disciplinary action involving an employee may include, without limitation, a written reprimand and/or suspension; or the Director or Superintendent of Record may recommend to the Joint Operating Committee the dismissal of the employee, subject to any procedures required either by any applicable collective bargaining agreement or in accordance with the Public School Code of 1949, as amended, and the policies and procedures of the Western Area Career & Technology Center.

Disciplinary action involving a student may include, without limitation, detention, in-school suspension, or out-of-school suspension for a period not exceeding ten (10) school days or the Director may recommend expulsion of the student to the student's school district's Board of School Directors.

In addition, Complainant shall be entitled to appropriate Supportive Measure and the Center shall take prompt, effective remedial action to eliminate the harassing conduct and prevent future incidents of harassment.

For students, occurrences of prohibited and/or inappropriate conduct of a sexual nature which are not within the legal definition of Sexual Harassment, or otherwise do not rise to the level of and/or constitute Sexual Harassment, will be addressed pursuant to applicable Policies and principles and procedures of the Center, including the applicable Code of Student Conduct, and will result in disciplinary action as may be appropriate. For employees, the Center, in such circumstances, will impose appropriate disciplinary action on the offending party commensurate with the severity of the offense, up to and including possible termination of employment.

Standard of Evidence

The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard. The Center shall apply this standard of evidence for Formal Complaints against students as for Formal Complaints against employees, including faculty, and shall apply the same standard of evidence to all Formal Complaints of Sexual Harassment.

Privileges

The Title IX Coordinator, Investigator(s), Decision-Maker(s), and Appeal Decision makers (or any other representative of the Center) shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Appeals

Either party may appeal from a determination regarding responsibility, and from the Center's dismissal of a Formal Complaint or any allegations therein, on the following bases:

a. Procedural irregularity that affected the outcome of the matter;

b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

c. The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter

Appeals of the determination of the original Decision-Maker(s) shall be filed with the Title IX Coordinator via email, mail or in person within 20-days of receipt of the determination.

Appeals of the determination of the Appeal Decision-Maker may be appealed pursuant to the Local Agency Law.

Supportive Measures

The range of Supportive Measures made available by the Center to Complainants and Respondents shall include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The Center shall maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the Center to provide the Supportive Measures.

EOE

WACTC

Form A:

Information to be Prominently Displayed on Website and

Provided to Designated Recipients

Nondiscrimination Policy

The Western Area Career & Technology Center shall not discriminate on the basis of race, color, religion, sex, national origin, age, physical handicap, disability or limited English proficiency in its educational programs, activities or employment policies, and shall provide equal access to the Boy Scouts and other designated youth programs, as required by Title IX of the 1972 Educational Amendments, Title VI of the Civil Rights Act of 1964, Section 504 Regulations of the Rehabilitation Act of 1973, the Boy Scouts Act, and the Americans with Disabilities Act..

The Center shall not use or distribute any publication stating that the Center treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX or the applicable regulations.

The requirement not to discriminate in the Education Program or Activity extends to admission and employment, and that inquiries about the application of Title IX and the Regulations to the Center may be referred to the Center's Title IX Coordinator, to the Assistant Secretary, or both.

Title IX Coordinator

Name/Title: Dr. Dennis J. McCarthy, Executive Director and Title IX Coordinator
Office Address: Western Area CTC, 688 Western Avenue, Canonsburg, PA 15317
Email Address: dmccarthy@wactc.net
Telephone Number: 724-746-2890

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed above for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator above.

WACTC

Form B:

Written Notice to Parties - Upon Receipt of a Formal Complaint

To: [NAME]

[ADDRESS]

Please be advised that the Western Area Career and Technology Center ("Center") has received a Formal Complaint of Sexual Harassment pursuant to Title IX and the applicable regulations. The Center is required to investigate every Formal Complaint. Throughout the investigation, the Center shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. In addition, the Center shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

The Center shall provide written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for each party to prepare to participate.

Attached as Exhibit A is a copy of the Center's Grievance Process for Formal Complaints.

Notice of Allegations of Sexual Harassment

The following allegations of sexual harassment potentially constituting sexual harassment have been made:

Complainant (if known):

_____

Respondent (if known): _____

Date and location of alleged incident (if known):

_____

Conduct allegedly constituting Sexual Harassment: _____

_____

_____

_____

_____

Presumption

The Respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility will be made at the conclusion of the grievance process.

Right to an Advisor

Each party shall have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and the Center shall not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding. However, the Center may establish restrictions (which shall apply equally to both parties) regarding the extent to which the advisor may participate in the proceedings.

Right to Inspect and Review Evidence

Each Party shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the Center does not intend to rely in reaching a determination regarding responsibility and inculpatory or

exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of the investigative report, the Center shall must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

Code of Conduct

Pursuant to the Center's Code of Conduct, knowingly making false statements or knowingly submitting false information during the grievance process is prohibited.

Investigation of Additional Allegations

If, in the course of an investigation, the Center decides to investigate allegations about the Complainant or Respondent that are not included in this notice, the Center shall provide notice of the additional allegations to the parties whose identities are known.

WACTC

Form C:

SEXUAL DISCRIMINATION COMPLAINT FORM

Submit to (email, mail or in-person):

Dr. Dennis J. McCarthy, Executive Director and Title IX Coordinator
Western Area CTC, 688 Western Avenue, Canonsburg, PA 15317
dmccarthy@wactc.net
724-746-2890

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment) in person, by mail, by telephone, or by electronic mail, using the above-contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Nature of Complaint

- ❑ Verbal/Written Harassment or Abuse
- ❑ Pressure for sexual activity
- ❑ Repeated remarks/gestures to a person with sexual or demeaning implications
- ❑ Displaying sexually suggestive materials
- ❑ Unwelcomed touching
- ❑ Suggesting/demanding sexual involvement with implied threat concerning one's grades
- ❑ Intimidating behavior (cornering/blocking)
- ❑ Other: _____

Your name and best way to contact you: _____

Are you a student: _____. If yes, what Grade/Year: _____

Are you an employee? _____. If yes, what is your position? _____

Are you submitting this on your own behalf or on behalf of someone else? _____

If submitting on behalf of someone else, please identify them and provide contact information: _____

_____

Describe the conduct that brought you here: _____

_____

When did this occur (date and time)? _____

Where did this occur? _____

Who is/are the perpetrators (name; relationship to the Center)? _____

_____

Who else was present when this incident occurred? _____

What was their involvement? _____

_____

Please attach a written description of this/these incident(s). Please include as much detail as possible.

I have reviewed the above information and it is factual as I have reported it. I understand that the privacy of the charging party and the person accused of sexual harassment will be kept strictly confidential and will only be discussed on a need to know basis as a means of investigating and resolving this matter. However, the Center shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

I understand that the Title IX Coordinator shall promptly contact me (or, if I am not the alleged victim, the alleged victim) to discuss the availability of Supportive Measures, consider my wishes with respect to Supportive Measures, inform me of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to me the process for filing a Formal Complaint.

_____ _____
Signature of Person Filing Report* Date

*** Signatures may be physical or digital, or otherwise indicates that the signing person is the person filing the complaint of sex discrimination.**

_____ _____
Signature of Title IX Coordinator Date
(Upon Receipt)

Oral Report:

Check Here if Title IX Coordinator Received an Oral Report: _____

In an Oral Report, Title IX Coordinator should complete the Complaint. In addition, please note the following:

Was the Oral Report submitted in person or over the phone? _____

What was the date and time of the report? _____

Where did the Title IX Coordinator receive the report? _____

Attach any notes taken by the Title IX Coordinator when receiving the Report.

_____ _____
Signature of Title IX Coordinator Date

WACTC

Form D:

FORMAL COMPLAINT - SEXUAL HARASSMENT
COMPLAINANT

Submit to (email, mail or in-person):

Dr. Dennis J. McCarthy, Executive Director and Title IX Coordinator
Western Area CTC, 688 Western Avenue, Canonsburg, PA 15317
dmccarthy@wactc.net
724-746-2890

Complainant:

Name: _____ Date: _____ Position: _____ Birthdate: _____

Grade Level: _____ Building: _____

Home Address:

_____

Phone: _____ Email: _____

Respondent: (If more than one, attach additional sheets)

Name: _____ Date: _____ Position: _____ Birthdate: _____

Grade Level: _____ Building: _____

Home Address:

_____

Phone: _____ Email: _____

I allege that the allegations contained in my previously filed Sex Discrimination Complaint constitutes Sexual Harassment against the above-identified Respondent(s) and request that the Center investigate this/these allegation(s) of Sexual Harassment. Additional allegations/statements are attached to this Formal Complaint.

At the time of filing a Formal Complaint, I am participating in in or attempting to participate in the Education Program or Activity of the Center.

I have reviewed the above information and it is factual as I have reported it. I understand that the privacy of the charging party and the person accused of sexual harassment will be kept strictly confidential and will only be discussed on a need to know basis as a means of investigating and resolving this matter.

_____ _____
Signature of Complainant* Date

***A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the above-contact information. Any document alleging Sexual Harassment against a Respondent that is signed by a Complainant participating in or attempting to participate in the Education Program or Activity of the Center will be accepted. The Formal Complaint must include the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.**

_____ _____
Signature of Title IX Coordinator Date

WACTC

Form E:

FORMAL COMPLAINT - SEXUAL HARASSMENT
TITLE IX COORDINATOR

Complainant:
Name: _____ Date: _____ Position: _____ Birthdate: _____

Grade Level: _____ Building: _____

Home Address:

_____

Phone: _____ Email: _____

Respondent: (If more than one, attach additional sheets)

Name: _____ Date: _____ Position: _____ Birthdate: _____

Grade Level: _____ Building: _____

Home Address:

_____

Phone: _____ Email: _____

I allege that the conduct of the above-identified Respondent(s) constitutes Sexual Harassment against the Complainant and request that the Center investigate this/these allegation(s) of Sexual Harassment. The basis for this allegation is set forth below. Additional allegations/statements are attached.

Though I, the Title IX Coordinator, am signing this Formal Complaint, I am not a Complainant or otherwise a party and shall comply with the requirements of the Center's Sexual Harassment Policy, including those provisions related to conflicts of interest and bias.

I have reviewed the above information and it is factual as I have reported it. I understand that the privacy of the charging party and the person accused of sexual harassment will be kept strictly confidential and will only be discussed on a need to know basis as a means of investigating and resolving this matter.

_____ _____
Signature of Title IX Coordinator Date

WACTC

Form F:

SEX DISCRIMINATION
TITLE IX COORDINATOR QUESTIONS TO COMPLAINANT

Person Completing Report: _____ Date: _____

PERSONAL INFORMATION

Name: _____ Date: _____ Position: _____ Birthdate: _____

Grade Level: _____ Building: _____

Home Address:

_____

Are you a student: _____ If yes, what Grade/Year: _____

Are you an employee? _____ If yes, what is your position? _____

Are you submitting this on your own behalf or on behalf of someone else? _____

If submitting on behalf of someone else, please identify them and provide contact information: _____

_____

Describe the conduct that brought you here: _____

_____

_____

When did this occur (date and time)? _____

Where did this occur? _____

Please identify the perpetrator: **(If more than one, attach additional sheets)**

Name: _____ Date: _____ Position: _____ Birthdate: _____

Grade Level: _____ Building: _____

Home Address:

_____

Phone: _____ Email: _____

Who else was present when this incident occurred? _____

What was their involvement? _____

If this happened before, was it similar to the most current situation? _____

Did you tell or otherwise communicate to this person that the behavior was unwelcomed (Note: Lack of resistance does not equal consent)? Yes ___ No ___ If yes, how did you communicate this?

_____

_____

What was this person's reaction when you told him/her it was unwelcomed? _____

_____

How did you get along with this person before this incident? _____

_____

Do you know if this has happened to anyone other than yourself? _____

_____

How would you like to see this situation resolved? _____

_____

What are your wishes with respect to Supportive Measures? _____

> Supportive Measures shall be available with or without the filing of a formal Complaint. Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the Center's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Center must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the Center to provide the supportive measures.

Do you alleged that the Complaint involves sexual harassment? Yes ____ No _____

> **Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or (3) ''Sexual assault'' as defined in 20 U.S.C. 1092(f)(6)(A)(v) ("an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation such as rape, fondling, and statutory rape), ''dating violence'' as defined in 34 U.S.C. 12291(a)(10), ''domestic violence'' as defined in 34 U.S.C. 12291(a)(8), or ''stalking'' as defined in 34 U.S.C. 12291(a)(30).

Would you like to receive a Formal Complaint Form? Yes ___ No ____.

A Formal Complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Center investigate the allegation of sexual harassment.

Please give me a handwritten report of this incident(s). Please include as much detail as possible. (Attach to this report.)

I have reviewed the above information and it is factual as I have reported it. I understand that the privacy of the charging party and the person accused of sexual harassment will be kept strictly confidential and will only be discussed on a need to know basis as a means of investigating and resolving this matter.

_____	_____	_____	_____
Signature of Complainant	Date	Signature of Person Filing Report	Date

_____	_____
Signature of Third Person Present During Interview (if applicable)	Date

WACTC

Form G:

SEXUAL HARASSMENT SUMMARY REPORT
INTERVIEW RECORD -- ALLEGED HARASSER

Person Completing Report: _____ Date: _____

PERSONAL INFORMATION

Name: _____ Date: _____ Position: _____ Birthdate: _____
Grade Level: _____ Building: _____
Home Address: _____

INCIDENT INFORMATION

"The purpose of this meeting is to talk about an allegation of possible sexual/racial harassment which may involve you. Would you like to have a third party present during this interview?" (A parent/guardian, legal counsel, union representative.)

(Describe the circumstances surrounding the complaint to the alleged harasser following guidelines stated in the Pre-Investigation Guidelines.)

Response of the alleged harasser: _____

_____

_____

Was anyone else present when this alleged incident occurred? Please give name(s).
_____

What was their involvement?
_____

How did the complainant respond to this alleged incident?
_____

How have you gotten along with this person prior to this alleged incident?
_____

Is there any statement you would like to add to this report?
_____

_____

Please give me a handwritten report of this alleged incident. (Attach to this report.)
Please be aware that these allegations have been brought forth and we will continue the investigation and fact finding before making a determination. Please understand that the privacy of the charging party and the person accused of sexual/racial harassment MUST be kept strictly confidential and will only be discussed on a need to know basis as a means of investigation and resolving this matter.

_____ _____ _____ _____
Signature of Accused Date Signature of Person Filing Report Date

_____ _____
Signature of Third Person Date
Present During Interview (if applicable)

WACTC

Form H:

SEXUAL HARASSMENT SUMMARY REPORT
INTERVIEW RECORD – WITNESS

Person Completing Report: _____ Date: _____

PERSONAL INFORMATION

Name: _____ Date: _____ Position: _____ Birthdate: _____
Grade Level: _____ Building: _____
Home Address: _____

INCIDENT INFORMATION

"The purpose of this meeting is to talk about an allegation of possible sexual/racial harassment to which you may have been a witness."

(Describe the circumstances surrounding the complaint to the witness following guidelines stated in the Pre-Investigation Guidelines.)

Response of Witness: Yes ___ No ___ Describe: _____
_____
_____

Was anyone else present when this alleged incident occurred who may have also been a witness? Please give name(s).
_____
_____
_____

What was their involvement?
_____
_____
_____

How did the complainant respond to this alleged incident?
_____
_____

How have you gotten along with these parties prior to this alleged incident?

Alleged Harasser:
_____

Alleged Victim:
_____

Please give me a handwritten report of this alleged incident at this time. (Attach to this report.)

Please be aware that these allegations have been brought forth and we will continue the investigation and fact finding before making a determination. Please understand that the privacy of the charging party and the person accused of sexual/racial harassment will be kept strictly confidential and will only be discussed on a need to know basis as a means of investigation and resolving this matter.

_____ _____ _____ _____
Signature of Witness Date Signature of Person Filing Report Date

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Food Services
Adopted: January 24, 2007

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808. FOOD SERVICES

The Western Area Career & Technology Center Joint Operating Committee desires to provide a school food service program directed foremost at meeting the nutritional needs of its students.

The Joint Operating Committee shall have the authority to establish, equip, maintain and operate a restaurant in the school. In addition, it shall have the power to appoint employees as necessary, and shall set and pay their salaries. The Joint Operating Committee shall authorize such employees to purchase perishable food supplies for restaurant use without advertising for bids.

The Culinary Arts instructor shall be responsible for daily planning, as well as for the dietary and nutritional requirements of all food served by the program to students in any manner. The Director and/or designee shall exercise supervisory authority.

The instructional nature of the program as well as the stated goals of employment in local industry and/or preparation for further education and training are recognized by the Joint Operating Committee. The Joint Operating Committee also recognizes that in most instances lunches are provided to students at the home school.

The cost of maintaining and operating the restaurant may be charged against the funds of the Joint Operating Committee.

Fundraising involving food items shall be conducted in a fashion which does not conflict with the school wellness program.

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Transportation
Adopted: January 24, 2007

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810. TRANSPORTATION

Public transportation of students to and from Western Area Career & Technology Center will be provided by the sending districts. The Western Area Career & Technology Center Joint Operating Committee recognizes that the Western Area Career & Technology Center school calendar establishes the basis for when such transportation shall be provided.

Chaperones

All school-related activities requiring the use of buses to transport students to and from school approved activities will be required to use school approved chaperones. The maximum number of chaperones will be limited to five (5) individuals for each bus with a minimum of one (1) chaperone per bus. Chaperones must be employees of the Western Area Career & Technology Center or approved adults over the age of twenty-one (21) with Act 34 and 151 clearances on file.

The Director will be responsible for approving chaperones. Chaperones other than school employees should be listed by name and the reason they are participating as chaperones. The Joint Operating Committee authorizes Western Area Career & Technology Center funds to be used to fund educational field trips as long as funds are available.

All incidents occurring during the transport of students to and from the Western Area Career & Technology Center that are disciplinary in nature shall be the responsibility of the sending school. The above rule does not apply to students being transported to program-required certification assessments.

Approved career and technical student organization activities that are not directly related to program content or in which all students are not included shall be funded by career and technical student organization funds.

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Bonding
Adopted: January 24, 2007

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811. BONDING

The Western Area Career & Technology Center Joint Operating Committee believes that prudent trusteeship of school resources dictates that employees responsible for the safekeeping of school funds be bonded.

The Joint Operating Committee directs that the school shall be indemnified against loss of money by bonding each employee required to be bonded. The Joint Operating Committee shall bear the cost of bonds for designated employees.

Enumeration and valuation on such bonds shall be determined annually.

All other employees shall be covered under a blanket bond. The treasurer or fund custodian for any student organization shall be bonded. The amount of each bond shall be commensurate with financial responsibility of the position.

