



**MOBILE COUNTY PUBLIC  
SCHOOL SYSTEM  
POLICY BOOK**

**CHAPTER 3:  
GENERAL  
ADMINISTRATION**

## **Chapter 3.00 – General Administration**

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**SUPERINTENDENT SELECTION / CONTRACT**

The board will appoint the superintendent based on its qualifications and state requirements and will negotiate an employment contract addressing compensation, benefits outside those established by state law, expense allowance, professional development, consulting contracts and evaluation (outside of that required by state Board of Education) discharge and resignation.

### **SUPERINTENDENT DUTIES**

The duties of the superintendent are:

1. He/she shall provide leadership in working with the Board of School Commissioners of Mobile County, professional associates, and citizens generally in formulating educational objectives for the schools, which are based on community needs and students' abilities and needs.
2. He/she shall serve as the executive officer of the board; and shall sign in the name of the board all deeds, bills of sale, contracts or evidence of debt, and other legal documents to which the board is a party except such, as by other resolution or action, are to be signed by the president or other officers or employee of the board.
3. He/she shall give general direction, supervision, and coordinated leadership to the entire school program, including business administration, curriculum development and instruction, personnel administration, pupil personnel administration, and all auxiliary services associated with the operation of public schools.
4. He/she shall understand laws and court decisions bearing upon education and policies, both of the State Board of Education and of the Board of School Commissioners of Mobile County, and shall administer the schools of Mobile County in accordance with same, insofar as they may be applicable to Mobile County.
5. He/she shall develop administrative procedures that will achieve effective implementation of school board objectives and policies.
6. He/she shall implement procedures designed to attract capable and properly trained personnel to specialized jobs necessary to the operation of schools; shall promote in-service growth and improvement of all workers on their jobs; shall foster esprit de corps, high morale, and teamwork among the board's employees and the best possible utilization of specialized abilities and interests.
7. He/she shall assist the board in carrying out its functions by providing channels of communication between the board and the educational community, the administrative staff, and lay citizens.
8. He/she shall promote a continuous program of research in all phases of the school program; shall facilitate an effective evaluation of the program in terms of the objectives sought; shall furnish information needed by the board in policy formation, in making important decisions, in improving administration, and in achieving economical and wise business administration.

9. He/she shall serve the board as secretary, conduct all correspondence of the board, keep and preserve all of its records, receive all reports required by the board and ascertain that all reports are in proper form, complete and accurate, arrange and announce meetings, prepare agendas for meetings, attend all meetings unless otherwise excused by the board president, participate in all deliberations other than those involving his/her salary and employment, and prepare minutes of meetings for school board approval.
10. He/she shall recommend professional employees for appointment, demotion, promotion, transfer, or dismissal.
11. He/she shall give leadership in a continuous program of curriculum development so the instructional program will be adapted to the needs of the community, the larger society, and to the needs and abilities of students.
12. He/she shall prepare and submit to the board before the end of the fiscal year an estimate of receipts and expenditures for the ensuing year.
13. He/she shall organize the central staff in such a way as to accomplish the following:
  - a. Teamwork through cooperative planning.
  - b. Clarification of purposes to be achieved.
  - c. Understanding of basic policies and administrative procedures designed for their implementation.
  - d. Effective utilization of specialized interests, abilities, and training.
  - e. Clear understanding of duties and responsibilities to be performed.
  - f. Creation of an emotional and professional climate conducive to a realistic, objective, and rational approach to solving problems.
  - g. Performing such other duties as the board may determine.

### **BOARD-SUPERINTENDENT RELATIONS**

The superintendent represents the board in dealing with the staff; he or she likewise represents the staff in dealing with the board. Board members who have information or suggestions pertinent to the administration of schools call or contact the superintendent. Staff members who desire advice and counsel or clarification of policy in handling complicated problems contact the superintendent, who in turn gives the answer or direction needed or else seeks the assistance of the board. Staff members who have information or suggestions pertinent to the carrying out of school board functions bring them to the attention of the superintendent who in turn makes regular reports to the board.

Board members will refer all requests for individual adjustment, preferment, or promotion to the superintendent.

The board and the superintendent will respect the confidentiality of personal information pending school board action and/or the resolution of problems, to a satisfactory conclusion in a confidential and professional manner.

Board members desiring written response and/or research by staff members should present such requests to the superintendent or designee in writing.

Copies of the written board requests and staff responses shall be disseminated to all board members and appropriate staff members through the superintendents or designee.

**Date Adopted: December 11, 2007**

### **ADMINISTRATIVE RULES**

Following the adoption of policies governing the operation of the school system, the superintendent and administrative staff will develop procedures for the implementation throughout the system.

## **EQUAL OPPORTUNITY**

The board, its employees and agents shall not discriminate in any way on the basis of race, sex, religion, national origin, age or handicap.

Guidelines will be maintained to support nondiscrimination. These guidelines specify grievance procedures, including the name and location of the board employee(s) assigned responsibility for grievances.

### **Equal Opportunity: Complaints, Appeals**

Any student, parent or other individual on behalf of a student or parent may file a written complaint or appeal for an exception to any school board practice. Administrative procedures for reviewing all complaints will be designed to secure solutions at the lowest level.

All complaints will be handled promptly as soon as possible and resolved within 30 days after the complaint is filed unless additional time is required because of exceptional circumstances.

Reference – Procedures: Equal Opportunity, Complaints, Appeals

**Date Adopted: December 11, 2007**



**PROCEDURE:  
EQUAL OPPORTUNITY, COMPLAINTS, APPEALS FOR NON EMPLOYEES**

Normal steps in reaching a resolution to individual concerns are listed below:

1. In the event an individual or group believes there is a basis for complaint, that person or group will initiate informal discussion within 5 days after he/she knew, or should have known of the occurrence leading to the possible concern.
2. If the complaint is not resolved at the informal level, the complainant may FILE a written complaint and supporting evidence with the superintendent or his specified designee.
3. Within ten days, the superintendent's designee will discuss the matter with the complainant; thereafter a thorough investigation will be conducted to gather all relevant information. Equal rights for discussion will be given to other appropriate parties.
4. If the complaint is not settled through the discussion process the superintendent may designate a hearing officer, and a formal hearing will be scheduled to permit both parties to present evidence before the hearing officer.
5. If satisfaction is not reached with the hearing officer's formal recommendations, the grievant may request a hearing before the school board.

### Title IX

- A. Prohibition - In accordance with Title IX (20 U.S.C. §1681, *et seq.*), and its regulations (34 C.F.R. Part 106), the Board strictly prohibits discrimination on the basis of sex or gender in its programs or activities, including sexual harassment, as defined by law and Board policy. Inquiries regarding the application of Title IX regulations may be referred to the Board's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both. Sexual harassment complaints will be filed and reviewed under the Board's student sexual harassment policy or its employee sexual harassment policy as applicable. All other complaints under Title IX will be filed and reviewed according to the Board's general complaint and grievance procedures.
- B. Title IX Coordinator - The Superintendent has designated a Title IX Coordinator, whose duties will include but not be limited to receiving and responding to Title IX inquiries and complaints, and compliance with the regulations. The Title IX Coordinator is Bryan Hack, Human Resources Supervisor, 1 Magnum Pass, P.O. Box 180069, Mobile, AL 36618 (251) 221-4543, Bhack@mcpss.com.
- C. Reports to State Department of Human Resources - When alleged sexual harassment involves a student and could involve sexual abuse, certified personnel must report it to the state Department of Human Resources as required under Alabama law.

Legal References: 20 U.S.C. §1681, *et seq.*; 34 C.F.R. Part 106; Ala. Code §26-14.3

Revised: \_\_\_\_\_

## SECTION IX

### SEXUAL HARASSMENT

The Board does not discriminate on the basis of sex in its education programs or activities it operates, nor does it tolerate sexual harassment. All inquiries, questions, or comments regarding Title IX concerns should be sent to: Bryan Hack, Human Resources Supervisor, Title IX Coordinator, 1 Magnum Pass, P.O. Box 180069, Mobile, AL 36618 (251) 221-4543, Bhack@mcps.com. In accordance with Board Policy 5.281, all complaints regarding *sexual harassment* should be filed and reviewed under the Board's student sexual harassment policy and procedures. The procedures are set forth below. 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 receiving the person's verbal or written report. All other complaints under Title IX should be filed with the Title IX Coordinator and will be reviewed according to the Board's general complaint and grievance policy and procedures.

Sexual harassment, as defined in the Board Policy 5.281 and herein, in any form that is directed toward students is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences, up to and including termination (for employees), and expulsion (for students) as dictated by the nature and severity of the violation and other relevant considerations. If appropriate, the circumstances constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action. The Board reserves the right to modify these policies and procedures in order to comply with applicable law. In the event that any court, agency, commission, legislative body, or other authority of competent jurisdiction issues a finding that limits the validity or enforceability of Title IX or its implementing regulations, in whole or in part, the Board's policies and procedures shall be deemed modified and/or limited to the extent necessary to comply with any applicable court, agency, commission, legislative body, or other authority's finding or order.

#### A. Definitions -

**1. Complainant** - complainant means a student who is alleged to be the victim of conduct that could constitute sexual harassment.

**2. Respondent** - respondent means and individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**3. Sexual harassment** - For purposes of the Title IX sexual harassment policies and procedures, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- a. Sexual assault as defined in 20 U.S.C. §1092(f)(6)(A)(v), dating violence as defined in the 34 U.S.C. §12291(a)(10), domestic violence as defined in 34 U.S.C. §12991(a)(8), or stalking as defined in 34 U.S.C. §12291(a)(30).
- b. 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
- c. An employee of the Board conditioning the provision of an aid, benefit or service of the Board on and individual's participation in unwelcome sexual conduct (otherwise known as "quid pro quo").

**4. Formal Complaint** - 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 school system 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 in the school system for which the complaint relates to.

**5. Actual knowledge** - Actual knowledge means notice of sexual harassment or allegations of sexual harassment to: (1) the Title IX Coordinator, (2) any official of the school system who has authority to institute corrective measures on behalf of the school system, or (3) to any other employee of the Mobile County Public School System. This standard is not met when the only official of the school system with actual knowledge is the respondent (alleged perpetrator).

**6. Supportive Measures** - 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, and/or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the school system's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school system's educational environment, or deter sexual harassment. Supportive measures may include, but not be limited to:

- a. counseling
- b. extensions of deadlines or other course-related adjustments;
- c. modifications of work or class schedules;
- d. campus escort services;
- e. mutual restrictions on contact between the parties;
- f. changes or modifications to student schedules;
- g. increased security and monitoring of certain areas of campus; and
- h. other similar measures.