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Property Insurance
Adopted: January 24, 2007

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812. PROPERTY INSURANCE

The Western Area Career & Technology Center Joint Operating Committee recognizes its responsibility under law to insure the real or personal property of this school.

The Joint Operating Committee has the authority and responsibility to provide adequate insurance coverage to protect the school's interests in its buildings and properties. Such coverage shall ensure, where possible, for actual cost value and/or replacement cost.

The Joint Operating Committee shall have full power and authority to enter into any contract with any person, firm or corporation, including any mutual fire insurance company authorized to transact business in this Commonwealth, for the purpose of insuring against loss or damage by fire, or otherwise, any or all of the school buildings or other property owned or leased by the school; however, insurance coverage shall be governed by specific provisions in the Agreement of Lease.

The Joint Operating Committee shall have full power and authority to enter into any contract with any person, firm or corporation, including any mutual insurance company authorized to transact business in this Commonwealth, for the purpose of insurance every employee of the school against liability for damage sustained by students or others as a result of the employee's negligence in the performance of his/her duties during the course of his/her employment.

Western Area Career & Technology Center shall purchase insurance for the school buildings and the contents therein for fire, extended coverage, vandalism and malicious mischief. Also to be purchased is coverage in the following areas: Comprehensive General Liability, Excess Indemnity/Umbrella Liability, Boiler and Machinery Insurance, Worker's Compensation, Fidelity Bonds, Comprehensive Automobile Liability, and any other insurance as the Joint Operating Committee deems appropriate.

When purchasing insurance, the Joint Operating Committee shall receive and consider recommendations from the Business Coordinator. Insurance purchases shall be guided by service of the insurance agent, scope of coverage, price of desired coverage, and assurance of coverage.

The Business Coordinator shall maintain a complete file of all policies and information concerning all insurance coverage.

Section: Operations
Title: Other Insurance
Adopted: January 24, 2007

813. OTHER INSURANCE

The Western Area Career & Technology Center Joint Operating Committee understands the requirement that adequate, basic insurance programs be provided for the protection of the school and its employees.

The Joint Operating Committee has the authority and responsibility to provide adequate coverage to protect the school's interests. Such coverage shall be in accordance with established guidelines.

The Joint Operating Committee may make contracts for benefits with any company or nonprofit hospitalization corporation or nonprofit medical service corporation authorized for such purposes within the Commonwealth, insuring its employees under a policy or policies of group benefits covering life, health, hospitalization, medical services or accident benefits.

The Joint Operating Committee may contract with any such company granting annuities or pension for the school employees and for such purposes may agree to pay part or all of the premiums or charges for carrying such contracts or make no payment.

The Joint Operating Committee may appropriate money necessary or pay such premiums or charges or portions thereof.

No contract or contracts for benefits shall be purchased from or through any person employed by the school. All contracts for benefits shall conform to all existing state and federal regulations.

The Joint Operating Committee is authorized to deduct from the employee's pay, salary or compensation the amount of co-pay that is payable by the employee as so authorized by the employee in writing.

COBRA

In the event of a qualifying event to the employee or dependent, the Western Area Career & Technology Center Director or designee has thirty (30) days to notify the plan administrator of the termination, reduction in hours, or death of the employee. This terminates his/her insurance under the plan. Notice will be provided in a timely manner to the employee or dependent within parameters established by federal, state and local regulations and/or policy.

The Joint Operating Committee authorizes the administration to adhere to the policies and procedures set forth by COBRA legislation at the time and date of the employee's/former employee's qualifying event.

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Health Insurance Coverage Eligibility
Adopted: August 6, 2014

813.1 Health Insurance Coverage Eligibility

Western Area CTC grants eligible employees an option to cover their legal dependents in medical, dental, and vision plans. Spouses and children who have not yet attained age 23 are eligible to participate in the medical, dental, and vision plans. Children who have attained the age 23 but have not yet attained age 26 are eligible to participate in the medical plan only and are not eligible to participate in the dental or vision plans. For these purposes, an employee's child is his or her biological child, legally adopted child or child lawfully placed for adoption, stepchild, foster child, or child under a "qualified medical child support order."

If an employee has waived his or her medical, dental, or vision coverage, the employee cannot enroll a dependent for such coverage.

Verification documents required for dependents must be provided to the Business Office within thirty (30) days of initial employment or enrollment. For the purpose of this policy, "verification documents" include:

- Spouse: a certified copy of a government-issued marriage certificate.

- Child: an original or certified copy of a government-issued birth certificate listing the names of parents; legal adoption papers as the final adoption papers or confirmation of placement for adoption purposes; a copy of the guardianship, custody, or foster care papers issued by a court or authorized placement agency; or an order determined to be a "qualified child medical support order."

The Plan administrator may require additional proof of dependent status as appropriate, and may require such proof during annual open enrollment or at other times.

Termination of Dependent Coverage

Dependent coverage is subject to termination due to the child attaining age 23 (as to dental and vision coverage), the child attaining age 26 (as to medical coverage) or due to the failure of the covered employee to provide the required information and/or documentation within thirty (30) days of the initial eligibility or enrollment or within sixty (60) days of a qualifying event. A qualifying event is an event affecting eligibility for the plans, such as marriage, divorce, birth or adoption of a child, or death of a spouse or child.

Additional Information Required

An employee will be required to provide social security numbers for each enrolled dependent. Additional paper work may be required by the provider for an applicant to obtain coverage under the Western Area CTC medical, dental, or vision plans. The employee also is required to notify the plans of any change in an individual's status as the employee's dependent (such as a divorce or a child having attained a disqualifying age).

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Copyright Material
Adopted: January 24, 2007

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814. COPYRIGHT MATERIAL

The Western Area Career & Technology Center Joint Operating Committee recognizes that the federal law makes it illegal for anyone to duplicate copyrighted materials without permission.

The Joint Operating Committee attests that severe penalties are provided for unauthorized copying of audio, visual, software or printed materials unless the copying falls within the bounds of the "fair use" doctrine.

The Joint Operating Committee prohibits its employees from copying materials not specifically allowed by: the Copyright Law, Fair Use Guidelines, licenses or contractual agreements, and/or other permission.

The Joint Operating Committee disapproves of unlawful publication in any form.

Under the fair use doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product is to fall within the bounds of fair use, these four (4) standards must be met:

1. The Purpose of Character of the Use. The use must be for such purposes as teaching or scholarship and must be nonprofit.

2. The Nature of the Copyrighted Work. Staff may make single copies of book chapters for use in research, instruction or preparation for teaching; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals or newspapers in accordance with these guidelines.

3. The Amount and Substantiality of the Portion Used. Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.

4. The Effect of the Use Upon the Potential Market for or Value of the Copyrighted Work. If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

The Director or designee shall establish practices, which will enforce this policy.

The Director shall be authorized to sigh copyright agreements, to sign license agreements for software, and to maintain a file of all authorization regarding the use of copyrighted material by employees.

Staff may make copies of copyrighted school materials that fall within stated guidelines of the fair use doctrine. Where there is reason to believe the material to be copied does not fall within these guidelines, prior permission shall be obtained from the Supervisor. Staff members who fail to follow this policy may be held personally liable for copyright infringement.

Permitted Copies

Multiple copies, not exceeding more than one per student, may be made for classroom use or discussion if the copying meets the tests of brevity, spontaneity and cumulative effect. Each copy must include a notice of copyright.

A library or archive may reproduce one copy or recording of a copyrighted work and distribute it if the reproduction or distribution is made without any purpose of direct or indirect commercial advantage; the collection of the library or archives is open to the public, or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field; and if the reproduction or distribution of a work includes a notice of copyright.

Copies of materials for face-to-face teaching activities involving performances or displays made by students or instructors, religious services, live performances without commercial advantage, and the use of instructional broadcasts are permitted.

The law prohibits using copies to replace or substitute for anthologies, consumable works or compilations or collective works. Consumable works include workbooks, exercises, standardized tests, test booklets and answer sheets. Teachers cannot substitute copies for the purchase of books, publishers' reprints or periodicals, nor can they repeatedly copy the same item from term-to-term.

Schools must be licensed to play copyrighted music where the performer is paid or admission is charged, even if the admission is used to cover refreshment costs. Jukeboxes must be licensed and a certificate of license must be displayed on each machine.

Broadcast programs may be recorded off-air simultaneously with broadcast transmission and retained by the school for a period not to exceed forty-five (45) consecutive calendar days after the date of recording. After this period of time, all recordings shall be erased or destroyed immediately.

Program recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, during the first ten (10) consecutive school days in the forty-five (45) day retention period.

After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for evaluation purposes by the teacher.

Off-air recordings may be made only at the request of and use by individual teachers and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

Off-air recordings need not be used in their entirety; but they may not be altered from their original content and may not be physically or electronically combined or merged to constitute teaching anthologies or compilations. Such recording must include the copyright notice on the broadcast program as recorded.

A library, archive, or medial center may reproduce one copy of a videotape or CD of a copyrighted work and distribute it in accordance with provisions of law. Recorded copies of copyrighted programs owned by a staff member or another person or a copy of a rental program are considered illegally made and may not be used for instruction purposes unless its use meets the fair use test.

Rental videocassettes, laser discs and other optical media with the "home use only" warning label shall not be used in a classroom, school assembly, or club unless specifically covered in the rental agreement.

Multimedia use of copyrighted material falls under the guidelines of the medium being used (e.g. computer, video, audio). Distance learning is subject to copyright guidelines as well, if copyrighted material is copied or recorded during a transmitted lesson.

Certain restrictions for taping off-air broadcasts apply:

1. A recorded program shall be used only twice within the first ten (10) school days following the broadcast; the second time is for reinforcement purposes only.

2. After using the recorded broadcast as stated above, the recorded program shall be used by teachers only for evaluation purposes and must be erased at the end of forty-five (45) calendar days following the broadcast. No program shall be taped a second time by/for a given teacher, even if rebroadcast.

It shall be the intent of the Western Area Career & Technology Center to adhere to the provisions of the copyright law and to comply with license agreements and/or policy statements contained in software packages owned and used by the school.

When software is to be used on a disk sharing system, every effort shall be made to secure this software from being copies. Copies of software, including those downloaded via modem, other than public domain software, shall not be made without permission of the vendor or copyright owner. Illegal copies of copyrighted programs shall not be made or used on school equipment,

A computer program shall be legally copied only for the following reasons:

1. As an essential step in the use of the computer program, such as automatic copying into memory when a program is loaded.

2. As a backup or archival copy only. All backup and archival copies shall be destroyed in the event the original program is erased or removed from inventory.

Backup or archival copies shall not be used simultaneously with the original program, and copying a copyrighted program from a computer hard drive to a floppy disc, for use as an additional copy, shall be considered illegal.

Networking computer software shall also be considered illegal if the legal multiple user or site licenses have not been acquired from the vendor or copyright owner. Reproduction of original computer software manuals shall also be considered illegal, and copying shall abide by the fair use guidelines.

The school shall provide expenditures for software as a budgetary item. Priority will be given to software that supports and/or is critical to curriculum or operating needs. All other software shall b purchased if reasonable need is established and/or financial resources allow such purchase.

Renting or leasing original copies of software by staff members or students without the express permission of the copyright owner is illegal and shall be prohibited.

To the extent possible, instruction related to the legal and ethical consideration of software copyright shall be included within the curriculum of all school programs.

Materials developed by instructional staff while under the employ of the Western Area Career & Technology Center shall be the property of the Western Area Career & Technology Center. Copies of such material must be submitted to the Western Area Career & Technology Center Director or designee for archival purposes.

Instructional staff wishing to develop instructional materials for personal gain and wishing to protect such materials must inform the Western Area Career & Technology Center Director or designee in writing of such intent at least thirty (30) business days prior to the beginning of the school year. No such notice will be accepted during the school year. Such materials must be approved by the Director or designee ten (10) days prior to use.

Instructional staff that provide notice of their intent to protect their instructional material bear sole responsibility for adherence and copyright regulations and are cautioned not to misrepresent materials as their own. Such actions are subject to disciplinary action by the Western Area Career & Technology Center.

The Western Area Career & Technology Center assumes no responsibility for plagiarism, copyright infringement and/or any misrepresentation of ownership by its employees.

WACTC

Western Area Career & Technology Center

ADMINISTRATIVE GUIDELINES FOR
INTERNET AND COMPUTER NETWORK USE

The Western Area Career & Technology Center's informational technology network ("Network") includes any and all school owned computers, servers, any hardware or software, the school's local area network (LAN), all wireless access points, the Internet, self-contained electronic mail systems, and any other elements of the school's computer, telecommunications or electronic communication/information systems. The Network is provided for usage by employees and students in furtherance of the school's educational mission and is not intended for communications or activities unrelated to school programs. Use of the Network is not a right, but is a privilege extended only to those who comply with the school's rules and regulations. These administrative guidelines are promulgated to assist employees and students in complying with the school's Internet and Computer Network Use Policy.

Prohibited Activities

Employees and students are prohibited from using the school's Network for the following activities:

- Downloading software without the prior written approval of the System Administrator or Executive Director.
- Printing or distributing copyrighted materials. This includes, but is not limited to, software, articles and graphics protected by copyright.
- Using software that is not licensed by the manufacturer or approved by the school.
- Sending, printing, or otherwise disseminating the school's proprietary data or any other information deemed confidential by the school to unauthorized persons.
- Operating a business, soliciting money for personal gain or otherwise engaging in commercial activity outside the scope of the classroom.
- Making offensive or harassing statements based on race, color, religion, national origin, veteran status, ancestry, disability, age or gender.
- Sending or forwarding messages containing defamatory, obscene, offensive, or harassing statements. Network users should notify his/her instructor and/or the Executive Director immediately upon receiving such a message. This type of message should not be forwarded.
- Sending or forwarding a message that discloses personal information without school authorization. This shall also include accessing, transmitting, receiving, or seeking confidential information about fellow students without authorization.
- Using the Internet for non-instructional items or during instructional time.
- Sending ethnic, sexual-preference or gender-related slurs and/or jokes via e-mail. "Jokes", which often contain objectionable material, are easily misconstrued when communicated electronically.
- Sending or soliciting sexually oriented messages or images.

- Attempting to access or visit sites featuring pornography, terrorism, espionage, theft, or drugs.

- Gambling or engaging in any other criminal activity in violation of local, state, or federal law.

- Gaining, or attempting to gain, unauthorized access to computer files, data, or computer systems inside or outside of the school's Network. This conduct is commonly known as "hacking" and is strictly prohibited.

- Participating in activities, including the preparation or dissemination of content, which could damage the school's professional image, reputation or record maintenance system, could have adverse financial consequences for the school and/or is likely to have a disruptive impact on the school's educational programs.

- Permitting or granting use of an e-mail or system account to another employee, another student or persons outside the school. Permitting another person to use an account or password to access the Network or the Internet, including, but not limited to, someone whose access has been denied or terminated, is a violation of this policy.

- Using other students' or employees' passwords or impersonating another person while communicating or accessing the Network or Internet.

- Introducing a virus, harmful component, corrupted data or the malicious tampering with any of the school's computer systems or files.

E-Mail Procedures

Persons using the school's e-mail system must adhere to the following procedures:

- The school's e-mail system, network, and Internet/Intranet access are intended for classroom use only. Students may access e-mail (if required) and the Internet for educational purposes only. Access to e-mail for personal or recreational use is strictly prohibited.

- All information created, sent, or received via the school e-mail system, network, Internet, or Intranet, including all e-mail messages and electronic files, is the property of the Western Area Career and Technology Center. Users of the school's network should have no expectation of privacy regarding this information. **The school reserves the right to access, read, review, monitor and copy all messages and files on its computer systems at any time and without notice.** When deemed necessary, the school reserves the right to disclose text or images to law enforcement agencies or other third parties without the user's consent.

- Use extreme caution to ensure that the correct e-mail address is used for the intended recipient(s).

- Any message or file sent via e-mail must have the user's name attached.

- Creating or accessing personal e-mail accounts is not permitted at school. Personal e-mail accounts being accounts created for the sole purpose of personal use for students, employees, family or friends.

- Alternate Internet Service Provider connections to the school's internal network are not permitted.

- Network users must provide the System Administrator and/or the Executive Director with all passwords when requested.

- Only authorized school personnel are permitted to access another person's e-mail without consent.

- Network users should exercise sound judgment when distributing messages. Users must also abide by copyright laws, ethical standards, and other applicable laws.

- E-mail messages must contain professional and appropriate language at all times. Employees and students are prohibited from sending abusive, harassing, intimidating, threatening, and discriminatory or otherwise offensive messages via e-mail.

- Use of the school's e-mail system for solicitations for any purpose, personal or otherwise, without written permission of the Executive Director is strictly prohibited.

- Chain messages and executable graphics and/or programs should be deleted.

- Users should archive messages to prevent them from being automatically deleted. All messages archived in the school's computer system shall be deemed school property, as is all information on the school's systems. Users are responsible for knowing the school's e-mail retention policies.

- Misuse and/or abuse of electronic access, including but not limited to, personal use, copying or downloading copyrighted materials, visiting or attempting to visit pornographic sites, or sending inappropriate e-mail messages (including jokes, cartoons or pictures) will result in disciplinary action which may involve expulsion (of students) and termination (of employees).

Care of Computer Equipment

The following protocols are designed to reduce repair costs, maintain the integrity of our system and protect the school's assets. Employees and students should adhere to the following practices:

- Do not keep liquids or magnets on or near the computer.

- Do not remove any computer from the building without written permission from the Executive Director.

- Do not transport disks back and forth between home and the school. This will help minimize exposure to viruses. If this is imperative to the completion of a task, users are to coordinate this process with the System Administrator to ensure the home computer is adequately protected from viruses or other malicious code.

Software Usage Procedures

Software piracy is both a crime and a violation of school policy. Users of the Network are to use software strictly in accordance with its applicable license agreement. Unless otherwise provided in the license, the duplication of copyrighted software (except for backup and archival purposes by designated school personnel) is a violation of copyright law. In addition to being in violation of the law, unauthorized duplication of software is contrary to the school's standards of employee conduct.

To ensure compliance with software license agreements and school policy, employees and students must adhere to the following practices:

- Employees and students must use software in accordance with the manufacturer's license agreements.

- The school licenses the use of computer software from a variety of outside companies. The School does not own the copyright to software licensed from other companies. Network users may not make additional copies of software, unless expressly authorized by the System Administrator in conformity with the applicable license. The only exception will be a single copy, as authorized by designated school personnel, for backup or archival purposes. Students and employees should not maintain backup software unless directed to do so.

- Employees and students are not permitted to install software onto the school's computer system from any unauthorized source, including, but not limited to, the Internet, home or third parties.