**7. Education program or activity** - "Education program or activity" includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

## B. Jurisdictional issues

An administrator, campus principal, or his or her designee, may address student issues and impose discipline and/or sanctions through a separate Student Code of Conduct provision if any student acts are found to fall outside the jurisdiction of the Board's sexual harassment policy: In accordance with Title IX's implementing regulations, the following are outside the jurisdiction and scope of the sexual harassment policy:

1. **Outside educational program.** Alleged behavior that occurs off-campus, outside an educational activity or program, and only has an on-campus effect;
2. **Outside the United States.** Alleged behavior that occurs outside the United States.
3. **Outside definition of Sexual Harassment.** Alleged behavior that falls outside the definition of "sexual harassment."

## C. Presumption under Title IX

Under Title IX and its implementing regulations, it is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

## D. Informal Report of Sexual harassment and Response

**1. Report** - In accordance with Title IX of the Education Amendments of 1972, and its implementing regulations, found at 34 C.F.R. § 106.44(a), 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 as identified in this Code of Conduct, 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, by using the telephone number or email address, or by mail to the office address listed for the Title IX Coordinator above.

Students are also permitted to report allegations of suspected sex discrimination, including sexual harassment to any other administrator, teacher, counselor, or any other Board employee. All Board employees have a duty to promptly refer such allegations to the building principal, so long as the building principal is not the Respondent and/or not alleged to be involved with the report of sexual harassment, and/or the Title IX Coordinator, or his or her designee. If the report involves the campus principal, the report shall be made or filed directly with the Title IX Coordinator by the reporting party or complainant. If a Board employee fails to forward any sexual harassment report or complaint as provided herein, such failure may result in disciplinary action against the Board employee.

Upon receipt of any informal report of sexual harassment from any complainant and/or Board employee, the principal should also notify the Title IX Coordinator of the report. The Title IX Coordinator will make a determination as to whether the principal should review and investigate the concerns, and/or whether the Title IX Coordinator, or his or her designee will review and investigate.

**2. Supportive Measures** - Upon receiving a informal report, or a copy of a report of sexual harassment, the Title IX Coordinator, or his or her designee, should 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 filing of a formal complaint, and explain the process of filing a formal complaint.

**3. Response** - Upon receiving an informal report of sexual harassment, the principal, Title IX Coordinator, or his or her designee, should respond promptly and in a manner that is not deliberately indifferent. A deliberately indifferent response is a response that is clearly unreasonable in light of known circumstances. The principal, Title IX Coordinator, or his or her designee should take steps to investigate the allegations using various procedures and investigating techniques, including but not limited to interviews, phone contact, data reviews, and witness reports.

**4. Determination** - Following a review and investigation of the allegations, the principal, Title IX Coordinator, or his or her designee should make a determination of whether the allegations have been substantiated as factual based on the preponderance of the evidence and whether the actions appear to be violations of this policy. If the allegations are determined to be true, and a finding is made that the Respondent engaged in sexual harassment, supportive measures may also be offered to the Respondent. In addition, if Respondent is found to have engaged in sexual harassment, responsive actions or recommendations may include any sanctions as listed in the Student Code of Conduct. *Before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent can be imposed, however, the formal complaint and grievance process outlined below must be initiated and followed.*

#### E. Formal Complaint and Grievance Process

All formal complaints of sexual harassment should comply with the requirements of 34 C.F.R. § 106.45. The formal complaint process should be investigated and findings made with reasonable promptness. Temporary delays of any of the grievance processes, and/or limited extensions of time frames, will be allowed for (1) good cause, with (2) written notice to the complainant and the respondent of the delay or extension, and (3) the reasons for such action. Good cause may include but not be limited to, considerations such as the absence of a party, a party's advisor, a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

In accordance with the requirements of 34 C.F.R. § 106.45, the following procedures will apply to the formal complaint process.

##### **1. Filing the Formal Complaint**

A complainant or the Title IX Coordinator may file a formal complaint of sexual harassment. Such complaints should be submitted on the Board's "Sexual Harassment Complaint Form." (attached) A complainant may file a formal complaint with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed herein. The complainant should sign the document or provide their name if submitting the Sexual Harassment Complaint Form by e-mail. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under 34 C.F.R. part 106 or under 34 C.F.R. § 106.45 See 34 C.F.R. § 106.30(a).

## **2. Notice.**

Upon receipt of a formal complaint, the Title IX Coordinator, or his or her designee, shall provide written notice to the parties (complainant and respondent). The Written notice shall contain the following:

- a. Notice of the Board's grievance process as outlined below, including any available informal resolution process;
- b. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined and including sufficient details known at the time. Sufficient details should include 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.
- c. 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. A statement informing the parties that they may have an advisor, of their choice, who may be, but is not required to be, an attorney.
- e. A statement informing the parties that they may inspect and review evidence gathered as a result of the formal complaint process.
- f. A statement informing the parties that the Board's sexual harassment policies and procedures prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

## **3. Dismissal of Formal complaint.**

A formal complaint shall, or may, be dismissed in the following situations:

- a. Mandatory Dismissal. If the conduct alleged in the formal complaint (1) would not constitute sexual harassment even if proved, (2) did not occur in the Board's education program or activity, or (3) did not occur against a person in the United States, then the Title IX Coordinator, or his or her designee, must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such a dismissal does not preclude action against the respondent under another provision of the Student Code of Conduct.
- b. Permissive Dismissal. The Title IX Coordinator may dismiss a formal complaint, or any allegations therein, if at any time during the investigation or grievance process:
  - i. The respondent is no longer enrolled in the school system and/or the respondent is no longer employed by the school system; or
  - ii. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - iii. Certain circumstances prevent the Title IX Coordinator, or his or her designee, from gathering evidence sufficient to reach a

determination as to the formal complaint or allegations therein (e.g., passage of time, lack of cooperation by the complainant).

c. Written notice of dismissal. Upon a required and/or permitted dismissal pursuant to the above paragraphs of this section, the Title IX Coordinator, or his or her designee, must promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

#### **4. Investigation process and Written Report.**

By authority of the Board, the Title IX Coordinator, or his or her designee, upon receipt of an formal complaint alleging sexual harassment, shall promptly undertake or authorize an investigation (individual investigating is hereinafter “the appointed investigator”). The Title IX Coordinator may be the appointed investigator, or the Title IX Coordinator may choose to have the principal serve as the appointed investigator, so long as the principal is not the alleged respondent and/or so long as the formal complaint does not involve the principal. The appointed investigator may also be another Board official, or a third party as deemed appropriate under the circumstances. The appointed investigator shall conduct a formal investigation to discover and examine the facts related to the allegation(s).

The investigation process should be conducted in accordance with 34 C.F.R. 106.45(b)(5). During the investigation, the Complainant and the Respondent will have an equal opportunity to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions to be asked of the other party. Questions for the other party will be asked by and at the discretion of the appointed investigator. The appointed investigator will meet separately with the complainant, the respondent, and any witnesses, and will gather other relevant and available evidence and information. To the extent possible, the investigation will be conducted in a manner that protects the privacy of all parties involved. While the Board cannot guarantee complete privacy, information collected during the investigation will be communicated only to the parties and those with a need to know in order to fulfill the purposes of Board’s policies and to comply with applicable laws.

#### **5. Written Report.**

The investigation should be completed as soon as practicable. The appointed investigator should prepare a written report which fairly summarizes the relevant evidence. The appointed investigator may draw conclusions as to whether, based on the preponderance of the evidence, an allegation is substantiated, unsubstantiated, or that there is insufficient information to substantiate. The appointed investigator may also draw conclusions as to whether or not any other Student Code of Conduct provisions or policies were violated. To the extent allowed by laws that apply to matters of confidentiality, the written investigative report should be provided to the parties and their advisors in draft form prior to the appointed investigator supplying the final investigative report to the designated administrator who will make the determination of responsibility. The draft investigation report should be redacted in accordance with state and/or federal law (e.g. FERPA) before the parties’ review.

After the Title IX Coordinator, or his or her appointed investigator, has sent the complainant and respondent the draft investigative report, the complainant and respondent



will have ten (10) days to prepare a written response to the draft report. The appointed investigator will consider the response(s) provided, if any, prior to completing the investigation report. The complainant and respondent's response should also contain any written, relevant questions that a party wants asked of any party or witness. Each party will then have an opportunity to provide answers, and an opportunity for any additional, limited, follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The appointed investigator should inform the party proposing questions regarding any decision to exclude a question as not relevant. Ultimately, the appointed investigator has the sole discretion to determine the relevance of evidence, and whether it should be included in, or excluded, from the investigation report. Once the investigative report is complete, the appointed investigator should send the complainant and respondent a written copy of the Final Investigation Report. Both parties will be provided ten (10) days to review the Final Investigation Report and provide a written response if they desire. The Final Investigation Report will be redacted in accordance with state and/or federal law (e.g. FERPA) before the parties' review. The appointed investigator shall then submit the written report, and any responses thereto, to the designated administrator.

#### **6. Determination regarding responsibility.**

The Superintendent's designee shall be responsible for making a determination regarding responsibility, (hereinafter referred to as the "designated administrator"). The designated administrator, however, cannot be the same person as the Title IX Coordinator or the Title IX Coordinator's appointed investigator. The designated administrator must issue a written determination regarding responsibility. The Respondent is presumed to not have engaged in prohibited conduct until the designated administrator finds that there is sufficient evidence based on a preponderance of the evidence that the respondent has violated the Board's sexual harassment policy.

The designated administrator should review the investigation report, the documentary evidence, and any other relevant information to render a written decision based on the preponderance of the evidence as to 1) whether the conduct alleged occurred; and 2) whether each allegation has been substantiated, unsubstantiated, or that there is insufficient information to substantiate that respondent violated the Board's sexual harassment policy. The designated administrator may also render a written decision as to whether other provisions of the Student Code of Conduct, policies, and/or rules were violated. If violation(s) are found, the designated administrator may issue and/or recommend sanctions to the appropriate campus principal. The designated administrator should not render a written determination until both parties have been provided ten (10) days to review the above Final investigation report.

Both parties should then be provided a copy of the written determination. The written determination will be redacted in accordance with state and/or federal law before the parties' review. The written determination must include:

- a. identification of the allegations potentially constituting sexual harassment;

- b. a description of the procedural steps taken from the receipt of the formal complaint through the determination;
- c. findings of fact supporting the determination;
- d. conclusions regarding the application of the Board's Student Code of Conduct to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the designated administrator recommends being imposed on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided by the school system to the complainant; and
- f. The procedures and permissible bases for the complainant and respondent to appeal.

The determination regarding responsibility becomes final either (1) on the date that the school system provides the parties with the written determination of the result of the appeal, if an appeal is filed, or (2) if an appeal is not filed, the date on which an appeal would no longer be considered timely.