WACTC

Western Area Career & Technology Center

Section: Pupils
Title: Use of Generative Artificial Intelligence in Education
Adopted: June 12, 2024

815.1. USE OF GENERATIVE ARTIFICIAL INTELLIGENCE IN EDUCATION

PURPOSE

The WACTC recognizes the potential that Generative Artificial Intelligence (Generative AI) offers in enhancing educational opportunities, streamlining operations and preparing students for a future that demands adaptability, critical thinking and digital literacy. When incorporated and used in a responsible and ethical manner, Generative AI can support a dynamic working and learning experience.

This policy addresses guidelines for the proper management and responsible use of Generative AI in the WACTC's educational environment.

AUTHORITY

The Joint Operating Committee directs that the use of Generative AI in the educational environment shall be limited to approved educational purposes and shall comply with applicable state and federal laws, regulations, Joint Operating Committee policies, administrative regulations and the WACTC's rules including, but not limited to, the Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA), the Children's Internet Protection Act (CIPA), the Children's Online Privacy Protection Act (COPPA), as well as Joint Operating Committee policies related to acceptable use of computers and network resources, student and staff conduct, copyright protections, student records, personnel records, bullying and cyberbullying, nondiscrimination and harassment, data security and staff and student expression. [1] [2] [3] [4] [5] [6] [7] [8] [9] [10] [11] [12] [13] [14] [15] [16] [17] [18] [19] [20] [21] [22] [23] [24] [25] [26] [27]

The availability of access to Generative AI tools and resources by students and staff does not imply endorsement by the WACTC of the Generative AI tool or resource, nor does the WACTC guarantee the accuracy of the information received from Generative AI tools or resources. The WACTC shall not be responsible for any information that may be lost, damaged or unavailable when using a Generative AI tool or resource.

WACTC shall not be responsible for the dissemination, replication or alteration of information or data input by any student or staff into any Generative AI tool or resource. Nothing in this policy is intended to limit the WACTC's obligations under applicable law or regulations.

WACTC shall not be responsible for any unauthorized charges or fees resulting from access or use of Generative AI tools or resources.

DEFINITIONS

AI literacy – the ability to understand, use and interact with AI systems effectively, efficiently and responsibly.

Artificial Intelligence (AI) – technology designed to mimic human intelligence, such as analyzing data, recognizing patterns and making decisions.

Generative Artificial Intelligence (Generative AI) – an advanced subset of AI that is capable of generating new content from learned data and pattern recognition across various mediums such as text, code, images, audio and video data. Generative AI is the focus of this policy.

Open-source AI – AI tools and resources that are built on publicly accessible platforms and use and share data among all users who access the platform, both within and outside of the WACTC.

DELEGATION OF RESPONSIBILITY

The WACTC shall make every effort to ensure that Generative AI tools and resources are used responsibly by students and staff. The effective integration of Generative AI into education requires a collaborative effort between administration, teachers, staff, students and families.

WACTC shall inform staff, students, parents/guardians and other users about this policy by posting on the WACTC website and by other efficient methods.

The WACTC shall obtain prior informed consent from parents/guardians before allowing a student to use Generative AI tools and resources in school. [3]

Generative AI tools and resources used in the WACTC and its programs shall be evaluated and authorized on an ongoing basis for age-appropriateness, bias, privacy protections, accessibility standards and data security by the Executive Director, Building Administrator, Solicitor, and Network Administrator. [8] [9] [10] [27] [28]

The Joint Operating Committee directs that only WACTC-authorized Generative AI tools and resources may be used on WACTC computers and in WACTC programs. Staff shall consult the WACTC's list of authorized Generative AI tools and resources prior to implementation in the educational environment. Unauthorized Generative AI tools and resources may not adhere to required data privacy, monitoring and security standards. [3] [25] [27]

The Executive Director or designee shall be responsible for developing procedures to address student safety measures and to determine whether Generative AI tools and resources are being used for purposes prohibited by law, Joint Operating Committee policy or for accessing sexually explicit materials. [2] [25] [29] [30] [31] [32] [33]

The WACTC solicitor, in coordination with the Network Administrator, shall evaluate new and existing vendor contracts, collective bargaining agreements and related agreements for impacts related to WACTC use of Generative AI. [34] [35]

GUIDELINES

AI Literacy

Staff –

WACTC shall provide staff with professional development opportunities addressing the effective and safe integration of Generative AI to enhance teaching and learning. Professional development opportunities may include, but not be limited to:

1. Ethical use of Generative AI.
2. The capabilities and limitations of Generative AI.
3. Critical analysis of content produced by Generative AI.
4. How to monitor and evaluate student inputs into Generative AI systems.
5. The parameters established by the WACTC for integrating Generative AI tools into classroom instructional design.

Beyond formal professional development opportunities, the WACTC encourages staff to explore Generative AI to discover lesson plan ideas, create templates or assessments and to generate ideas for the personalization of student learning. Generative AI tools and resources shall be used in accordance with applicable laws, regulations and this Joint Operating Committee policy.

Students –

The WACTC shall provide training for students, which may include, but not be limited to:

1. Establishment of expectations regarding the ethical use of Generative AI.
2. The capabilities and limitations of Generative AI.
3. Critical analysis of content produced by Generative AI.
4. How to disclose use and cite Generative AI resources.
5. The importance of not disclosing personally identifiable information when using an open-source Generative AI tool or resource.

ETHICAL CONSIDERATIONS

The WACTC shall prioritize the educational value in the use of Generative AI tools and resources and will take measures to mitigate associated risks. The WACTC shall only authorize Generative AI systems and platforms appropriately equipped for preventing breach of personally identifiable information and addressing the WACTC's prohibitions against discrimination, harassment, bullying, bias and access to sexually explicit materials, or those which are harmful to minors or prohibited by Joint Operating Committee policy. [8] [9] [10] [20] [25]

The WACTC's technology protection measures shall be enforced during use of Generative AI on WACTC computers and network resources. [25]

WACTC shall provide additional training, when needed, and address accessibility needs to provide equitable access to Generative AI tools and resources for students and staff including, but not limited to, individuals with disabilities and English Learner students. [8] [9] [10] [11] [36]

WACTC prohibits the use of Generative AI in making decisions regarding employee recruitment, hiring, retention, promotion, transfer, evaluation, demotion or dismissal. [10]

WACTC prohibits the use of Generative AI in making final determinations on student assessments and evaluations. [8] [9] [11] [13] [14] [37]

Academic Integrity -

The use of Generative AI by students to complete assignments or assessments shall only be allowed to the extent stated and outlined by the teacher for the individual assignment or course. Students shall be notified in advance of the parameters for use of Generative AI in assignments and assessments.

Teachers shall outline use of Generative AI tools and resources in their required lesson plans. [38]

Students and staff shall receive training and be expected to appropriately cite original sources for quotations, facts, information, statistics, dates or the paraphrased statements of others. A Generative AI resource shall be cited when the system's generated content is quoted, paraphrased or otherwise used in the student's work. Lack of citation to AI generated work improperly implies that the work is entirely that of the student. [16]

The Joint Operating Committee permits the use of AI detection tools as an aid to identify potential academic integrity issues, but prohibits reliance on results from AI detection tools as the sole determination of academic integrity.

Copyright -

Individuals using Generative AI tools and resources must comply with federal law and Joint Operating Committee policy regarding the duplication or use of copyrighted materials. [4] [24]

AI-Generated Content Verification -

Individuals using Generative AI tools and resources have a responsibility to apply proper oversight and evaluation of generated information. Generative AI tools shall not be the sole determining factor used to make decisions related to student learning, assessment, academic integrity or conduct. Staff and students should critically evaluate content produced by Generative AI for potential biases or inaccuracies and understand the importance of cross-referencing with trusted resources.

EVAIUATION AND MONITORING OF GENERATIVE AI

Administrators, network supervisors and teaching staff shall establish processes for ongoing evaluation and monitoring of Generative AI tools and resources used within the WACTC and on WACTC computers and network resources, including periodic assessments of the impact on student learning.

Issues identified during the evaluation and monitoring process shall be reported to the Executive Director, Building Administrator, and Network Administrator.

CONSEQUENCES FOR INAPPROPRIATE USE

Failure to comply with this policy or WACTC rules regarding appropriate use of Generative AI including, but not limited to, acceptable use of computer and network resources, shall result in usage restrictions, loss of access privileges, disciplinary action and/or referral to legal authorities. [12] [16] [21] [25] [39]

Students and staff must immediately report any violations or suspicious activity to the building administrator or designee.

Users of Generative AI shall be responsible for damages to the equipment, systems, platforms and software resulting from deliberate, malicious or willful acts. [25] [40]

Illegal use of Generative AI, intentional modification without permission or damage to files or data belonging to others, copyright violations, and theft of services shall be reported to the appropriate legal authorities for possible prosecution.

This policy shall also apply to student conduct that occurs off WACTC property or during non-school hours to the same extent as provided in Joint Operating Committee policy on student discipline. [12] [16] [25] [39]

Legal References

1. 24 P.S. 4601 et seq
2. 47 U.S.C. 254
3. 15 U.S.C. 6501 et seq
4. 17 U.S.C. 101 et seq
5. 20 U.S.C. 1232g
6. 20 U.S.C. 1400 et seq
7. 42 U.S.C. 12101 et seq
8. Pol. 103
9. Pol. 103.1
10. Pol. 104
11. Pol. 113
12. Pol. 113.1
13. Pol. 113.3
14. Pol. 114
15. Pol. 216
16. Pol. 218
17. Pol. 220
18. Pol. 237
19. Pol. 247
20. Pol. 249
21. Pol. 317
22. Pol. 320
23. Pol. 324
24. Pol. 814
25. Pol. 815
26. Pol. 830
27. Pol. 830.1
28. Pol. 105
29. 18 Pa. C.S.A. 5903
30. 18 Pa. C.S.A. 6312
31. 18 U.S.C. 2256
32. 20 U.S.C. 7131
33. 47 CFR 54.520
34. Pol. 308
35. Pol. 818
36. Pol. 138
37. Pol. 127
38. Pol. 111
39. Pol. 233
40. 24 P.S. 4604

18 Pa. C.S.A. 2709
29 U.S.C. 794
28 CFR Part 35
28 CFR Part 36
34 CFR Part 99
34 CFR Part 104
34 CFR Part 300
Pol. 304
Pol. 824

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Electronic Communications and Social Media
Adopted: September 28, 2016

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816. ELECTRONIC COMMUNICATIONS AND SOCIAL MEDIA

Purpose

Western Area Career & Technology Center (WACTC) supports use of social media tools for educational purposes and school-sponsored activities. If an employee communicates through these electronic channels, s/he must maintain professional interaction at all times in accordance with the PA State Code of Conduct. Employees should not publicly defame themselves, WACTC, its students, other WACTC employees, or stakeholders in any way or in any venue. Employees should not foster non-professional relationships with students expressed by any means. Teachers should use the greatest amount of wisdom and professionalism when fostering relationships among adult stakeholders. Employees should use their time on school devices and networks legally, productively, and for work purposes.

A very broad range of Web-based/Internet tools are potentially available for use in the classroom. Staff members must make the WACTC administration aware of the Web-based/Internet tools they wish to use if it is not currently school-provided. Staff members must also provide a means for the administration to monitor, and if necessary, edit any materials shared with students.

Guidelines

Examples of electronic communications in which staff members are prohibited to engage include, but are not limited to:

1. Sending communications to students that are not related to the overall mission of the school.

2. Providing a staff member's personal cell phone number to students, except under limited circumstances, as part of a school-sponsored activity, and with prior approval from the Executive Director and/or Principal.

3. Placing a telephone call to a student's personal cell phone, except under limited circumstances, as part of a WACTC-sponsored activity, and with prior approval from the Executive Director and/or Principal.

4. Sending SMS/text messages to students, except under limited circumstances, as part of a WACTC-sponsored activity, and with prior approval from the Executive Director and/or Principal.

5. E-mailing students from a staff member's personal (non-school provided) email account.

6. Providing students with a staff member's personal email (non-school provided) account/address.

7. "Friending" or otherwise adding students to their circle of contacts on an online social networking site whose function does not involve enhancing WACTC educational goals.

8. Publicly displaying or posting online material that would be disruptive to the educational process, including, but not limited to provocative statements, provocative photographs, and/or other public or online activities that would jeopardize the professional nature of the staff-student relationship.

9. Discussing situations involving employee or student discipline in electronic forums.

10. Use of social media in a matter that interferes with the employee's work obligations or impacts upon another staff member's effectiveness within the WACTC system.

11. Using any WACTC device or network to send or attempt to send a communication anonymously or in any manner so as to disguise the identity of the actual sender.

12. Representing personal opinions as those of the WACTC.

13. Using any WACTC device or network, in violation of any license therefor, to upload, download or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the WACTC, or the WACTC itself.

14. Revealing or publicizing confidential or proprietary information.

15. Disclosing personally identifiable information related to a student, except in strict accordance with Board policy and the Family Educational Rights and Privacy Act and the regulations promulgated thereunder.

16. Using any WACTC device or network to facilitate or participate in blogging, unless used for a clear educational purpose and otherwise consistent with law and Board policy.

17. Using any WACTC device or network to participate in or facilitate chat rooms unless used for a clear educational purpose and otherwise consistent with law and Board policy.

18. Using any WACTC device or network to download files, games, music or video, unless for a clear educational purpose or under the limitations of employee personal use as set forth in established policy and always in accordance with Copyright and Fair Use Guidelines.

19. Sharing passwords to WACTC-operated systems with or allowing passwords to WACTC-operated systems to be used by anyone else.

Any discussion of confidential matter, including discipline, will result in disciplinary action.

Staff members are encouraged to use a WACTC-provided means of communication (e.g. school e-mail, school telephone) when contacting students. However, emergency circumstances may arise that require a staff member to communicate with a student via a non-school provided method of communication. In such an instance, it is the responsibility of the staff member to report such situations to the administration at the first opportunity.

Web-Tools

Web-based/Internet tools that involve some involve some type of two-way communication (e.g. sites that offer the ability to post information) have specific limitations for use by teachers when used with their students. The Executive Director, or his/her designee, may approve for school-wide use or prohibit from school-wide use specific Web-based/Internet tools.

All Web-based/Internet tools to be used by staff members that involve some type of two-way communications must be approved by the administration. Staff members must provide WACTC administrators with accessibility to monitor and, of necessary, edit any materials shared with students.

Any Web-based/Internet tool used with students must have a clear educational purpose.

When creating student accounts, teachers must adhere to the requirements of the Children's Online Privacy Protection Act of 1998. Specifically, teachers must obtain written permission to create accounts for children under the age of thirteen (13).

Teachers and students must conform to the Terms of Use for the specific Web-based/Internet tool. For example, some Web-based/Internet tool's Terms of Use restrict use to those thirteen (13) years or older or eighteen (18) years of older.

All comments or posts made by students must be routed to a teacher for release. Teachers and/or administration are authorized access to delete comments or posts deemed inappropriate.

Consequences

The Executive Director or designee shall be responsible to carry out disciplinary action with regard to improper use of technology.

The consequence for inappropriate use will result in disciplinary action in accordance with established disciplinary procedures and if the inappropriate use violates federal or state laws, it will be formally reported to the proper legal authorities.

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Allowed Personally Owned Device for FBI CJI Use
Adopted: May 23, 2018

816.1 ALLOWED PERSONALLY OWNED DEVICE FOR FBI CJI USE

Purpose

Upon formal written authorization by the Executive Director, a personally owned information system or device shall be authorized to access, process, store or transmit Western Area Career & Technology Center (WACTC), Pennsylvania, or FBI Criminal Justice Information (CJI) when these established and documented specific terms and conditions are met. This control does not apply to the use of personally owned information systems to access the WACTC information systems and information that are intended for public access (e.g., an agency's public website that contains purely public information).

This Personally Owned Device policy was developed using the FBI's *CJIS Security Policy* 5.1 dated July 13, 2012. The intended target audience is WACTC personnel, support personnel and private contractors/vendors. The WACTC may complement this policy with a local policy; however, the *CJIS Security Policy* shall always be the minimum standard and the local policy may augment, or increase the standards, but shall not detract from the *CJIS Security Policy* standards.

Scope

This policy applies to all WACTC personnel, support personnel, and/or private contractors/vendors who are authorized to use personally owned devices to connect to any physical, logical, and/or electronic premise of the WACTC to access, process, store, and/or transmit CJI. This also includes any private contractors/vendors who will conduct maintenance on any network device that processes, stores, and/or transmits FBI CJI.

Personally Owned Devices

A personally owned device is any technology device that was purchased by an individual and was not issued by the WACTC. A personal device includes any portable technology like camera, USB flash drives, USB thumb drives, DVDs, CDs, air cards and mobile wireless devices such as Androids, Blackberry OS, Apple iOS, Windows Mobile, Symbian, tablets, laptops or any personal desktop computer. Threats to mobile handheld devices stem mainly from their size, portability, and available wireless interfaces and associated services.

The WACTC will maintain management control and authorize the use of personally owned devices. The WACTC shall develop guidelines to define which employees can use their own devices, the types of devices they can use, and which applications and data they can access, process, or store on their devices.

Personally owned devices must:

- Be authorized by WACTC to access, process, transmit, and/or store FBI CJI.
- Be inspected by WACTC's IT staff and the LASO to ensure appropriate security requirements on the device are up-to-date and meet the FBI's *CJIS Security Policy* requirements prior to use.
- Take necessary precautions when using device outside of a physically secure area. Read below and also see Physical Protection Policy.

Remote Access

The WACTC shall authorize, monitor, and control all methods of remote access to the information systems that can access, process, transmit, and/or store FBI CJI. Remote access is any temporary access to an agency's information system by a user (or an information system) communicating temporarily through an external, non-agency controlled network (e.g., the Internet).

The WACTC shall employ automated mechanisms to facilitate the monitoring and control of remote access methods. The WACTC shall control all remote accesses through managed access control points. The WACTC may permit remote access for privileged functions only for compelling operational needs but shall document the rationale for such access in the security plan for the information system.

Utilizing publicly accessible computers to access, process, store or transmit CJI is prohibited. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.