A decision by the designated administrator regarding a determination of responsibility does not constitute an employment action with respect to respondent employee(s). Any sanction imposed on an employee as a result of the determination of responsibility shall be done in accordance with Board Policy and applicable state and federal law.

Any recommended sanction(s) imposed on a student respondent shall be done in accordance with the Student Code of Conduct.

## **7. Appeals.**

### **a. Right to an appeal.**

Should the complainant or the respondent disagree with the designated administrator's finding of responsibility and/or disagree with the Title IX Coordinator's, or his or her designee's, dismissal of a formal complaint or any allegations therein, such party shall submit a written notice of appeal within five (5) days of receiving the written determination of responsibility or dismissal of the formal complaint. The written notice of appeal should include a statement outlining the bases for appeal and any evidence which supports the appeal. The following reasons are those in which a party may appeal:

- i. A procedural irregularity affected the outcome of the matter;
- ii. New evidence was not reasonably available at the time the determination regarding responsibility or dismissal was made, and such evidence could affect the outcome of the matter; or
- iii. The Title IX Coordinator, appointed investigator(s), or designated administrator had a conflict of interest or bias for or against complainants or respondents generally, or the individual

complainant or respondent specifically, that affected the outcome of the matter.

b. Appeal process.:

- i. Upon receiving the written notice of appeal, as soon as practicable, the Title IX Coordinator, must notify the other party in writing when an appeal is filed;
- ii. After receiving the notice of appeal from the Title IX Coordinator, each party will be provided five (5) days to submit a written statement in support of, or challenging, the determination.
- iii. The Superintendent, or his or her designee, will hear appeals of decisions based on student-on-student sexual harassment. (appeal authority)
- iv. The Superintendent will hear appeals of decisions based upon actions by Board employees. (appeal authority)
- v. If (1) no appeal is filed within five (5) days of the receipt of the notice of the designated administrator's written determination; or, 2) if the appeal authority determines that the appeal does not identify one of the bases for appeal listed above, then the appeal authority will provide simultaneous notice to the parties that no valid appeal was filed and that the decision of the designated administrator is final and the case is closed.
- vi. Upon receiving the notice of appeal, the Title IX Coordinator will forward the appeal, and any supporting information or evidence, to the appropriate appeal authority. The appeal authority will review the appeal documents, the written determination of responsibility by the designated administrator, any new evidence submitted by the parties, and the investigation report and exhibits. The appeal authority will render a written decision which includes a rationale for the decision as to each of the grounds appealed. The appeal authority will forward the decision to Title IX Coordinator within fourteen (14) days from the date of receipt of the appeal, unless circumstances require additional time. The decision of the appeal authority will be final.

F. Informal Resolution

The Board does not require, as a condition of enrollment, continuing enrollment, and/or enjoyment of any other right, that a complainant or respondent waive his or her right to an investigation and/or adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the Board does not require the parties participate in an informal resolution process under this section, and the Board will not offer an informal resolution process unless a formal complaint is filed. However, if at any time prior to reaching a determination regarding responsibility under the **formal complaint** process, the Board reserves the right to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. Should the Title IX

Coordinator, or his or her designee, believe that an informal resolution process may be appropriate, the Title IX Coordinator, or his or her designee, shall:

**1. Notice.**

Provide to the parties a written notice disclosing:

- i. the allegations;
- ii. 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;
- iii. 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
- iv. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and

**2. Consent.**

Obtain the parties' voluntary, written consent to the informal resolution process;

**3. Student-on-Student Harassment.**

The informal resolution process will only be utilized in student-on-student complaints, and it will not be utilized to resolve allegations that an employee sexually harassed a student.

**G. Confidentiality**

All Board employees must keep confidential the identity of a person who complains or reports sexual harassment, including parties and witnesses, except as permitted by law and to carry out the purpose of these procedures.

Board employees should also work to maintain the confidentiality of supportive measures that are provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the school to provide the supportive measures.

**H. No Retaliation**

The Board will discipline or take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any person who reports sexual discrimination-including sexual harassment or violence- or any person who assists or participates in an investigation, or who assists or participates in the formal grievance process relating to such harassment or violence.

Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section. Charging an individual with a Student Code of Conduct violation for making a materially false statement in bad faith in the course of the complaint procedure section under this part does not constitute retaliation prohibited under this section, provided, however, that a negative

determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

#### I. Harassment or Violence as Abuse

Under certain circumstances, alleged harassment or violence may also be possible abuse under Alabama Law. If so, duties of mandatory reporting under Ala. Code §16-1-24 and Ala. Code §26-14-1 may be applicable.

#### J. Emergency removal/administrative leave

In addition to offering supportive measures to the complainant, the school system may need to initiate an emergency removal of the respondent from campus. In accordance with 34 C.F.R. 106.44, the Title IX formal complaint and grievance process does not prevent a principal from immediately removing a student respondent from the educational program or activity on an emergency basis, provided that the principal: (1) informs the Title IX Coordinator of the alleged act, and (2) conducts an individualized safety and risk analysis and determines that emergency removal is necessary in order to protect a complainant or other student or individual from an immediate threat to physical health or safety. In the event that an emergency removal of a student respondent is necessary, the principal should comply with the Student Code of Conduct provisions regarding suspension and expulsion of students in order to provide respondent with the appropriate notice and opportunity to challenge the decision.

Emergency removal does not modify any rights under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

#### K. False Statements and Allegations

The Board's sexual harassment policies and procedures prohibit anyone from knowingly making false statements or knowingly submitting false information during the sexual harassment complaint procedures. A student who deliberately, recklessly, and falsely accuses another student and/or employee of a violation of this policy will be subject to disciplinary sanctions as outlined in the Code of Student Conduct.

#### L. Record-keeping

All records shall be maintained in accordance with 34 C.F.R. § 106.45(b)(10). Specifically, the school system will keep records related to reports of alleged sexual harassment for a minimum of seven (7) years, including investigation records, disciplinary sanctions, remedies, appeals, and records of any action taken, including supportive measures. If supportive measures are not offered in response to a report, the records retained should document why supportive measures were not offered.

## Student Sexual Harassment Complaint Form

This form may be used by a student, a student's parent or guardian, or an individual acting on a student's behalf who believes the student is a victim of sexual harassment to submit a complaint regarding sexual harassment (Board Policy 5.281 Student Sexual Harassment). This form should be submitted to the principal of the school. However, if the complaint concerns the principal, the complaint may be made directly to the Title IX Coordinator or the Superintendent.

Student's Name: \_\_\_\_\_ School: \_\_\_\_\_

Grade: \_\_\_\_\_

Name of Person Completing the Form (if not the student) \_\_\_\_\_

Your Home Phone: \_\_\_\_\_

Your Home Address: \_\_\_\_\_

Describe the sexual harassment, including all pertinent facts supporting the complaint.

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(Attach additional paper, if needed.)

When did this happen (over what time period if continuing or more than once):

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(Attach additional paper, if needed.)

Identify the person(s) whose actions led to the filing of the complaint, and all witnesses or other persons having information that is relevant to the complaint.

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(Attach additional paper, if needed.)

Do you have suggestions for resolving this situation? If so, list them here:

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(Attach additional paper, if needed.)

**Attach copies of documents or other evidence that is relevant to the complaint.**

I affirm that to the best of my knowledge, the foregoing information is true, accurate, and complete.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### WEBSITE ACCESSIBILITY

The Mobile County Public School System is committed to ensuring that the content on its website is accessible to everyone, including those with disabilities and users of assistive technology.

Grievances related to Section 504, Title II or other formal grievances can be filed with the System using the procedures outlined in the Section 504 Grievance Procedures located on the Board's website.

Reference: Web Content Procedures  
(located on the Board's website)

**Legal Reference:** Section 504 (Rehabilitation Act) and Title II (American with Disabilities Act)  
**Date Adopted:** January 24, 2018



### **SERVICE ANIMALS**

The Mobile County Public School System permits individuals with disabilities to use their service animals as allowed by law and pursuant to the System's procedures relating thereto.

**Legal Reference:** Title II of the Americans with Disabilities Act: Alabama Code - §21-7-4  
**Date Adopted:** February 26, 2018

### **PROCEDURES FOR USE OF SERVICE ANIMALS**

The Mobile County Public School System permits individuals with disabilities to use their service animals. A “service animal” is a dog that has been individually trained to do work or perform tasks for an individual with a disability. The tasks performed by the dog must be directly related to the person’s disability. Emotional support animals are not service animals.

If a particular service animal is out of control or if it poses a direct threat to the health and safety of others, or if it is not housebroken, it may be excluded.

The service animal must be harnessed, leashed or tethered unless these devices interfere with the service animal’s work. In that case, the person must use voice, signal, or other effective means to maintain control of the animal.

Staff may not require documentation or proof that the service animal has been certified or trained, but service dogs are subject to the same licensing and vaccination rules that are applied to all dogs.

The Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act allow a student to use an animal that does not meet the above definition of “service animal” if that student’s IEP or 504 team decides (on a case-by-case basis) the animal is necessary for the student to receive a free and appropriate education.

In the case of a disabled child (including a child diagnosed on the autism spectrum) any aide assigned to assist the child shall be trained with the service animal in basic commands in order to assist the child as a team.

All requests for an individual with a disability to be accompanied by a service animal shall be submitted in writing to the Superintendent’s Office. Forms are available for this purpose.

**MOBILE COUNTY PUBLIC SCHOOL SYSTEM**

**REQUEST TO BRING A SERVICE ANIMAL TO SCHOOL OR WORK**

Date \_\_\_\_\_ (request made at least ten (10) days prior to animal's presence)

Name of Student/Employee/Individual  
Requesting to Bring Service Animal

\_\_\_\_\_

Parent Name (if Student is making request) \_\_\_\_\_

School \_\_\_\_\_

Disability of Student/Employee/Individual

\_\_\_\_\_

Describe the task that the service animal performs that is directly related to the individual's disability.

Documentation attached that the Service Animal is:

- Properly and currently vaccinated and in good health.
- Under the control of a properly trained handler. Name of handler: \_\_\_\_\_

Submit Request to Superintendent's Office. If the request is being made on behalf of a student with a disability, the student's 504/IEP Team will meet to address the request.

*Note: ANNUAL APPLICATION AND REVIEW REQUIRED*

**MOBILE COUNTY PUBLIC SCHOOL SYSTEM**  
**SERVICE ANIMAL REGISTRATION/AGREEMENT**

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Student (if applicable)

Request Form is attached

Documentation attached that the Service Animal is:

Properly and currently vaccinated and in good health.

Under the control of a properly trained handler. Name of handler: \_\_\_\_\_

I have read and understand the Mobile County Public School System's Service Animal Policy 3.33 and I will abide by this Policy.