Roles and Responsibilities

Owner Role: The owner agrees to:

- Follow necessary policy and procedures to protect FBI CJI.
- Usage of their device will be for work-related purposes.
- Bring their device to work to use during normal work hours and not share the device with anyone else.
- WACTC having the authority to erase device remotely as needed.
- Be responsible for any financial obligations for device.
- Protect individual's and WACTC's privacy.
- Use good judgement before installing free applications. Sometimes free applications track your personal information with limited disclosure or authorization, and then sell your profile to advertising companies.
- Use good judgement on amount of time applied to personal use of personally owned devices during normal work business hours.
- Access FBI CJI only from an approved and authorized storage device.
- Do not stream music or videos using personally owned devices when connected to WACTC's network to prevent sluggishness.
- Report lost or stolen mobile or storage devices to the WACTC's Local Agency Security Officer (LASO) within one business day.
- Review the use of device alerts and update services to validate you requested them. Restrict notifications not requested by looking at your device's settings.
- Control wireless network and service connectivity. Validate mobile device default settings are not connecting to nearby Wi-Fi networks automatically. Some of these networks, like in airports or neighborhood coffee shops, may be completely open and unsecure.

Information Technology Role:

The WACTC IT support role shall, at a minimum, ensure that external storage devices:

- Are encrypted when FBI CJI is stored electronically.
- Are scanned for virus and malware prior to use and/or prior to being connected to the agency's computer or laptop.

The WACTC IT support role shall, at a minimum, ensure that all personally owned devices:

- Apply available critical patches and upgrades to the device operating system.
- Are kept updated with security patches, firmware updates and antivirus.
- Are configured for local device authentication.
- Use advanced authentication and encryption when FBI CJI is stored and/or transmitted.
- Be able to deliver built-in identity role-mapping, network access control (NAC), AAA (Authentication, Authorization, and Accounting) services, and real-time endpoint reporting.
- Erase cached information when session is terminated.
- Employ personal firewalls.
- Minimize security risks by ensuring antivirus and antimalware are installed, running real time and updated.
- Be scanned for viruses and malware prior to accessing or connecting to WACTC CJIS network.

- Configure Bluetooth interface as undiscoverable except as needed for pairing, which prevents visibility to other Bluetooth devices except when discovery is specifically needed.
- Be properly disposed of at end of life. See Media Disposal Policy. Remove FBI CJI before owner sells their personally owned devices or sends it in for repairs.
- Evaluate personally owned device age. Older device hardware is too outdated for needed updates. Typical life is two years.
- Ensure device is compatible with needed network protocols and/or compatible with customized applications developed for access FBI CJI through testing.
- Deploy Mobile Device Management or SIM card locks and credential functions. The credential functions require a pass code to use WACTC's network services. *(Research enterprise mobile device management solutions- see product working successfully in real life scenario with the type of mobile device your State/Agency wants to use prior to implementing. The enterprise mobile device solution must be compatible with chosen device products.)*
- Ensure owner and IT staff have mobile backup enabled to an approved WACTC location. Set a daily or weekly schedule to periodically synch data and applications. If backup contains FBI CJI, take appropriate security measures for storage of FBI CJI. See Media Protection Policy.
- Retain the ability to secure, control and remotely erase agency data on employee-owned devices in the event of a security breach or if the employee leaves the agency employment or the device is lost or stolen. This remote ability can be done through technology that allows virtual access to company applications.
- Enable mobile device in a "find my phone" service to allow finding device.
- Consider adding extra protection such as a total device reset if the PIN is guessed incorrectly a certain number of attempts.
- Be able to easily identify connected users and devices. Track, log and manage every personally used device allowed to connect to agency technology resources for secure FBI CJI access.
- Perform pre and post-authentication checks.
- Ability to allow and deny access. Selectively grant proper network access privileges.

Local Area Security Officer (LASO):

The LASO will:

- Identify who is using the personally owned approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.
- Identify and document how the equipment is connected to the state system.
- Ensure that personnel security screening procedures are being followed as stated in this policy.
- Ensure the approved and appropriate security measures are in place and working as expected.
- Support policy compliance and ensure the CSA ISO is promptly informed of security incidents.

Penalties

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination. Personally owned information technology resources used may be retained by the WACTC for evaluation in investigation of security violations.

Violation of any of the requirements in this policy by any unauthorized person can result in similar disciplinary action against the device owner, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

Acknowledgement

The WACTC, agency personnel, IT support, private contractors/vendors, and the LASO alike will agree to commit to all bring your own (BYO) rules and will execute the following acknowledgement:

I have read the policy and rules above and I will:

- Authorize the WACTC to remotely wipe my mobile device.
- Abide by the WACTC Personally Owned Device policy. I understand any violation of this policy may result in discipline up to and including termination.
- Complete the security awareness training and take action to protect WACTC facilities, personnel and associated information systems.
- Report any unauthorized device access to WACTC LASO.

Signature: _____ Date: _____20____

Questions

Any questions related to this policy may be directed to the WACTC's LASO:

LASO Name: Brad F. Worls	LASO Phone: 724-746-2890 Ext. 164	LASO email: bworls@wactc.net
State CSO/ISO Name:	CSO/ISO Phone:	CSO/ISO email:

Other Related Policy Reference:

- See Media Sanitization and Destruction Policy
- Physical Protection Policy

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Media Protection of Criminal Justice Information
Adopted: May 23, 2018

816.2 MEDIA PROTECTION OF CRIMINAL JUSTICE INFORMATION

Purpose

The intent of the Media Protection policy is to ensure the protection of the Criminal Justice Information (CJI) until such time as the information is either released to the public via authorized dissemination (e.g. within a court system or when presented in crime reports data), or is purged or destroyed in accordance with applicable record retention rules.

This Media Protection Policy was developed using the FBI's Criminal Justice Information Services (CJIS) Security Policy 5.1 dated 7/13/2012. The Western Area Career & Technology Center (WACTC) may complement this policy with a local policy; however, the CJIS Security Policy shall always be the minimum standard. The local policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

Scope

The scope of this policy applies to any electronic or physical media containing FBI Criminal Justice Information (CJI) while being stored, accessed or physically moved from a secure location from the WACTC. This policy applies to any authorized person who accesses, stores, and / or transports electronic or physical media. Transporting CJI outside the agency's assigned physically secure area must be monitored and controlled.

Authorized WACTC personnel shall protect and control electronic and physical CJI while at rest and in transit. The WACTC will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate CJI disclosure and/or use will be reported to the WACTC Local Agency Security Officer (LASO). Procedures shall be defined for securely handling, transporting and storing media.

No one is permitted to access, process, transmit and/or store FBI CJI without formal written authorization from the Executive Director.

Media Storage and Access

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

To protect CJI, the WACTC personnel shall:

- Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.
- Restrict access to electronic and physical media to authorized individuals.
- Ensure that only authorized users remove printed form or digital media from the CJI.
- Physically protect CJI until media end of life. End of life CJI is destroyed or sanitized using approved equipment, techniques and procedures. (See Sanitization Destruction Policy)
- Not use personally owned information system to access, process, store, or transmit CJI unless the WACTC has established and documented the specific terms and conditions for personally owned information system usage. (See Personally Owned Device Policy)

- Not utilize publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
- Store all hardcopy CJI printouts maintained by the WACTC in a secure area accessible to only those employees whose job function require them to handle such documents.
- Safeguard all CJI by the WACTC against possible misuse by complying with the Physical Protection Policy, Personally Owned Device Policy, and Disciplinary Policy.
- Take appropriate action when in possession of CJI while not in a secure area:

    - CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.
    - Precautions must be taken to obscure CJI from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session lock use and /or privacy screens. CJI shall not be left in plain public view. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.

        - When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from computers, printers and copiers used with CJI. In addition, storage devices include thumb drives, flash drives, back-up tapes, mobile devices, laptops, etc.
        - When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.

- Lock or log off computer when not in immediate vicinity of work area to protect CJI. Not all personnel have same CJI access permissions and need to keep CJI protected on a need-to-know basis.
- Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of CJI. (See Physical Protection Policy)

Media Transport

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. "Electronic media" means electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card.

Dissemination to another agency is authorized if:

- The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or
- The other agency is performing personnel and appointment functions for criminal justice employment applicants.

The WACTC personnel shall:

- Protect and control electronic and physical media during transport outside of controlled areas.
- Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.

The WACTC personnel will control, protect, and secure electronic and physical media during transport from public disclosure by:

- Use of privacy statements in electronic and paper documents.
- Limiting the collection, disclosure, sharing and use of CJI.

- Following the least privilege and role based rules for allowing access. Limit access to CJI to only those people or roles that require access.
- Securing hand carried confidential electronic and paper documents by:
    - Storing CJI in a locked briefcase or lockbox.
    - Only viewing or accessing the CJI electronically or document printouts in a physically secure location by authorized personnel.
    - For hard copy printouts or CJI documents:
        - Package hard copy printouts in such a way as to not have any CJI information viewable.
        - That are mailed or shipped, agency must document procedures and only release to authorized individuals. DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL. Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history, and signature confirmation of delivery. (Agency Discretion)
- Not taking CJI home or when traveling unless authorized by WACTC LASO. When disposing confidential documents, use a shredder.

Electronic Media Sanitization and Disposal

The agency shall sanitize, that is, overwrite at least three times or degauss electronic media prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel. Physical media shall be securely disposed of when no longer required, using formal procedures. For end of life media policy, refer to “Sanitization Destruction Policy”.

Breach Notification and Incident Reporting

The agency shall promptly report incident information to appropriate authorities. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Incident-related information can be obtained from a variety of sources including, but not limited to, audit monitoring, network monitoring, physical access monitoring, and user/administrator reports.

Roles and Responsibilities

If CJI is improperly disclosed, lost, or reported as not received, the following procedures must be immediately followed:

- WACTC personnel shall notify his/her supervisor or LASO, and an incident-report form must be completed and submitted within 24 hours of discovery of the incident. The submitted report is to contain a detailed account of the incident, events leading to the incident, and steps taken/to be taken in response to the incident. (Agency Discretion)
- The supervisor will communicate the situation to the LASO to notify of the loss or disclosure of CJI records.
- The LASO will ensure the CSA ISO (CJIS System Agency Information Security Officer) is promptly informed of security incidents.
- The CSA ISO will:
    - Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected criminal justice agency, and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJI.
    - Collect and disseminate all incident-related information received from the Department of Justice (DOJ), FBI CJIS Division, and other entities to the appropriate local law enforcement POCs within their area.
    - Act as a single POC for their jurisdictional area for requesting incident response assistance.

Penalties

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and / or termination.

Acknowledgement

The WACTC, agency personnel, IT support, private contractors/vendors, and the LASO alike will agree to commit to the Media Protection Policy and will execute the following acknowledgement:

I have read the policy and rules above and I will:

- Abide by the WACTC's Media Protection Policy. I understand any violation of this policy may result in discipline up to and including termination.
- Report any WACTC CJI security incident to Supervisor and / or LASO as identified in this policy.

Signature: _____ Date: _____20____

Questions

Any questions related to this policy may be directed to the WACTC's LASO.

LASO Name: Brad F. Worls	LASO Phone: 724-746-2890 Ext. 164	LASO email: bworls@wactc.net
State C/ISO Name:	C/ISO Phone:	C/ISO email:

Other Related Policy Reference:

- See Media Sanitization and Destruction Policy
- Media Disposal Policy
- Physical Protection Policy

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Physical Protection of Criminal Justice Information
Adopted: May 23, 2018

816.3 PHYSICAL PROTECTION OF CRIMINAL JUSTICE INFORMATION

Purpose

The purpose of this policy is to provide guidance for agency personnel, support personnel, and private contractors/vendors for the physical, logical, and electronic protection of Criminal Justice Information (CJI). All physical, logical, and electronic access must be properly documented, authorized and controlled on devices that store, process, or transmit unencrypted CJI. This Physical Protection Policy focuses on the appropriate access control methods needed to protect the full lifecycle of CJI from insider and outsider threats.

This Physical Protection Policy was developed using the FBI's *CJIS Security Policy* 5.1 dated July 13, 2012. The intended target audience is Western Area Career & Technology Center (WACTC) personnel, support personnel, and private contractor/vendors with access to CJI whether logically or physically. The local agency may complement this policy with a local policy; however, the *CJIS Security Policy* shall always be the minimum standard and local policy may augment, or increase the standards, but shall not detract from the *CJIS Security Policy* standards.

Physically Secure Location

A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Security perimeters shall be defined, controlled, and secured. Restricted non-public areas in the WACTC shall be identified with a sign at the entrance. When room is not occupied, the computer will be logged off and the door secured where only the Executive Director, Maintenance Supervisor and Janitors have access.

Visitors Access

A visitor is defined as a person who visits the WACTC facility on a temporary basis who is not employed by the WACTC and has no unescorted access to the physically secure location within the WACTC where FBI CJI and associated information systems are located. For agencies with jails with CJIS terminals, additional visit specifications need to be established per agency purview and approval.

Visitors shall:

- Check in before entering a physically secure location by:
    - Completing the visitor access log, which includes: name and visitor's agency, purpose for the visit, date of visit, time of arrival and departure, name and agency of person visited, and form of identification used to authenticate visitor.
    - Document badge number on visitor log if visitor badge issued. If WACTC issues visitor badges, the visitor badge shall be worn on approved visitor's outer clothing and collected by the agency at the end of the visit.
    - Planning to check or sign-in multiple times if visiting multiple physically secured locations and/or building facilities that are not adjacent or bordering each other that each has their own individual perimeter security to protect CJI.
- Be accompanied by a WACTC escort at all times to include delivery or service personnel. An escort is defined as an authorized personnel who accompanies a visitor at all times while within a physically secure

location to ensure the protection and integrity of the physically secure location and any CJI therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.

- Show WACTC personnel a valid form of photo identification.

- Follow WACTC policy for authorized unescorted access.

    - Noncriminal Justice Agency (NCJA) like city or county IT who require frequent unescorted access to restricted area(s) will be required to establish a Management Control Agreement between the WACTC and NCJA. Each NCJA employee with CJI access will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.
    - Private contractors/vendors who requires frequent unescorted access to restricted area(s) will be required to establish a Security Addendum between the WACTC and each private contractor personnel. Each private contractor personnel will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.

- Not be allowed to view screen information mitigating shoulder surfing.

- Individuals not having any legitimate business in a restricted area shall be courteously escorted to a public area of the facility. Strangers in physically secure areas without an escort should be challenged. If resistance or behavior of a threatening or suspicious nature is encountered, sworn personnel shall be notified or call 911.

- Not be allowed to sponsor another visitor.

- Not enter into a secure area with electronic devices unless approved by the WACTC Local Area Security Officer (LASO) to include cameras and mobile devices. Photographs are not allowed without permission of the WACTC assigned personnel.

- All requests by groups for tours of the WACTC facility will be referred to the proper agency point of contact for scheduling. In most cases, these groups will be handled by a single form, to be signed by a designated group leader or representative. Remaining visitor rules apply for each visitor within the group. The group leader will provide a list of names to front desk personnel for instances of emergency evacuation and accountability of each visitor while on agency premises.

Authorized Physical Access

Only authorized personnel will have access to physically secure non-public locations. The WACTC will maintain and keep current a list of authorized personnel. All physical access points into the agency's secure areas will be authorized before granting access. The agency will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

All personnel with CJI physical and logical access must:

- Meet the minimum personnel screening requirements prior to CJI access.

    - To verify identification, a state of residency and national fingerprint-based record checks shall be conducted within 30 days of assignment for all personnel who have direct access to CJI and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI.
    - Support personnel, private contractors/vendors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a state and national fingerprint-based record check unless these individuals are escorted by authorized personnel at all times.

  - Prior to granting access to CJI, the WACTC on whose behalf the contractor is retained shall verify identification via a state of residency and national fingerprint-based record check.
  - Refer to the *CJIS Security Policy* for handling cases of felony convictions, criminal records, arrest histories, etc.

- Complete security awareness training.
  - All authorized WACTC, Noncriminal Justice Agencies (NCJA) like city or county IT and private contractor/vendor personnel will receive security awareness training within six months of being granted duties that require CJI access and every two years thereafter.
  - Security awareness training will cover areas specified in the *CJIS Security Policy* at a minimum.

- Be aware of who is in their secure area before accessing confidential data.
  - Take appropriate action to protect all confidential data.
  - Protect all terminal monitors with viewable CJI displayed on monitor and not allow viewing by the public or escorted visitors.

- Properly protect and not share any individually issued keys, proximity cards, computer account passwords, etc.
  - Report loss of issued keys, proximity cards, etc., to authorized agency personnel.
  - If the loss occurs after normal business hours, or on weekends or holidays, personnel are to call the WACTC POC to have authorized credentials like a proximity card de-activated and/or door locks possibly rekeyed.
  - Safeguard and not share passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smartcard), and all other facility and computer systems security access procedures. See Disciplinary Policy.

- Properly protect from viruses, worms, Trojan horses, and other malicious code.

- Web usage—allowed versus prohibited; monitoring of user activity. (allowed versus prohibited is at the agency's discretion)

- Do not use personally owned devices on the WACTC computers with CJI access. (Agency discretion). See Personally Owned Policy.

- Use of electronic media is allowed only by authorized WACTC personnel. Controls shall be in place to protect electronic media and printouts containing CJI while in transport. When CJI is physically moved from a secure location to a non-secure location, appropriate controls will prevent data compromise and/or unauthorized access.

- Encrypt emails when electronic mail is allowed to transmit CJI-related data as such in the case of Information Exchange Agreements.
  - (Agency Discretion for allowance of CJI via email)
  - If CJI is transmitted by email, the email must be encrypted and email recipient must be authorized to receive and view CJI.
- Report any physical security incidents to the WACTC's LASO to include facility access violations, loss of CJI, loss of laptops, Blackberries, thumb drives, CDs/DVDs and printouts containing CJI.

- Properly release hard copy printouts of CJI only to authorized vetted and authorized personnel in a secure envelope and shred or burn hard copy printouts when no longer needed. Information should be shared on a "need to know" basis. (See Sanitization and Destruction Policy)

- Ensure data centers with CJI are physically and logically secure.

- Keep appropriate WACTC security personnel informed when CJI access is no longer needed. In the event of ended employment, the individual must surrender all property and access managed by the local agency, state and/or federal agencies.

- Not use food or drink around in formation technology equipment.

- Know which door to use for proper entry and exit of the WACTC and only use marked alarmed fire exits in emergency situations.

- Ensure the perimeter security door securely locks after entry or departure. Do not leave any perimeter door propped opened and take measures to prevent piggybacking entries.

Roles and Responsibilities

Terminal Agency Coordinator (TAC):

The TAC serves as the point-of-contact at the WACTC for matters relating to CJIS information access. The TAC administers CJIS systems programs within the agency and oversees the agency's compliance with FBI and state CJIS systems policies.

Local Agency Security Officer (LASO):

Each LASO shall:

- Identify who is using the CSA (state) approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.
- Identify and document how the equipment is connected to the state system.
- Ensure that personnel security screening procedures are being followed as stated in this policy.
- Ensure the approved and appropriate security measures are in place and working as expected.
- Support policy compliance and ensure the CSA ISO is promptly informed of security incidents.

Agency Coordinator (AC):

An AC is a staff member of the Contracting Government Agency (CGA) who manages the agreement between the private contractor(s)/vendor(s) and the WACTC. A CGA is a government agency, whether a Criminal Justice Agency (CJA) or a NCJA, that enters into an agreement with a private contractor/vendor subject to the CJIS Security Addendum. The AC shall be responsible for the supervision and integrity of the system, training and continuing education of private contractor/vendor employees and operators, scheduling of initial training and testing, and certification testing and all required reports by NCIC.

CJIS System Agency Information Security Officer (CSA ISO):

The CSA ISO shall:

- Serve as the security point of contact (POC) to the FBI CJIS Division ISO.
- Document technical compliance with the CJIS Security Policy with the goal to assure the confidentiality, integrity, and availability of criminal justice information to the user community throughout the CSA's user community, to include the local level.
- Document and provide assistance for implementing the security-related controls for the Interface Agency and its users.
- ISOs have been identified as the POC on security-related issues for their respective agencies and shall ensure LASOs institute the CSA incident response reporting procedures at the local level. Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected criminal justice agency, and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJI.

Information Technology Support:

In coordination with above roles, all vetted IT support staff will protect CJI from compromise at the WACTC by performing the following:

- Protect information subject to confidentiality concerns—in systems, archived, on backup media, and until destroyed. Know where CJI is stored, printed, copied, transmitted and planned end of life. CJI is stored on laptops, mobile data terminals (MDTs), computers, servers, tape backups, CDs, DVDs, thumb drives, RISC devices and internet connections as authorized by the WACTC. For agencies who submit fingerprints using Live Scan terminals, only Live Scan terminals that receive CJI back to the Live Scan terminal will be assessed for physical security.

- Be knowledgeable of required WACTC technical requirements and policies taking appropriate preventative measures and corrective actions to protect CJI at rest, in transit and at the end of life.

- Take appropriate action to ensure maximum uptime of CJI and expedited backup restores by using agency approved best practices for power backup and data backup means such as generators, backup universal power supplies on CJI-based terminals, servers, switches, etc.

- Properly protect the WACTC's CJIS system(s) from viruses, worms, Trojan horses, and other malicious code (real-time scanning and ensure updated definitions).

    - Install and update antivirus on computers, laptops, MDTs, servers, etc.
    - Scan any outside non-agency owned CDs, DVDs, thumb drives, etc., for viruses, if the WACTC allows the use of personally owned devices. (See the WACTC Personally Owned Device Policy)

- Data backup and storage—centralized or decentralized approach.

    - Perform data backups and take appropriate measures to protect all stored CJI.
    - Ensure only authorized vetted personnel transport off-site tape backups or any other media that store CJI that is removed from physically secured location.
    - Ensure any media released from the WACTC is properly sanitized / destroyed. (See Sanitization and Destruction Policy)

- Timely application of system patches—part of configuration management.

    - The agency shall identify applications, services, and information systems containing software or components affected by recently announced software flaws and potential vulnerabilities resulting from those flaws.
    - When applicable, see the WACTC Patch Management Policy.

- Access control measures

    - Address least privilege and separation of duties.
    - Enable event logging of:
        - Successful and unsuccessful system log-on attempts.
        - Successful and unsuccessful attempts to access, create, write, delete or change permission on a user account, file, directory or other system resource.
        - Successful and unsuccessful attempts to change account passwords.
        - Successful and unsuccessful actions by privileged accounts.
        - Successful and unsuccessful attempts for users to access, modify, or destroy the audit log file.
    - Prevent authorized users from utilizing publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.

- Account Management in coordination with TAC

    - Agencies shall ensure that all user IDs belong to currently authorized users.
    - Keep login access current, updated and monitored. Remove or disable terminated or transferred or associated accounts.
    - Authenticate verified users as uniquely identified.
    - Prevent multiple concurrent active sessions for one user identification, for those applications accessing CJI, unless the agency grants authority based upon operational business needs.
    - Not use shared generic or default administrative user accounts or passwords for any device used with CJI.

- Passwords

    - Be a minimum length of eight (8) characters on all systems.
    - Not be a dictionary word or proper name.
    - Not be the same as the User ID.
    - Expire within a maximum of 90 calendar days.
    - Not be identical to the previous ten (10) passwords.
    - Not be transmitted in the clear or plaintext outside the secure location.
    - Not be displayed when entered.
    - Ensure passwords are only reset for authorized user.

- Network infrastructure protection measures

    - Take action to protect CJI-related data from unauthorized public access.
    - Control access, monitor, enabling and updating configurations of boundary protection firewalls.
    - Enable and update personal firewall on mobile devices as needed.
    - Ensure confidential electronic data is only transmitted on secure network channels using encryption and *advanced authentication when leaving a physically secure location. No confidential data should be transmitted in clear text. **Note: for interim compliance, and for the sole purpose of meeting the advanced authentication policy, a police vehicle shall be considered a physically secure location until September 30th 2013. For the purposes of this policy, a police vehicle is defined as an enclosed criminal justice conveyance with the capability to comply, during operational periods.*
    - Ensure any media that is removed from a physically secured location is encrypted in transit by a person or network.
    - Not use default accounts on network equipment that passes CJI like switches, routers, firewalls.
    - Make sure law enforcement networks with CJI shall be on their own network accessible by authorized personnel who have been vetted by the WACTC. Utilize Virtual Local Area Network (VLAN) technology to segment CJI traffic from other noncriminal justice agency traffic to include other city and/or county agencies using same wide area network.

- Communicate and keep the WACTC informed of all scheduled and unscheduled network and computer downtimes, all security incidents and misuse. The ultimate information technology management control belongs to WACTC.

Front desk and Visitor Sponsoring Personnel

Administration of the Visitor Check-In / Check-Out procedure is the responsibility of identified individuals in each facility. In most facilities, this duty is done by the Front desk or Reception Desk.

Prior to visitor gaining access to physically secure area:

- The visitor will be screened by the WACTC personnel for weapons. No weapons are allowed in the agency except when carried by authorized personnel as deemed authorized by the WACTC.
- The visitor will be screened for electronic devices. No personal electronic devices are allowed in any agency facility except when carried by authorized personnel as deemed authorized by the WACTC.

- Escort personnel will acknowledge being responsible for properly evacuating visitor in cases of emergency. Escort personnel will know appropriate evacuation routes and procedures.
- Escort and/or Front desk personnel will validate visitor is not leaving agency with any agency owned equipment or sensitive data prior to Visitor departure.

All WACTC personnel and supporting entities are responsible to report any unauthorized physical, logical, and electronic access to the WACTC officials. For WACTC, the point of contacts to report any non-secure access is:

LASO Name: Brad F. Worls	LASO Phone: 724-746-2890 Ext. 164	LASO email: bworls@wactc.net
AC Name:	AC Phone:	AC email:
State C/ISO Name:	C/ISO Phone:	C/ISO email:

Penalties

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and / or termination.

Violation of any of the requirements in this policy by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

Acknowledgement

The WACTC, agency personnel, IT support, private contractors/vendors, and the LASO alike will agree to the Physical Protection Policy and will execute the following acknowledgement:

I have read the policy and rules above and I will:

- Abide by the WACTC Physical Protection Policy. I understand any violation of this policy may result in discipline up to and including termination.
- Complete the security awareness training and take action to protect the WACTC's facilities, personnel and associated information systems.
- Report any unauthorized physical access to the WACTC's LASO.

Signature: _____ Date: _____20____

Other Related Policy Reference:

- Sanitization and Destruction Policy
- Disciplinary Policy
- *CJIS Security Policy*

EOE

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Disposal of FBI CJI Media Policy and Procedures
Adopted: May 23, 2018

816.4 DISPOSAL OF FBI CJI MEDIA POLICY AND PROCEDURES

Purpose

The purpose of this policy is to outline the proper disposal of media (physical or electronic) at Western Area Career & Technology Center (WACTC). These rules are in place to protect sensitive and classified information, employees and WACTC. Inappropriate disposal of WACTC and FBI Criminal Justice Information (CJI) and media may put employees, WACTC and the FBI at risk.

Scope

This policy applies to all WACTC employees, contractors, temporary staff, and other workers at WACTC, with access to FBI CJIS systems and/or data, sensitive and classified data, and media. This policy applies to all equipment that processes, stores, and/or transmits FBI CJI and classified and sensitive data that is owned or leased by WACTC.

Policy

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI and classified and sensitive data shall be properly disposed of in accordance with measures established by WACTC.

Physical media (print-outs and other physical media) shall be disposed of by one of the following methods:

1) shredding using WACTC issued shredders.
2) placed in locked shredding bins for private contractor] to come on-site and shred, witnessed by WACTC personnel throughout the entire process.
3) incineration using WACTC incinerators or witnessed by WACTC personnel onsite at agency or at contractor incineration site, if conducted by non-authorized personnel.

Electronic media (hard-drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier Hard-drives, etc.) shall be disposed of by one of the WACTC methods:

1) **Overwriting (at least 3 times)** - an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located.
2) **Degaussing -** a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.
3) **Destruction –** a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall not be released from WACTC's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

Enforcement

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination.

EOE

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Contracted Services
Adopted: January 24, 2007

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818. CONTRACTED SERVICES

In an effort to provide cost-effective programs, the Western Area Career & Technology Center Joint Operating Committee recognizes the need to utilize contracted services in certain circumstances. It shall supervise and evaluate such services to assure their effectiveness. This policy is to assist the Joint Operating Committee in maintaining qualified and legally certified services.

The Joint Operating Committee shall contract only with vendors who are qualified and legally certified. It shall ensure that independent contractors and their employees who have direct contact with students comply with the mandatory background check requirements for criminal history and child abuse.

The Director or designee shall prepare procedures to assure compliance with all legal requirements for contracted services.

Failure to comply with this policy and the background check requirements by an independent contractor shall lead to cancellation of the contract. Mandatory background check requirements will be included in all bidding specifications for contracted services.

School Code 111
23 PA C.S.A. 6301

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Youth Suicide Awareness and Prevention Policy
Adopted: January 24, 2015
Revised: September 23, 2015

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819. YOUTH SUICIDE AWARENESS AND PREVENTION POLICY

Purpose

The Western Area Career & Technology Center (WACTC) Joint Operating Committee recognizes that suicide and suicidal attempts by adolescents have increased at an alarming rate. In an effort to intervene in a sensitive, caring manner, the school shall make every effort to prevent suicide from occurring, identifying individuals at risk, and intervene to manage a crisis should one occur.

WACTC adopts this policy in acknowledgment of its commitment to maintain a safe school environment; to protect the health, safety and welfare of its students; to promote health development; and to safeguard against the threat or attempt of suicide among school-aged youth. The impact of students' mental health on their academic performance and the effect of mental health issues and suicide on students and the entire school community are significant. Therefore, in order to ensure the safety and welfare of students, WACTC will work to educate school personnel and students on the actions and resources necessary to prevent suicide and promote mental well-being.

While school entities within the Commonwealth cannot and do not assume responsibility for the self-destructive behavior of their students and staff, they are frequently the only institution with daily contact. The Joint Operating Committee believes that life-threatened individuals require necessary help as quickly and professionally as possible. To that end, it waives student confidentiality in this type of situation.

Authority

This policy shall apply in any situation where a student is expressing suicidal thoughts or intentions or self-harm on school property, at any school-sponsored activity, or on any public vehicle providing transportation to or from a school or school-sponsored activity. This policy shall also apply following a student's suicide threat or attempt that does not occur on school grounds or during a school-sponsored activity, but that is reported to any school personnel.

Publication

WACTC will notify its school personnel, students and parents/guardians of this policy and will post the policy on the WACTC website.

Definitions

At-Risk for Suicide shall mean any youth with risk factors or warning signs that increase the likelihood of suicidal behavior.

Chief School Administrator shall mean the WACTC Executive Director.

Crisis Response Team shall include, but may not be limited to, the administrators, guidance counselors, school health care professional, social worker, and school resource officers, and/or other members of the Student Assistance Program (SAP), as designated, and may include other members as deemed appropriate by the Chief School Administrator. Community mental agency resources may be called for assistance to be a part of the team.

Expressed Suicidal Thoughts or Intentions shall mean a verbal or nonverbal communication that an individual intends to harm him/himself with the intention to die, but has not acted on the behavior.

Prevention refers to efforts that seek to reduce the factors that increase the risk for suicidal thoughts and behaviors and increase the factors that help strengthen, support, and protect individuals from suicide.

Protective Factors shall refer to characteristics (biological, psychological, and social) that reduce risk and the likelihood of the individual developing a mental illness.

Resilience shall refer to an individual's innate ability to persevere in the face of adversity and reduce the risk of unhealthy outcomes.

Risk Factors shall mean the personal or environmental characteristics associated with suicide. People affected by one or more of these risk factors have a greater probability of suicidal behavior.

School Connectedness shall mean the belief by students that adults and peers in the school care about their learning as well as about them as individuals.

School Personnel include, but may not be limited to, administrators, teachers, paraprofessionals, support staff, bus drivers, and custodians.

Suicide shall refer to death caused by self-directed injurious behavior with any intent to die as a result of the behavior.

Suicidal Act or Suicide Attempt shall mean a potentially self-injurious behavior for which there is evidence that the person probably intended to kill him/himself; a suicidal act may result in death, injuries, or no injuries.

Warning Signs are evidence-based indicators that someone may be in danger of suicide, either immediately or in the very near future.

Suicide Awareness and Prevention

WACTC shall establish crises response/student assistance teams that includes a suicide component with the following goals:

1. Develop a coordinated procedure to intervene in life-threatening situations.

2. Enlist the support, awareness, and involvement of all staff in the identification of suicidal signs.

3. Utilize existing community resources to facilitate immediate intervention in life-threatening situations.

4. Encourage and train staff to react in a calm, knowledgeable, professional manner when confronted with specific life-threatening situations.

5. Provide intervention services to students contemplating suicide.

6. Cooperate in all efforts that join home, school, and community in safeguarding and promoting the mental health needs of students.

A staff member showing suicide signs or ideations shall be handled discriminately and professionally.

<u>Staff Development</u>

All school personnel, including, but not limited to, administrators, teachers, paraprofessionals, support staff, bus drivers, and custodians shall receive information regarding the school's protocols for suicide awareness and prevention. Education will be provided for all school personnel about the importance of suicide prevention

and recognition of suicide risk factors, as well as strategies to enhance protective factors, resilience, and school connectedness. Additionally, all school personnel will be educated about the warning signs and risk factors for youth depression and suicide through participation in four (4) hours of youth suicide awareness and prevention training every five (5) years.

Prevention Education for Students

Classroom teachers and/or student support personnel that provide age-appropriate lessons through appropriate curricula on the importance of safe and healthy choices, as well as help seeking strategies for self and/or others. Lessons shall contain information on comprehensive health and wellness, including emotional, behavioral and social skills development. Students shall be taught not to make promises of confidence when they are concerned about a peer or significant other.

Intervention/Prevention

In compliance with state regulations and in support of the school's suicide prevention methods, information received in confidence from a student may be revealed to the student's parents or guardians, the building principal or other appropriate authority when the health, welfare or safety of the student or other persons is at risk.

Any school personnel who has identified a student with one or more risk factors, or warning signs, or who has an indication that a student may be contemplating suicide, shall refer the student for further assessment and intervention in accordance with the school entity's referral procedures.

The school entity shall create an emotional or mental health safety plan to support a student and the student's family if the student has been identified as being at increased risk of suicide.

For students with disabilities who are identified as being at-risk for suicide or who attempt suicide, the appropriate team shall be notified and shall address the student's needs in accordance with applicable law, regulations and Board policy.

If a student is identified as being at-risk for suicide or attempts suicide and requires special education services or accommodations, the Executive Director shall be notified and shall take action to address the student's needs in accordance with applicable law, regulations and Board policy.

Any school personnel who are made aware of any threat or witnesses any attempt towards self-harm that is written, drawn, spoken, or threatened shall immediately notify the principal or designee. Any threat in any form shall be treated as real and dealt with immediately. No student should be left alone, nor confidences promised. In cases of life-threatening situations, a student's confidentiality will be waived. The school entity's crisis response procedures shall be implemented.

If an expressed suicide thought or intention is made known to any school personnel during an afterschool program and the principal or designee are not available, call 1-877-255-3567 (Washington County Crises Line), 1-800-SUICIDE, or 1-800-273-TALK for help. Thereafter, immediately inform the principal of the incident and actions taken.

Procedures for Parental Involvement

Parent or guardian of a student identified as being at risk of suicide must be immediately notified by the school and must be involved in consequent actions. If any mandated reporter suspects that a student's risk status is the result of abuse or neglect, that individual must comply with the reporting requirements of the Child Protective Services Law.

If the parent or guardian refuse to cooperate and there is any doubt regarding the child's safety, the school personnel who directly witnessed the expressed suicide thought or intention will pursue a 302 involuntary mental health assessment by the Washington County Crisis Center (1-877-255-3567) and ask for a delegate.

and recognition of suicide risk factors, as well as strategies to enhance protective factors, resilience, and school connectedness. Additionally, all school personnel will be educated about the warning signs and risk factors for youth depression and suicide through participation in four (4) hours of youth suicide awareness and prevention training every five (5) years.

Response to Suicide or Suicide Attempt on Campus

The first school personnel on the scene of a suicide or suicide attempt must follow proper crisis response procedures and shall immediately notify the principal or designee.

The school will immediately notify the parents or guardians of the affected student(s).

Individual professionals or outside agencies may be used as consultants to the school staff if severe trauma to students, families, or the faculty is evident.

In the event that the school is contacted by the media, the Director or designee shall make a specific statement. The response shall be brief, making every effort to protect the rights of the deceased and the requirement of family privacy.

Resources for Youth Suicide Awareness and Prevention

A comprehensive set of resources for youth suicide awareness and prevention is accessible through the Department of Education at www.education.pa.gov

PA Youth Suicide Prevention Initiative http://payspi.org

October 2014 Dear Colleague Letter related to peer harassment of students with disabilities: http://www2.ed.gov/about/offices/list/ocr/publications.html#Section504

Suicide Prevention Resource Center – http://www.sprc.org/

American Foundation for Suicide Prevention – http://www.afsp.org/

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Maintaining Professional Adult/Student Boundaries
Adopted: September 28, 2016
Revised:

820. MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES

Authority

This policy applies to school employees, volunteers, student teachers, and independent contractors and their employees who interact with students or are present on school grounds. For purposes of this policy, such individuals are referred to collectively as adults. The term adults as used in this policy does not include students who perform services on a volunteer or compensated basis.