I understand that if my Service Animal is out of control or the animal's handler does not effectively control the animal's behavior or the animal is not housebroken or the animal's presence poses a direct threat to the health or safety of others, the School System has the discretion to exclude or remove the service animal from its property.

I agree to be responsible for any and all damage to school property, personal property, and any injuries to individuals caused by the service animal. Further, I agree to indemnify, defend and hold harmless the Mobile County Public School System and its Board Members and employees from and against any and all claims, actions, suits, judgements and demands brought by any party arising on account of, or in connection with, any activity or damage or injury caused by the service animal.

**OWNER OF SERVICE ANIMAL**

\_\_\_\_\_  
Signature

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

*Note: This Registration/Agreement is valid until the end of the current school year. It must be renewed prior to the start of each subsequent school year or when a different service animal will be used.*

## SAFETY

A comprehensive safety plan complying with State Department of Education guidelines will be developed, implemented and periodically reviewed.

School principals and employees with supervisory authority over specific departments and sites should keep safety a high priority and principals should work with the appropriate divisions to develop a property safety program for each school. The principal also will assume the responsibility for reporting to the appropriate divisions safety needs as they might arise.

The Facilities Division will work with the building administrators to assist in the implementation and observance of applicable fire codes. In addition, the Facilities Division will cooperate with other divisions in the development of fire prevention and safety procedures such as emergency drills and personnel training. A uniform emergency drill program is to be developed and maintained, addressing such emergencies as fire, storm, crisis, student disruption for all departments throughout the School System.

Safety inspections will be included in the regular maintenance program for the school system.

The superintendent is authorized to close a school if prevailing or potential hazards threaten the safety and well-being of students or employees.

Law enforcement agencies shall be authorized to make periodic visits to local schools to the extent authorized by law to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.

**Legal Reference: Alabama Administrative Code § 290-3-1-.02(1)(b)(1), as amended.**

Date Adopted: December 11, 2007

Hearing Dates: March 19, 2013; March 25, 2013

Date Amended: March 25, 2013

## **TOBACCO USE**

Smoking and the use of tobacco products including electronic type cigarettes (or “e-cigarettes”) are prohibited on school grounds and at school activities.

Student and employee violations will be disciplined in accordance with the existing disciplinary procedures. Employees who violate this policy shall be subject to discipline including the possibility of suspension or termination. Visitors in violation of this policy will be asked to leave the premises.

The term “smoking” as used herein includes carrying or holding a lighted pipe, cigar or cigarette of any kind (including e-cigarettes), or any other smoking paraphernalia, as well as emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind.

Electronic cigarettes (e-cigarettes or e-cigs) are battery-operated devices that deliver nicotine, flavor additives and other chemicals through a vapor that is inhaled by the user.

The term “tobacco product” as used herein includes the use of any type of tobacco product, such as chewing tobacco, snuff, or any other tobacco product that is ordinarily lit, inhaled, chewed or otherwise placed in one’s mouth or nose.

### **Legal Reference:**

**Public Hearings:     February 11, 2015**  
**February 19, 2015**

**Date Amended: March 25, 2013**

### **Firearm Possession**

The possession of a firearm by an individual, employee, visitor, or student inside or on any property owned, leased, or operated by the Mobile County Public School System is strictly prohibited except for those individuals who lease undeveloped system property for hunting or sporting activities. Otherwise, possession of a firearm is strictly prohibited whether or not those individuals, employees, visitors or students possess a legal permit to carry said firearm or if the individual possessing the firearm is licensed to do so by the State of Alabama or any other state. Duly sworn and trained peace officers in the performance of their duties are exempted from this prohibition. Employees who violate this policy are subject to discipline up to and including the possibility of termination. Students shall be disciplined for the possession of firearms to the extent required by law, including, but not limited to Code of Alabama Section 16-1-24.3, as amended.

Legal Reference: Code of Alabama § 16-1-24.3, as amended; Alabama Administrative Code § 290-3-1-.02 (1)(b)(3), as amended.

Adopted: February 7, 2001

Public Hearings: March 19, 2013, March 25, 2013

Revised: May 25, 2010, March 25, 2013

## **COMPUTER, INTERNET AND ELECTRONIC COMMUNICATION ACCEPTABLE USE**

MCPSS relies on its computer network to conduct its business. To ensure that MCPSS Computer Resources are used properly by its employees, students, independent contractors, agents, vendors and other computer Users (the "Users"), the Board of School Commissioners for MCPSS has created and passed this Computer Use Policy (the "Policy"). The rules and obligations described in this Policy apply to all Users (the "Users") of MCPSS' computer network or Computer Resources, wherever they may be located

MCPSS' policies against discrimination and harassment (sexual or otherwise) apply fully to MCPSS' Computer Resources and Resources, and any violation of those policies is grounds for discipline up to and including termination. Students who violate these policies are subject to disciplinary action consistent with Board policy and the Student Handbook. Vendors, consultants and other third parties must adhere to these policies and are subject to losing their right to access MCPSS Computer Resources for violations of these policies.

The term *Computer Resources* as used herein refers to MCPSS' entire computer, electronic and communications network. Specifically, the term *Computer Resources* includes, but is not limited to: computers, host computers, file servers, application servers, communication servers, mail servers, fax servers, Web servers, workstations, stand-alone computers, laptops, tablets such as IPAD's, telephones, facsimile machines, scanners, software, data files, peripherals such as printers, and all internal and external computer and communications networks (for example, Internet, commercial online services, value-added networks, e-mail systems) that may be accessed directly or indirectly (including access by Students, vendors, consultants and other third parties using personally owned computer hardware as authorized by MCPSS) from our computer network or that are owned or have been purchased by MCPSS.