All adults shall be expected to maintain professional, moral and ethical relationships with Western Area Career & Technology Center (WACTC) students that are conducive to an effective, safe learning environment. This policy addresses a range of behaviors that include not only obviously unlawful or improper interactions with students, but also precursor grooming and other boundary-blurring behaviors that can lead to more egregious misconduct.

By this policy, the Board provides notice to adults of the nature of conduct that is prohibited and that disciplinary actions may be applied for violation of Board policies, administrative regulations, rules and procedures.

This policy is not intended to interfere with appropriate pre-existing personal relationships between adults and students and their families that exist independently of the WACTC or to interfere with participation in civic, religious or other outside organizations that include WACTC students.

Definition

For purposes of this policy, legitimate educational reasons include matters or communications related to teaching, counseling, extracurricular activities, treatment of a student's physical injury or other medical needs, school administration, or other purposes within the scope of the adult's job duties.

Delegation of Responsibility

The contents of this Board policy shall be communicated to the school community through employee and student handbooks, posting on the WACTC website, and by other appropriate methods.

The Executive Director, Principal or designee shall be available to answer questions about behaviors or activities that may violate professional boundaries as defined in this policy.

Independent contractors doing business with WACTC shall ensure that their employees who have interaction with students or are present on school grounds are informed of the provisions of this policy.

Guidelines

Adults shall establish and maintain appropriate personal boundaries with students and not engage in any behavior that is prohibited by this policy or that creates the appearance of prohibited behavior.

Prohibited Conduct

- Romantic or Sexual Relationships

  Adults shall be prohibited from dating, courting, or entering into or attempting to form a romantic or sexual relationship with any student enrolled in WACTC, regardless of the student's age. Students of any age are not legally capable of consenting to romantic or sexual interactions with adults.

  Prohibited romantic or sexual interaction involving students includes, but is not limited to:

  1. Sexual physical contact.
  2. Romantic flirtation, propositions, or sexual remarks.
  3. Sexual slurs, leering, epithets, sexual or derogatory comments.
  4. Personal comments about a student's body.
  5. Sexual jokes, notes, stories, drawing, gestures or pictures.
  6. Spreading sexual or romantic rumors.
  7. Touching a student's body or clothes in a sexual or intimate way.
  8. Accepting massages, or offering or giving massages other that in the course of injury care administered by a designated health care provider.
  9. Restricting a student's freedom of movement in a sexually intimidating or provocative manner.
  10. Displaying or transmitting sexual objects, pictures, or depictions.

- Social Interactions

  In order to maintain professional boundaries, adults shall ensure that their interactions with students are appropriate.

  Examples of prohibited conduct that violates professional boundaries include, but are not limited to:

  1. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students.
  2. Exchanging notes, emails or other communications of a personal nature with a student without parental/guardian notification. Recommendation letters for educational purposes are not included in this policy. Thank you, graduation, condolence, and get well cards are not included in this policy.
  3. Giving personal gifts, cards or letters to a student without written approval from the Principal.
  4. Touching students without a legitimate educational reason. (Reasons could include the need for assistance when injured or appropriate program-related instruction.)
  5. Singling out a particular student or students for personal attention or friendship beyond the ordinary professional adult-student relationship.
  6. Taking a student out of class without a legitimate educational reason.

7. Being alone with a student behind closed doors without a legitimate educational reason.

8. Initiating or extending contact with a student beyond the school day or outside of class times without a legitimate educational reason.

9. Sending or accompanying a student on personal errands.

10. Inviting a student to the adult's home.

11. Going to a student's home without a legitimate educational reason and parental/guardian notification.

12. Taking a student on outings without prior notification to and approval from both the parent/guardian and Principal.

13. Giving a student a ride alone in a vehicle in a non-emergency situation without prior notification to and approval from both the parent/guardian and Principal.

14. Addressing students or permitting students to address adults with personalized terms of endearment, pet names, or otherwise in an overly familiar manner.

15. Telling a student personal secrets or sharing personal secrets with a student.

16. For adults who are not guidance/counseling staff, psychologists, social workers, or other adults with designated responsibilities to counsel students, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, the student should be referred to the appropriate school resource.

17. Furnishing alcohol, drugs or tobacco to a student or being present where any student is consuming these substances.

18. Engaging in harassing or discriminatory conduct prohibited by other WACTC policies or by state or federal law and regulations.

- Electronic Communications

  For purposes of this policy, electronic communication shall mean a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant or pager. Electronic communications include, but are not limited to, emails, instant messages, texts, and communications made by means of an Internet website, including social media and other networking websites as specified in Policy 816 (Electronic Communications and Social Media).

  As with other forms of communication, when communicating electronically, adults shall maintain professional boundaries with students.

  Electronic communication with students shall be for legitimate educational reasons only.

  When available, WACTC-approved email or other WACTC-provided communication devices shall be used when communicating electronically with students. The use of WACTC-provided email or other WACTC-provided communication devices shall be in accordance with established WACTC policies and procedures.

  All electronic communications from club sponsors to club members shall be sent in a single communication to all participating club members, except for communications concerning an individual student's medical or academic privacy matters, in which case the communications shall be copied to the parent/guardian and Principal.

Adults shall not follow nor accept requests for current students to be friends or connections on personal social networking sites and shall not create any networking site for communication with students other than those provided by WACTC for this purpose, without the prior written approval of the Principal.

Exceptions

An emergency situation or a legitimate educational reason may justify deviation from professional boundaries set out in this policy. The adult shall be prepared to articulate the reason for any deviation from the requirement of this policy and must demonstrate that s/he has maintained an appropriate relationship with the student.

Under no circumstance will an educational or other reason justify deviation from the "Romantic and Sexual Relationships" section of this policy.

There will be circumstances where personal relationships develop between an adult and a student's family, e.g. when their children become friends. This policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. Adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity.

It is understood that many adults are involved in various other roles in the community through non-school-related civic, religious, athletic, scouting or other organizations and programs whose participants may include WACTC students. Such community involvement is commendable, and this policy is not intended to interfere with nor restrict an adult's ability to serve in those roles; however, adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.

Reporting Inappropriate or Suspicious Conduct

Any person, including a student, who has concerns about or is uncomfortable with a relationship or interaction between an adult and a student, shall immediately notify the Executive Director and/or Principal.

All WACTC employees, independent contractors, and volunteers who have reasonable cause to suspect that a child is the victim of child abuse shall immediately report the suspected abuse, in accordance with applicable law, regulations, and Board policy.

As mandated reporters, all staff should file a report with the Pennsylvania ChildLine and Abuse Registry immediately upon receiving information of child abuse or neglect.

An educator who knows of any action, inaction or conduct which constitutes sexual abuse, or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Executive Director and/or Principal. The report shall be filed within fifteen (15) days of discovery of such misconduct.

If the Executive Director or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Child Protective Services Law, the Educator Discipline Act, or the Safe Schools Act, the Executive Director or designee shall make a report, in accordance with applicable law, regulations, and Board policy.

It is a violation of this policy to retaliate against any person for reporting any action pursuant to this policy or for participating as a witness in any related investigation or hearing.

Investigation

Allegations of inappropriate conduct shall be promptly investigated in accordance with the procedures utilized for complaints of harassment.

It is understood that some reports made pursuant to this policy will be based on rumors or misunderstandings; the mere fact that the reported adult is cleared of any wrongdoing shall not result in disciplinary action against the reporter or any witnesses. If as the result of an investigation, any individual (including the reported adult, the reporter, or a witness) is found to have intentionally provided false information in making the report (or during the investigation or hearings related to the report) or if any individual intentionally obstructs the investigation or hearings, that individual may be deemed to have violated this policy and other applicable laws, regulations and district policies.

Obstruction includes, but is not limited to, violation of "no contact" orders given to the reported adult, attempting to alter or influence witness testimony, and destruction of or hiding evidence.

Disciplinary Action

A WACTC employee who violates this policy may be subject to disciplinary action, up to and including termination, in accordance with all applicable WACTC disciplinary policies and procedures.

A volunteer, student teacher, independent contractor, or an employee of an independent contractor who violates this policy may be prohibited from working or serving at WACTC for an appropriate period of time or permanently, as determined by the Executive Director or designee.

WACTC has the authority to limit a volunteer or student teacher assignment for any non-discriminatory reason. A volunteer or student teacher could also be prohibited from working or serving at WACTC for violation of this policy.

Notification

WACTC periodically shall provide training with respect to the provisions of this policy to employees, volunteers and student teachers subject to this policy.

WACTC, at its sole discretion, may require independent contractors and their employees who interact with students or are present on school grounds to receive notification of this policy and related procedures.

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Wellness
Adopted: May 24, 2006
Reviewed: January 24, 2007

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821. WELLNESS

The Western Area Career & Technology Center Joint Operating Committee recognizes that student wellness and proper nutrition are related to the student's physical well being, growth, development and readiness to learn. The Joint Operating Committee is committed to providing a school environment that promotes student wellness, proper nutrition, nutrition education, and regular physical activity as part of the total learning experience. In a healthy school environment, students will learn about and participate in positive dietary and lifestyle practices than can improve student achievement.

To ensure the health and well-being of all students, the Joint Operating Committee establishes that the school shall provide to students:

- Access at reasonable cost to snacks and beverages that meeting established nutritional guidelines.
- Opportunities for appropriate physical activities during the school day.
- Programs for grades 10 through Adult that are designed to educate students abut proper nutrition and lifelong physical activity.

The Director and/or designee shall be responsible to monitor the school and programs to ensure compliance with this policy, related policies, and established guidelines or administrative regulations.

Staff members responsible for programs related to student wellness shall report to the Director and/or designee regarding the status of such programs.

The Director and/or designee shall annually report to the Joint Operating Committee on the school's compliance with law and policies related to student wellness. The report may include:

- Assessment of school environment regarding student wellness issues
- Review of all foods and beverages sold in school
- Evaluation of food and beverage exposure
- Listing of activities and programs conducted to promote nutrition and physical activity
- Recommendations for policy and/or program revisions
- Suggestions for improvement in specific areas

Wellness Committee

The Joint Operating Committee shall appoint a Wellness Committee comprised of the Practical Nursing Coordinator and at least one (1) each of the following: Joint Operating Committee Member, Administrator, Student, Teacher, Parent/Guardian, Health Professional, and any other individuals as may be chosen by the Joint Operating Committee.

The Wellness Committee shall serve as an advisory committee regarding student health issues and shall be responsible for developing a Student Wellness Policy that complies with law to recommend to the Joint Operating Committee for adoption.

The Wellness Committee may examine related research and laws, assess student needs and the current school environment, review existing Joint Operating Committee policies and administrative regulations, and raise awareness about student health issues. The Wellness Committee may make policy recommendations to the Joint Operating Committee related to other health issues necessary to promote student wellness.

The Wellness Committee may survey parents/guardians and/or students; conduct community forums or focus groups; collaborate with appropriate community agencies and organizations; and engage in similar activities, within the budget established for these purposes.

The Wellness Committee shall provide periodic reports to the Director and/or designee regarding the status of its work, as required.

Nutrition Education

The goal of nutrition education is to reach, encourage and support healthy eating by students. Promoting student health and nutrition enhances readiness for learning and increases student achievement.

Nutrition education shall provide all students with the knowledge and skills needed to lead healthy lives.

Nutrition education lessons and activities shall be age-appropriate.

Nutrition education shall be behavior focused.

Lifelong lifestyle balance shall be reinforced by linking nutrition education and physical activity.

Western Area Career & Technology Center staff shall cooperate with agencies and community organizations to provide opportunities for appropriate student education related to nutrition.

Consistent nutrition messages shall be di8sseminated throughout the school and classrooms.

Nutrition education shall extend beyond the school environment by engaging and involving families and communities.

Physical Activity

Western Area Career & Technology Center shall strive to provide all students with opportunities for physical activity during the school day.

A safe physical and hospitable environment that encourages rewarding activities for all students shall be maintained.

Physical activity shall not be used as a form of punishment.

Students, employees, and the community shall have access to physical activity facilities outside school hours.

Students will be instructed in the proper work techniques to ensure safety, promote physical fitness, and prevent injuries.

Physical Fitness

Quality physical fitness instruction that promotes lifelong physical activity and provides instruction in the skills and knowledge necessary for lifelong participation shall be provided.

Physical fitness classes shall be the means through which all students learn, practice, and are assessed on developmentally appropriate skills and knowledge necessary for lifelong, health-enhancing physical activity.

Varied activities that lead to students becoming and remaining physically active for a lifetime shall be provided in the physical fitness program.

Safe and adequate equipment, facilities and resources shall be provided for physical fitness activities.

Other School-Based Activities

Breakfast periods shall be scheduled at appropriate hours, as defined by Western Area Career & Technology Center.

Drinking water shall be available throughout the school day.

Students shall have access to hand washing or sanitizing before snacks.

The Wellness Committee will review and recommend food and beverage products available to students.

To the extent possible, the school shall utilize available funding and outside programs to enhance student wellness.

Food shall not be used in the school as a punishment.

Western Area Career & Technology Center shall provide appropriate training to all staff on the components of the Student Wellness Policy.

Student wellness shall be considered in planning all school-based activities.

Fundraising projects submitted for approval shall be supportive of healthy eating and student wellness.

Administrators, teachers, support personnel, students, parents/guardians, and community members shall be encouraged to serve as positive role models through Western Area Career & Technology Center programs, communications, and outreach efforts.

Nutrition Guidelines

All foods available in the school during the school day shall be offered to students with consideration for promoting student health and reducing childhood obesity.

Competitive Foods are defined as foods offered at school and include vending food, snacks and beverages, fundraisers, classroom parties, holiday celebrations, and food from home.

All competitive foods available to Western Area Career & Technology Center students shall comply with the Nutritional Standards for Competitive Foods in Pennsylvania Schools. The nutritional standards shall be implemented as a one-year plan.

All competitive foods available to Western Area Career & Technology Center students shall comply with the established nutrition guidelines and in accordance with the Western Area Career & Technology Center Wellness Plan.

Staff Wellness

The Western Area Career & Technology Center shall provide information about wellness resources and services and establish a staff committee to assist in identifying and supporting the health, safety and well being of site staff and shall be in compliance with drug, alcohol and tobacco free policies.

Western Area Career & Technology Center shall provide an accessible and productive work environment free from physical dangers or emotional threat that is as safe as possible and consistent with applicable occupation and health laws, policies and rules.

Employees shall be encouraged to engage in daily physical activity during the workday as part of work breaks and/or lunch periods, before or after work hours in site sponsored programs or as part of discounted membership in local fitness facilities.

WACTC
Western Area Career & Technology Center

Section: Operations
Title: Tobacco and Vaping Products
Adopted: June 12, 2024

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823. TOBACCO AND VAPING PRODUCTS

PURPOSE

The Joint Operating Committee recognizes that tobacco and vaping products, including electronic cigarettes, present a health and safety hazard that can have serious consequences for users, nonusers and the school environment. The purpose of this policy is to prohibit student possession, use, purchase and sale of tobacco and vaping products**.**

DEFINITION

For purposes of this policy, tobacco product encompasses not only tobacco but also vaping products including electronic cigarettes (e-cigarettes). Tobacco products**,** for purposes of this policy and in accordance with state law, shall be defined to include the following: [1] [2]

1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.

2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.

3. Any product containing, made or derived from either:

    a. Tobacco, whether in its natural or synthetic form; or

    b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.

4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

The term tobacco product does <u>not</u> include the following: [1] [2]

1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled. [3]

2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. [4]

AUTHORITY

The Joint Operating Committee prohibits possession, use, purchase or sale of tobacco products, regardless of whether such products contain tobacco or nicotine, by or to students at any time in a WACTC building; on school buses or other vehicles that are owned, leased or controlled by the WACTC; on property owned, leased or controlled by the WACTC; or at WACTC-sponsored activities that are held off WACTC property. [1] [2] [5]

The Joint Operating Committee prohibits student possession or use of products marketed and sold as tobacco cessation products or for other therapeutic purposes, except as authorized in the Joint Operating Committee's Medication policy. [3]

The Joint Operating Committee prohibits student possession of any form of medical marijuana at any time in a WACTC building; on school buses or other vehicles that are owned, leased or controlled by the WACTC; on property owned, leased or controlled by the WACTC; or at WACTC-sponsored activities that are held off WACTC property. [4]

The Joint Operating Committee authorizes the confiscation and disposal of **tobacco** products prohibited by this policy.

In the case of a student with a disability, including a student for whom an evaluation is pending, the WACTC shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with law enforcement and Joint Operating Committee policies**.** [6] [7] [8] [9] [10] [11]

DELEGATION OF RESPONSIBILITY

The Executive Director or designee shall develop administrative regulations to implement this policy.

The Executive Director or designee shall notify students, parents/guardians and staff about the Joint Operating Committee's tobacco and vaping products policy by publishing information in student handbooks, parental newsletters, posters and by other efficient methods, such as posted notices, signs and on the WACTC website. [2]

REPORTING

Parental Report –

The Executive Director or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use, purchase or sale of a **tobacco product,** immediately, as soon as practicable. The Executive Director or designee shall inform the parent/guardian whether the law enforcement agency that has jurisdiction over the WACTC property has been or may be notified of the incident. The Executive Director or designee shall document attempts made to reach the parent/guardian. [11] [12] [13]

Annual School Safety and Security Incidents Report -

The Executive Director shall annually, by July 31, report all incidents of possession, use or sale of tobacco products by students to the PA Department of Education on the required form. [11] [14] [15]

Law Enforcement Incident Report –

The Executive Director or designee may report incidents of possession, use or sale of tobacco products by students on WACTC property, at any WACTC-sponsored activity or on a conveyance providing transportation to or from a WACTC-sponsored activity to the law enforcement agency that has jurisdiction over WACTC's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with law enforcement and Joint Operating Committee policies. [1] [2] [11] [12] [14] [15] [16]

GUIDELINES

A student who violates this policy shall be subject to prosecution initiated by the WACTC and, if convicted, shall be required to pay a fine for the benefit of the WACTC, plus court costs. In lieu of the imposition of a fine, the court may admit the student to an adjudication alternative. [2]

School counselors shall provide students who have violated this policy with information regarding available tobacco cessation programs.

Tampering with devices installed to detect use of **tobacco products** shall be deemed a violation of this policy and subject to disciplinary action. [17]

Legal References
1. 18 Pa. C.S.A. 6305
2. 18 Pa. C.S.A. 6306.1
3. Pol. 210
4. Pol. 227
5. 20 U.S.C. 7973
6. 22 PA Code 10.23
7. 20 U.S.C. 1400 et seq
8. Pol. 103.1
9. Pol. 113.1
10. Pol. 113.2
11. Pol. 805.1
12. 22 PA Code 10.2
13. 22 PA Code 10.25
14. 24 P.S. 1306.2-B
15. 24 P.S. 1319-B
16. 22 PA Code 10.22
17. Pol. 218
24 P.S. 1850.1
20 U.S.C. 7114
20 U.S.C. 7118
20 U.S.C. 7971 et seq
34 CFR Part 300
Pennsylvania Department of Health Medical Marijuana Guidance for Schools and School Districts

EOE

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Drug-Free Workplace
Adopted: February 27, 2002
Reviewed: January 24, 2007

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824. DRUG-FREE WORKPLACE

The Western Area Career & Technology Center Joint Operating Committee has long been committed to the maintenance of an academic environment free from all forms of drug and alcohol abuse and is extending this environment to all areas of the workplace.

It is the objective of this policy to provide for a drug and alcohol free workplace clear of all forms of drug and alcohol abuse and to comply fully with the Federal Drug-Free Workplace Act of 1988, Section 527 of the Public School Code of 1949, as amended, and the Drug Free Schools and Communities Act Amendments of 1989 requiring formal written policies and procedures by the school applicable to employees.

It is the policy of the Joint Operating Committee that:

1. All employees of the Western Area Career & Technology Center will be notified that as a condition of their employment they must undergo pre-employment drug and substance abuse testing and are required to notify the school of their conviction for any violation of any criminal drug statute, federal or state, occurring at any school location as defined herein, within five (5) calendar days of said conviction. No employee will distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, malt beverage, or fortified wine or other intoxicating liquor or unlawfully manufacture, distribute, dispense, possess or use or be under the influence, except for a valid, medical purpose, of any narcotic drug, including but not limited to, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, or any other controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C., Section 812) or the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §780—101, et seq., and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15, before, during, or after school hours at school or in any other school district location as defined below.

2. School Location means in any school building or on any school premises; on any school-owned vehicle or in any other school approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school; or during any period of time such employee is supervising students on behalf of the school.

3. Any employee who violates the terms of this policy may be non-renewed or his or her employment may be suspended or terminated consistent with applicable federal and state laws and collective bargaining agreement made in accordance therewith.

4. As a further condition of employment, each employee of the Western Area Career & Technology Center will abide by the terms of this policy and will notify his or her supervisor in writing of his or her conviction or violation of any criminal drug statute, federal or state, occurring at any school location as defined herein. Said notice will be provided no later than five (5) calendar days after the conviction of any such employee.

5. Act 191 of the Pennsylvania Legislature of 1988 requires that any employee who is convicted of the delivery of a controlled substance or convicted of the possession of a controlled substance with the intent to deliver will be terminated from his/her employment no matter where the violation occurred.

6. The administration will distribute a packet to all employees that includes notice to employees of the prohibition stated in this policy and that disciplinary action will be taken for violation thereof; that provides information about an alcohol counseling and rehabilitation program available, if any, that addresses other concerns required by federal or state drug-free workplace or drug-free schools legislation, and that includes such additional items as deemed appropriate to assist in the maintenance of a drug free workplace with the Western Area Career & Technology Center.

7. Western Area Career & Technology Center will be responsible for taking one of the following actions within thirty (30) days of receiving notice, with respect to any convicted employee.

   Western Area Career & Technology Center will:

   A. Take appropriate personnel action against such an employee, up to and including termination and referral for prosecution.

   B. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

In establishing a drug-free awareness program, the Administration will inform employees about:

- The dangers of drug abuse in the workplace.

- Western Area Career & Technology Center's policy of maintaining a drug-free workplace by notice in the employee handbook, in the first paycheck envelope of a new school year, by posting this policy in appropriate places on the school's premises, and each employee hired will receive a copy.

- The availability of drug counseling, drug rehabilitation, and employee assistance programs.

- The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

The Center will make a good faith effort to continue to maintain a drug-free workplace through the implementation of this policy, consistent enforcement of this policy, and a biennial review to determine its effectiveness.

WACTC
Western Area Career & Technology Center
688 Western Avenue Canonsburg, Pennsylvania 15317
(724) 746-2890 FAX (724) 746-0817 Web Site www.wactc.net

Joseph P. Iannetti, Ph.D.
Director

NOTICE TO EMPLOYEES
DRUG AND ALCOHOL ABUSE POLICY

You are hereby notified that it is a violation of the policy of the Western Area Career & Technology Center for nay employee to distribute, dispense, possess, use, or be under the influence of any alcoholic beverages, malt beverage, or fortified wine or other intoxicating liquor or to unlawfully manufacture, distribute, dispense, possess, or use or be under the influence, except for a valid medical purpose, of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, or any other controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. §812) and as further defined by regulation at 21 C.F..R. 1300.11 through 1300.15 before, during, or after school hours, at school, or in any other school location as defined below.

School Location means in any school building or on any school premises; on any school-owned vehicle or in any other school approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school; or during any period of time such employee is supervising students on behalf of the Western Area Career & Technology Center.

You are further notified that if you are engaged either directly or indirectly in work on a federal grant, it is a condition of your continued employment on any such federal grant that you shall abide by the terms of the school employee policy on alcohol and drugs and will notify your supervisor in writing of your conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school federal grant is performed, no later than five (5) calendar days after such conviction.

Any employee who violates the terms of the Western Area Career & Technology Center Employee Drug and Substance Abuse Policy may be non-renewed or his or her employment may be suspended or terminated consistent with applicable federal and state laws and collective bargaining agreement made in accordance therewith.

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Statement Mandate Waivers
Adopted: January 24, 2007

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825. STATEMENT MANDATE WAIVERS

The Western Area Career & Technology Center Joint Operating Committee endorses the use of mandate waivers of state-imposed mandates and other provisions of state law, pursuant to the Education Empowerment Act. Committee procedures will supplement those set forth in law or State Board regulations. Waiver applications submitted by the school shall be processed and implemented in accordance with this policy.

The Joint Operating Committee shall approve at a regular Board meeting the submission of an application for a state mandate waiver that will enable the school to improve its instructional program or to operate in a more effective or economical manner. Approval by the Department of Education shall be required prior to implementation by the school.

No waiver shall be in effect until after approval has been received from the Secretary of Education, and the Joint Operating Committee has taken formal action acknowledging the approval and specifying the effective date of the waiver. It reserves the right to decline to implement any waiver that has been approved, and to rescind any waiver in effect.

The Director shall advise the Joint Operating Committee of waiver requests being evaluated and developed beyond the preliminary state and promptly notify when the Joint Operating Committee when a waiver application is approved or denied.

Applications and supporting documentation for waivers applied for and those currently in force, as well as approval notices from the Secretary of Education, shall be public records maintained permanently by the Board Secretary. They shall be made available for public inspection and copying.

When amendments to adopted policy or existing administrative procedures are necessary or appropriate in order to effectively implement the waiver, the final recommended application presented to the Joint Operating Committee and final solicitor's review shall be accompanied by specific language for proposed policy revisions and information about associated changes in administrative procedures.

Except where clearly not pertinent nor appropriate, all bid specifications, requests for proposals and quotations, and similar documents shall contain language advising that:

1. The effective laws, regulations or standards otherwise applicable to the school may have been altered by virtue of a waiver under Act 16.

2. It is the responsibility of persons contemplating doing business with the school to be familiar with waivers in force or applied for as listed in school records.

Suggestions for waiver applications may be submitted by any Joint Operating Committee member, staff member, student, resident or taxpayer. All suggestions shall be in writing and submitted to the Director.

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Reasonable Use of Force
Adopted: December 19, 2018

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826. REASONABLE USE OF FORCE

Purpose

The purpose of this policy is to provide the School Police Officer with a clear and consistent understanding of his/her performance expectations when force is asserted, upon any person, especially with respect to students. In addition, this policy addresses authorized weapons, respective training, and the reporting requirements when the use of force is asserted, as a result of threatened and/or assaultive behavior of an individual that risks physical injury to himself or others.

Policy

The primary purpose of a School Police Officer at the Western Area Career & Technology Center is to promote the safety of students, staff and visitors. This includes the safety any student who needs to be controlled by the officer. Accordingly, School Police Officers shall use only that force that is reasonably necessary to protect persons from immediate risk of injury.

Disclaimer

This policy is not intended to create or affect an officer's alleged liability in any criminal or civil court proceeding. This policy is not intended to establish a higher standard of safety or care in regulating employee actions as they may pertain in cases of third party claims. It is understood that no set of policies or procedures can effectively address every possible scenario a School Police Officer may encounter and that the judgment and discretion of the individual School Police Officer necessarily govern the decision-making utilized in use of force incidents. When using reasonable force against a subject, the School Police Officer must have a sound and articulable reason for doing so as determined by the totality of the circumstances confronting the officer.

Definitions

Use of Force: Use of force is the amount of effort required by the School Police Officer to compel compliance from a person in order to protect the individual or others from serious bodily injury. Force used must be "objectively reasonable" based on the facts and circumstances confronting the officer and judged from the perspective of a reasonable officer on the scene.

Deadly force: Any force, which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury. 18 Pa.C.S.A. § 501.

Non-Lethal force: Any force other than that which is considered deadly force.

Serious bodily injury: Bodily injury that creates a substantial risk of death or which causes permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Objectively Reasonable: in determining the necessity for force and the appropriate level of force, officers shall objectively evaluate each situation in light of the known facts and circumstances, including, but not limited to, the seriousness of the situation and risk of injury to others, the level of threat or resistance presented by the subject and the danger to the community.

Excessive Force: Physical force that exceeds the degree permitted by law or the policies and guidelines of the Western Career & Technology Center. A School Police Officer shall not apply physical force to a person who has been rendered incapable of inflicting harm on himself or others.

Use of Force Statutory Justification

The Pennsylvania Crimes Code, Title 18, Chapter 5, "General Principles of Justification", describes those circumstances in which the use of force is justified. Relevant sections within that chapter include, but are not necessarily limited to:

18 Pa.C.S.A. § 505 - Use of Force in Self-Protection
18 Pa.C.S.A. § 506 - Use of Force for the Protection of Other Person
18 Pa.C.S.A. § 508 - Use of Force in Law Enforcement

These provisions establish the legally binding restrictions regarding the use of force by Western Area Career & Technology School Police Officers as it relates to criminal or enforceable civil matters. All officers are responsible for the review and knowledge of these Pennsylvania Statutes.

Use of Force Continuum

School Police Officers are permitted to use the degree of force objectively reasonable to accomplish the lawful objective of providing a safe and secure school environment. The general progression of force can be depicted with the following levels except as the specific circumstances encountered otherwise may require:

Level 1

Officer Presence: Identification of authority through school police officer in uniform.

Verbal commands: Dialogue of commands of direction or arrest. Verbal commands should be used in conjunction with all levels of force). Commands issued to a student shall appropriately reflect the student's age and intelligence level, and shall not consist of taunting, name-calling, threats, or cursing directed at the student. Warnings should be issued to the student each time a School Police Officer intends to escalate the level of force (e.g., "Stop this behavior or I will escort you to the principal's office"; "If you do not stop punching/kicking immediately, I will restrain your arms/legs").

Level 2

Minimal Restraint and Control-Soft empty hand or balance displacement control techniques that have minimal probability of injury if the subject resists (i.e. holding/grasping/cuffing/escorting, etc.)

Level 3

Physical Commands (Take downs, Joint Manipulation/Pressure Point, Control Tactics, Striking Muscle Groups) - Control techniques that include pain compliance techniques to the subject that present minimal potential of injury to the subject. The strikes should be aimed at major muscle masses of the subject's body.

Level 4

Striking/Punching/Kicking: Control techniques with the officer's open hand, clenched fist, forearm or leg that have a greater potential of injury to the subject.

Baton Restraints: Use of the baton as a controlling device (joint manipulation) not as an impact weapon.

Level 5

Baton strikes - Less lethal option for use against violent/aggressive subjects not armed with firearms.

Level 6

Deadly force-Force that, under the circumstances in which it is to be used is readily capable of causing death or serious bodily injury.

Use of Force Guidelines

The School Police Officer's degree of force used in subduing a student or other person shall be based on the totality of the circumstances, including: 1) the severity of any crime at issue, 2) the immediate threat to the safety of the officer or others that the student poses, 3) whether the student or other person is resisting or evading the officer, 4) how violent or dangerous the officer perceives the student or other person to be, based on the student's or person's age, size, mental and physical capacity, 5) the duration of the force, 6) whether the force was used in making an arrest, 7) whether the student or other person might be armed or carrying some other weapon, and 8) the number of people with whom the officer must contend. Once a School Police Officer has affected control of a situation he/she shall de-escalate to the lowest level of force necessary to maintain control of the situation/subject.

The Use of Force Continuum options are not absolute. The ability to escalate or de-escalate is imperative. The standard by which use of force decisions are made is the totality of the circumstance, which includes, but is not limited to the following factors:

a) Officer vs. Subject factors
   - Age
   - Size
   - Skill level

b) Special Circumstances
   - Close proximity to a firearm/other weapon
   - Special knowledge as to the subject
   - Injury to or exhaustion of officer
   - Officer forced to the ground or other vulnerable position
   - Disability of officer
   - Imminent danger to officer or another

In using any level of force, with respect to secondary students, a School Police Officer shall at all times be cognizant of the age, grade level, size and physical and mental capacity of the student. In general, the policy of the Western Career & Technology Center is to avoid the use of any device with respect to any student whose actions do not constitute an immediate threat of serious bodily injury to himself or another.

Restraint Devices and Procedures

Upon prior authorization by the Executive Director, a School Police Officer while on duty may carry handcuffs, as well as, "flex cuffs," leg shackles or similar restraining devices.

The use of handcuffs, leg shackles and other restraining device constitutes a level of force and should only be used as necessary to restrain an individual in order to affect control of a situation. Under no circumstances should those devices be used as a form of punishment. Handcuffs and other restraints should be used as a last resort to subdue or escort a student or subject and should never be utilized as a scare tactic, to embarrass the student or to "teach a student a lesson."

Typically, handcuffs are to be used behind the back. School Police Officers are permitted to handcuff an individual's hands in front, if used in conjunction with other restraining devices, (i.e.) restraining belt/chain and/or leg shackles. Exigencies may arise that prohibit a subject from being handcuffed in this manner, such as a person with injuries that could be aggravated by standard handcuffing procedures. At no time should a School Police Officer handcuff a person to themselves.

When it is necessary for the School Police Officer to use his/her body weight to subdue and/or restrain an individual, the School Police Officer, once the individual is controlled, should quickly remove his weight to allow the individual to breathe freely and to avoid the possibility of positional asphyxia, which is death from lack of oxygen. School Police Officers should attempt to get the individual into a sitting or standing position or, at the very minimum, roll the individual on to his side, as soon as possible.

Non-Lethal Force Equipment

The Western Area Career & Technology Center recognizes that combative, non-compliant, armed and/or violent subjects may cause control problems that necessitate the use of non-lethal equipment, such as tasers, pepper spray and batons. Such less than lethal force equipment may be used to assist with the control and de-escalation of these potentially violent confrontations to lessen the likelihood of serious bodily injury or death to the School Police Officer or combative subject or other persons. Where deadly force is not authorized, the School Police Officer should assess the incident in order to determine which non-lethal technique or equipment may best de-escalate the incident and bring it under control in a safe manner.

Use of Batons

Upon prior authorization by the Executive Director, a School Police Officer while on duty may carry a baton, which shall be carried in a black scabbard. The School Police Officer must receive annual training and certification by a certified baton instructor to be authorized to carry this weapon.

The deployment and delivery of the baton should be to the following areas:

a) Primary Target, major muscle masses: The primary target areas are the major muscle masses, those being the forearm, thigh and calf. Impact strikes to the center mass of these primary areas, have a low probability of injury to the subject and normally create severe muscle cramping which inhibits the subject's ability to continue their aggression.

b) Secondary target areas, joints and bones: If primary areas are unavailable or unreasonable officers shall target the center mass of joints or bones. For example, elbows, wrists and knees. These areas carry a high probability of creating damage to the soft or connecting tissues as well as bone fractures.

c) Deadly force targets: include the face, neck, head, chest, spine, and lower back, which are very likely to cause death/serious injury and shall be avoided unless deadly force is authorized, necessary and reasonable in accordance with Western Area Career & Technology Center policy and applicable law.

The use of alternative impact devices (i.e. flashlight, broom handle, stick, etc.) shall be permitted in the event that the School Police Officer's use of their primary impact device is not feasible, malfunctions, or is unavailable. When an alternative impact device is used it shall be used in the same manner as prescribed in this section.

As with any other use of force options, application of impact devices will cease when the offender stops resistance or aggression, or when the School Police Officer has gained sufficient control of the subject. The subject is to be immediately restrained when the situation is stabilized. The School Police Officer shall check the subject for obvious injuries and summon medical assistance and/or render first aid when appropriate.

Use of Tasers

Upon prior authorization by the Executive Director, a School Police Officer while on duty may carry a conductive electrical weapon (taser), which shall be carried in an appropriate holster. The School Police Officer must receive annual training and certification to be authorized to carry this device.

A taser may be used to control a subject when the School Police Officer reasonably perceives that he/she or another person is threatened with serious bodily injury or to control a threatening subject when deadly force is not justified and attempts to control the subject by other tactics are ineffective or if there is a reasonable expectation that it is unsafe for School Police Officers to approach within contact range of a subject.

When using a taser, the size, weight, and age of the subject should be considered. The School Police Officer should avoid targeting the eyes, face, groin and breasts and should attempt to target the taser in a less sensitive area of the person's body. The minimal number of tases should be used to subdue the subject. If possible under the circumstances, a warning should be given to the person if the School Police Officer anticipates use of the taser is imminent.

Once the subject is restrained or in custody, the taser probes should be promptly removed from the subject. The School Police Officer shall check the subject for obvious injuries and summon medical assistance and/or render first aid when appropriate.

Use of Deadly Force

A School Police Officer is justified to use deadly force and/or discharge weapons when he/she reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious bodily injury or death. Officers shall give due consideration to their weapon system being used and their potential limitations when deployed in specific environments or situations.

An officer must reasonably believe that subject has the ***OPPORTUNITY*** to cause death or serious bodily injury to the officer or another person; the officer must reasonably believe the subject has the ***ABILITY*** to cause death or serious bodily injury to the officer or another person; and the officer must reasonably believe that the officer's life or the life of another person is in ***JEOPARDY*** of death or serious bodily injury.

Lethal Weapons - Prohibited Use

The School Police Officer is prohibited from discharging firearms under the following circumstances:

a) When it is probable that an innocent bystander(s) is likely to be injured by the School Police Officer's firearm discharge, directly or indirectly.
b) *Firing Warning Shots*-Defined as discharging any firearm into the air or ground (i.e., "warning shots") in an attempt to cause a fleeing suspect to stop or surrender.
c) To protect or preserve property.
d) To obtain compliance of a subject that does not present an imminent threat to cause serious bodily injury to another person.

Except during general maintenance, storage, inspections or authorized training, an officer shall not draw or exhibit an authorized firearm unless under circumstances which create reasonable cause to believe it may be necessary to lawfully use such firearm in conformance with law and this policy.

In the event the School Police Officer is involved in a firearm discharge, he/she shall determine the physical condition of any injured party and immediately summon medical assistance and/or render first aid when appropriate. All discharged weapons and ammunition shall be immediately delivered to the custody of the Executive Director or his/her designee for investigation purposes.

Firearms Possession

While on duty, a School Police Officers shall carry his/her issued handgun fully loaded and all other related equipment.

The School Police Officer shall annually complete any training required to maintain or renew certification to carry firearms.

In the event that a School Police Officer loses or has stolen his/her firearm and/or any other firearm authorized for duty use, he/she shall immediately notify the Executive Director and the Superintendent of Record of such loss or theft and have the incident documented accordingly.

Reporting Procedures

The School Police Officer shall complete and submit to the Executive Director a written incident report whenever he/she:

a) Takes an action which results in, or is alleged to have resulted in injury to or the death of another person.
b) Applies force on another person through the means of lethal or non-lethal force no matter if injury occurs or not.
c) Applies force of Level 2 or greater from the Use of Force Continuum: relating to takedowns, joint manipulations, pepper spray, Pain/Mechanical Compliance, or Deadly Force, in an effort to control subject(s).

An incident report will also be completed, and will include a detailed description of the incident describing the actions of both the suspect(s) and the School Police Officer.

Each discharge of a firearm while on duty shall be reported to the Executive Director and the Superintendent of Record whether or not someone is injured by such discharge. A written report shall be made as soon as the circumstances permit. A complete investigation will be conducted into any discharge of a firearm by the School Police Officer in the course of his/her duties.

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Criminal History Record Information (CHRI) Proper Access, Use and Dissemination
Adopted: May 23, 2018

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828. CHRI PROPER ACCESS, USE AND DISSEMINATION

Purpose

The intent of this policy is to ensure the protection of the Criminal Justice Information (CJI) and its subset of Criminal History Record Information (CHRI) until such time as the information is purged or destroyed in accordance with applicable record retention rules.

The following information was developed using the FIB's Criminal Justice Information Services (CJIS) Security Policy. The Western Area Career & Technology Center may complement this information with a local policy; however, the CJIS Security Policy shall always be the minimum standard. These procedures may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

Scope

The scope of this policy applies to any electronic or physical media containing FBI CJI while being stored, accessed or physically moved from a secure location from the Western Area Career & Technology Center. In addition, this policy applies to any authorized person who accesses, stores, and/or transports electronic or physical media.

Criminal Justice Information (CJI) and Criminal History Record Information (CHRI)

CJI is the term used to refer to all of the FBI CJIS provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data.

CHRI is a subset of CJI and for the purposes of this document is considered interchangeable. Due to its comparatively sensitive nature, additional controls are required for the access, use and dissemination of CHRI. In addition to the dissemination restrictions outlined below, Title 28, Part 20, Code of Federal Regulations (CFR), defines CHRI and provides the regulatory guidance for dissemination of CHRI.

Proper Access, Use, and Dissemination of CHRI

The Western Area Career & Technology Center will return original CHRI documents to the individual of record and will not disseminate CHRI to any other agency. However, a Dissemination Log will be completed for all requests other than originals being returned to employees.

Personnel Security Screening

Access to CJI and/or CHRI is restricted to authorized personnel. *Authorized personnel* is defined as an individual, or group of individuals, who have been appropriately vetted and have been granted access to CJI data. Agencies located within states having passed legislation authorizing or requiring civil fingerprint-based background checks for personnel with access to CHRI for the purposes of licensing or employment shall submit fingerprint-based record check within 30 days of employment or assignment of all personnel with who have direct access to CJI, those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI, and any persons with access to physically secure locations or controlled areas containing CJI. Agencies located within states without this authorization or requirement are exempted from the fingerprint-based background check requirement until such time as appropriate legislation has been written into law.

The Western Area Career & Technology Center will maintain a list of authorized users.

Security Awareness Training

Basic security awareness training shall be required within six months of initial assignment, and biennially thereafter, for all personnel who have access to CJI. Proof of training shall be kept on record.

Security Awareness Training

Basic security awareness training shall be required within six months of initial assignment, and biennially thereafter, for all personnel who have access to CJI. Proof of training shall be kept on record.

Physical Security

A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical security controls sufficient to protect the FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls.

Only authorized personnel will have access to physically secure non-public locations. The Western Area Career & Technology Center will maintain and keep current a list of authorized personnel. All physical access points into the agency's secure areas will be authorized before granting access. The agency will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

Media Protection

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contains CJI.

The agency shall securely store electronic and physical media within physically secure locations or controlled areas. The agency shall restrict access to electronic and physical media to authorized individuals. If physical and personnel restrictions are not feasible then the data shall be encrypted per Section 5.10.1.2.

Media Transport

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. The agency shall protect and control electronic and physical media during transport outside of controlled areas and restrict the activities associated with transport of such media to authorized personnel.

Media Sanitization and Disposal

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, printouts, and other similar items used to process, store and/or transmit FBI CJI shall be properly disposed of in accordance with measures established by CJIS.

Physical media (printouts and other physical media) shall be disposed of by one of the following methods:

1 Shredding using Western Area Career & Technology Center issued shredders. Shredding must be completed by authorized personnel.

2 Placed in locked shredding bins for a private contractor to come on-site and shred, witnessed by authorized personnel throughout the entire process.

Electronic media (hard-drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier hard-drives, etc.) shall be disposed of by one of the following methods:

1. Overwriting (at least three times) – an effective method of cleaning data from magnetic media. As the name implies, overwriting uses a program to write (Is, Os, or a combination of both) onto the location of the media where the file to be sanitized is located.

2. Degaussing – a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hand a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.

3. Destruction – a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall not be released from the Western Area Career & Technology Center's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

Account Management

The agency shall manage information system accounts, including establishing, activating, modifying, reviewing, disabling, and removing accounts. The agency shall validate information system accounts at least annually and shall document the validation process.

All accounts shall be reviewed at least annually by the designated CJIS point of contact (POC) or his/her designee to ensure that access and account privileges commensurate with job functions, need-to-know, and employment status on systems that contain CJI. The POC may also conduct periodic reviews.

Remote Access

The Western Area Career & Technology Center shall authorize, monitor, and control all methods of remote access to the information systems that can access, process, transmit, and/or store FBI CJI. Remote access is any temporary access to an agency's information system by a user (or an information system) communicating temporarily through an external, non-agency controlled network (e.g., the Internet).

The Western Area Career & Technology Center may permit remote access for privileged functions only for compelling operational needs but shall document the rationale for such access in the s4ecurity plan for the information system.

Utilizing publicly accessible computers to access, process, store or transmit CJI is prohibited. Publicly accessible computers include, but are not limited to, hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.

Personally Owned Information Systems

A personally owned information system shall not be authorized to access, process, store or transmit CJI unless the agency has established and documented the specific terms and conditions for personally owned information system usage. A personal device includes any portable technology like camera, USB flash drives, USB thumb drives, DVDs, CDs, air cards and mobile wireless devices such as Androids, Blackberry OS, Apple iOS, Windows Mobile, Symbian tablets, laptops or any personal desktop computer. When bring your own devices (BYOD) are authorized, they shall be controlled using the requirements in Section 5.13 of the CJIS Security Policy.

Reporting Information Security Events

The agency shall promptly report incident information to appropriate authorities to include the state CSA or SIB's Information Security Officer (ISO). Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Formal event reporting and escalation procedures shall be in place. Wherever feasible, the agency shall employ automated mechanisms to assist in the reporting of security incidents. All employees, contractors and third party users shall be made aware of the procedures for reporting the different types of event and weakness that might have an impact on the security of agency assets and are required to report any information security events and weaknesses as quickly as possible to the designated point of contact.

Policy Violation/Misuse Notification

Violation of any of the requirements contained in the CJIS Security Policy or Title 28, Part 20, CFR, by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination.

Likewise, violation of any of the requirements contained in the CJIS Security Policy or Title 28, Part 20, CFT, by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

BY MY SIGNATURE BELOW, I CERTIFY THAT I HAVE BEEN GIVEN A COPY OF THE CRIMINAL HISTORY RECORD INFORMATION (CHRI) PROPER ACCESS, USE AND DISSEMINATION POLICY & PROCEDURES AND HAVE BEEN GIVEN THE OPPORTUNITY TO DISCUSS AND ASK QUESTIONS ON THE ABOVE TOPICS.

Employee Printed Name: _____

Employee Signature: _____

Employee Title: _____

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Security of Computerized Personal Information/ Breach Notification
Adopted: September 27, 2023

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830. Security of Computerized Personal Information/Breach Notification

Purpose

The Western Area Career & Technology Center ("School") Joint Operating Committee (JOC) is committed to the security of School's computerized data and to addressing the risk of a breach of the School's systems involving the possible disclosure of personal information. This policy addresses the manner in which the School will respond to unauthorized access and acquisition of computerized data that compromises the security and confidentiality of personal information.

Authority

The JOC requires that records containing personal information be securely maintained, stored and managed in compliance with state and federal laws, regulations, JOC policy, administrative regulations and the School's Records Management Plan. [1] [2] [3] [4] [5] [6] [7] [8]

The JOC directs the School to provide notice as required by law to any resident of the Commonwealth whose unencrypted and unredacted personal information was or is reasonably believed to have been accessed or acquired by unauthorized persons. [1]

Definitions

Breach of the security of the system: Unauthorized access and acquisition of computerized data that materially compromises the security or confidentiality of personal information maintained by the School as part of a database of personal information regarding multiple individuals and that causes, or the School reasonably believes has caused, or will cause, loss or injury to any resident of the Commonwealth. Acquisition of personal information by an employee or agent acting in good faith on behalf of the School is not a breach of the security of the system if the personal information is not used for a purpose other than the lawful purpose of the School and is not subject to further unauthorized disclosure. [9]

Determination: Verification or reasonable certainty that a breach of the security of the system has occurred. [9]

Discovery: The knowledge of or reasonable suspicion that a breach of the security of the system has occurred. [9]

Encryption: The use of an algorithmic process to transform data into a form in which there is a low probability of assigning meaning without use of a confidential process or key. [9]

Personal Information: Includes an individual's first name or first initial and last name in combination with and linked to any one or more of the following, when not encrypted or redacted. [5] [9]

- Social Security Number
- Driver's License number or state identification card number issued instead of a driver's license.
- Financial account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.
- Medical information, meaning any individually-identifiable information contained in the individual's current or historical record of medical history or medical treatment or diagnosis created by a health care professional. [9]
- Health insurance information, meaning an individual's health insurance policy number or subscriber identification number in combination with access code or other medical information that permits misuse of an individual's health insurance benefits. [9]
- A user name or email address, in combination with a password or security question and answer that would permit access to an online account.

Personal information does not include publicly available information that is lawfully made available to the general public from federal, state or local government records or widely distributed media. [9] [10]

Records: Means any material, regardless of its physical form, on which information is recorded or preserved by any means, including written or spoken words, graphically depicted, printed or electromagnetically transmitted. This term does not include publicly available directories containing information that an individual has voluntarily consented to have publicly disseminated or listed, such as name, address, or telephone number. [9]

Redact: Includes, but is not limited to, alteration or truncation such that no more than the last four (4) digits of a Social Security number, driver's license number, state identification card number, or account number is accessible as part of the data. [9]

Delegation of Responsibility

The Executive Director or designee shall ensure that the School provides notice, as required by law, of any breach of the security of the School's systems. [1]

The Executive Director, in collaboration with appropriate administrators, shall develop administrative regulations to implement this policy, which shall include, but not be limited to: [1]

- Procedures following discovery of a breach.
- Procedures for the determination of a breach and whether breach notification is required under the law.
- Breach notification procedures including timeline requirements, who must be notified, and methods for such notice.

Guidelines

Upon determination of a breach of the security of the system, the Executive Director or designee shall provide notice to the District Attorney in the county where the breach occurred and to any resident of the Commonwealth whose encrypted and unredacted personal information was or is reasonably believed to have been accessed and acquired by an unauthorized person. Such notice shall be made in accordance with the provisions of law regarding timelines and methods of notification. [1]

The notice shall be made without an unreasonable delay, except when a law enforcement agency determines and advises the School in writing, citing the applicable section of law, that the notification would impede a criminal or civil investigation, or the School must take necessary measures to determine the scope of the breach and to restore the reasonable integrity of the data system. [11] [12]

The School shall also provide notice of the breach if the encrypted information is accessed and acquired in an unencrypted form, if the security breach is linked to a breach of security of the encryption, or if the security breach involves a person with access to the encryption key. [1]

Legal References

1. 73 P.S. 2301 et seq
2. Pol 113.4
3. Pol. 216
4. Pol. 324
5. Pol. 800
6. Pol. 800.1
7. Pol. 815
8. Pol. 830.1
9. 73 P.S. 2302
10. Pol. 801
11. 73 P.S. 2303
12. 73 P.S. 2304
13. U.S.C. 1681a

WACTC

Western Area Career & Technology Center

Section: Operations
Title: Data Governance – Storage/Security
Adopted: September 27, 2023

Purpose

The Western Area Career & Technology Center ("School") is required to collect, create, store and manage data and information. Accurately maintaining and protecting such data is essential for efficient School operations, legal compliance, confidentiality, and upholding trust with the school community.

This policy addresses the Joint Operating Committee's (JOC) commitment to sound data governance related to the integrity and security of the data collected, maintained, stored and managed by the School.

Authority

The JOC recognizes the importance of establishing and maintaining a system of data governance that addresses School staff responsibilities and complies with federal and state laws and regulations regarding data storage, security, and records management. The School's data governance system shall meet or exceed industry and/or government standards for data protection and privacy of personal information. [1] [2]

The JOC directs that the creation, collection, retention, retrieval and disposition of School records shall be governed by JOC policy and the School's Records Management Plan and Records Retention Schedule. [3]

The JOC directs notifications of a breach of the security of the School's computerized data system involving an individual's personal information to be conducted in accordance with law and JOC policy. [4] [5]

Definitions

Confidential Data/Information: Information regarding which law, JOC policy or contract prohibit disclosure or that may be disclosed only in limited circumstances. Confidential data includes, but is not limited to, personally identifiable information and other personal information regarding students, employees and district residents. [6] [7] [8]

Critical Data/Information: Information that is essential to School operations and that must be accurately and securely maintained to avoid disruption to School operations.

Data Governance: The School's comprehensive system to ensure the integrity of data created, collected, stored, secured and managed by the School.

Encryption: The use of an algorithmic process to transform data into a form in which there is a low probability of assigning meaning without use of a confidential process or key. [9]

Personal Information: Includes an individual's first name or first initial and last name in combination with and linked to any one or more of the following, when not encrypted or redacted. [5] [9]

- Social Security Number
- Driver's License number or state identification card number issued instead of a driver's license.
- Financial account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.
- Medical information, meaning any individually-identifiable information contained in the individual's current or historical record of medical history or medical treatment or diagnosis created by a health care professional. [9]

- Health insurance information, meaning an individual's health insurance policy number or subscriber identification number in combination with access code or other medical information that permits misuse of an individual's health insurance benefits. [9]
- A user name or email address, in combination with a password or security question and answer that would permit access to an online account.

Personal information does not include publicly available information that is lawfully made available to the general public from federal, state or local government records or widely distributed media. [9] [10]

Records Management Plan: The system implemented by the School for the storage, retention, retrieval and disposition of all records generated by School operations. [3]

Records Retention Schedule: A comprehensive listing stating retention periods and proper disposition of records. [3]

Delegation of Responsibility

The Executive Director, in coordination with the Network Administrator and the Business Manager, shall develop procedures necessary to implement this policy.

All individuals who are granted access to confidential and/or critical data/information are required to keep the information secure and are prohibited from disclosing or assisting in the unauthorized disclosure of such data/information. [5] [11]

The Network Administrator shall conduct regular vulnerability and risk assessments to monitor the integrity of the School's system of data governance.

The Executive Director shall ensure that the policy is reviewed at least annually and updates as necessary. [1] [2]

Guidelines

The School's system of data governance shall include, but not be limited to, the following:

1. Data security controls that meet or exceed industry and/or government standards for data protection and privacy, to ensure that only authorized individuals have access to computerized data.
2. A plan for backup and recovery of data to protect against information loss. Redundant backup systems of data storage shall be securely maintained in separate physical locations or in separate data storage systems.
3. Training requirements for individuals who have access to confidential and/or critical data and information.
4. Provisions to minimize the risk of unauthorized access, alteration or erasure of computerized data. [5]
5. An inventory of all software applications, digital tools and platforms, and related instruments comprising the data governance system.
6. Procedures for addressing a breach of data and cybersecurity incidents. [5]
7. Procedures and acceptable use provisions for access to data and protection of privacy and personal information for students, staff, and district residents. [5] [12]
8. A requirement that all service providers retained or contracted by the School for data governance and records management purposes meet or exceed industry and/or government standards for data protection and privacy of personal information.

Use of Personal Electronic Devices and Resources

The School prohibits storage of confidential and/or critical data/information of the School on a personal electronic device, personal email account, or other personal platform. School staff and service providers shall use district-controlled accounts and platforms to securely access, store, or transmit confidential and/or critical data/information of the School.

Service Providers

Service providers retained or contracted by the School shall comply with law, JOC policy, administrative regulations, and School procedures regarding data security and integrity of data containing confidential and/or critical data/information of the School. [3] [5]

The School shall ensure that the agreement or contract for service with a service provider who may have access to confidential and/or critical data/information reflects appropriate data security provisions.

Consequences

Failure to comply with law, JOC policy, administrative regulations or procedures regarding data governance and security may result in the following disciplinary measures and possible pursuit of civil and criminal sanctions: [13] [14] [15]

1. Employees may be disciplined up to and including termination.
2. Volunteers may be excluded from providing services to the School.
3. The termination of a business relationship with a service provider.

Legal References

1. 73 P.S. 2305.1
2. 73 P.S. 2305.2
3. Pol. 800
4. 73 P.S. 2301 et seq
5. Pol. 830
6. Pol. 113.4
7. Pol. 216
8. Pol. 324
9. 73 P.S. 2302
10. Pol. 801
11. Pol. 828
12. Pol. 815
13. Pol. 317
14. Pol. 818
15. Pol. 916