The Computer Resources are the property of MCPSS and may be used for only legitimate business and educational purposes. Users are permitted access to the Computer Resources to assist them in performance of their jobs. Computer and internet access is provided for MCPSS business *use*, but *occasional* minimal personal use is allowed. Use of the Computer Resources is a privilege that may be revoked at any time. Users who violate this Policy may have their Computer/Internet use privileges revoked at any time and without prior notice AND are subject to discipline up to and including the possibility of termination.

**In using or accessing the Computer Resources, Users must comply with and be aware of the following provisions:**



**No Expectation of Privacy.** The computers and computer accounts given to Users are to assist them in the performance of their jobs or in the case of students, in their educational studies and activities. Users should not have an expectation of privacy in anything they create, store, send or receive on the Computer Resources. Computer Resources belong to MCPSS and may be used only for the purposes set forth herein. MCPSS has the right, but not the duty, for any reason and without the permission of any User, to monitor any and all of the aspects of its Computer Resources, including, without limitation, reviewing documents created and stored on its Computer Resources, deleting any matter stored in its system, monitoring sites visited by Users on the Internet, monitoring chat and news groups, reviewing material downloaded or uploaded by Users from the Internet, and reviewing E-Mail sent and received by Users. Employees and Users should not have an expectation of privacy in anything they create, store, send or receive using the Computer Resources.

**Waiver of privacy rights.** MCPSS reserves the right to inspect the contents of all electronic data stored on MCPSS computer equipment or Computer Resources. Users, in using MCPSS Computer Resources, expressly waive any right of privacy in anything they create, store, send or receive on MCPSS Computer Resources or through the Internet or any other computer network. Users consent to allowing personnel of MCPSS to access and review all materials Users create, store, send or receive on the computer or through the Internet or any other computer network. Users understand that MCPSS may use human or automated means to monitor use of its Computer Resources, including data stored on the local drive, data stored on any network drive, and electronic mail.

**Passwords.** Users are responsible for safeguarding their passwords for access to the Computer Resources or Computer Resources. Individual passwords should not be printed, stored online or given to others. Users are responsible for all transactions made and actions taken using their passwords. No User may access the Computer Resources with another User's password or account. Use of passwords to gain access to the Computer Resources or to encode particular files or messages does not imply that Users have an expectation of privacy in the material they create or receive on the Computer Resources.

**Viruses and Virus Protection.** Users may not disable or remove virus protection software. Viruses can cause substantial damage to Computer Resources. Each User is responsible for taking reasonable precautions to ensure he or she does not introduce viruses into MCPSS' Computer Resources or computer network. Virus software updates are automatically distributed regularly to Computer Resources. Users may not interrupt the update process and must report any errors in the update process immediately to MCPSS' support help desk. PCs not attached to the LAN must be updated by the User. The Information Technology Department will provide virus updates.

**Compliance with applicable laws and licenses.** In their use of Computer Resources, Users must comply with all software licenses, copyrights and all other state, federal and international laws governing intellectual property and online activities. It is MCPSS' policy to comply fully with all software copyright licenses. Employees who willfully circumvent this policy will be subject to disciplinary action up to and including termination of employment. In compliance with the Children's Internet Protection Act, each year, all District students will receive internet safety training which will educate students about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms, and cyberbullying awareness and response.

**Prohibited Activities.** The following activities, items or materials are prohibited:

***Inappropriate or unlawful material.*** Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful or inappropriate may not be sent by e-mail or other form of electronic communication (such as bulletin board systems, newsgroups, chat groups), downloaded from the Internet or displayed on or stored in MCPSS computers. This includes e-mails known as "Spam" and e-mails containing non business related matter. Users encountering or receiving this kind of material should immediately report the incident to their supervisors.

**Without prior written permission from the Executive Manager of Information Technology. Computer Resources may not be used for dissemination or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (that is, viruses or self-replicating code), political material or any other unauthorized use, including material or significant personal uses.**

*Using or copying software in violation of a license agreement or copyright. Violating any state, federal or international law.*

***Waste of Computer Resources.*** Users may not deliberately perform acts that waste Computer Resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet playing games, engaging in online chat groups, printing multiple copies of documents or otherwise creating unnecessary network traffic.

***Accessing other User's files.*** Users may not alter or copy a file belonging to another User without first obtaining permission from the owner of the file. The ability to read, alter or copy a file belonging to another User does not imply permission to read, alter or copy that file. Users may not use the Computer Resources to "snoop" or pry into the affairs of other Users by unnecessarily reviewing their files and e-mail. Excepted from this provision are those persons conducting investigations or administrative duties at the request and with the authorization of the Executive Manager of Information Technology or Executive Manager of Human Resources.

***Misuse of software.*** Without prior written authorization from the Executive Manager of the Information Technology Department, Users may not do any of the following:

- (1) Copy software for use on their home computers;
- (2) provide copies of software to any independent contractors or third party;
- (3) install software on any MCPSS workstations or servers;
- (4) download any software from the Internet or any other online service to any MCPSS workstations or servers;
- (5) modify, revise, transform, recast or adapt any software or reverse-engineer, disassemble or decompile any software. Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to their supervisors; and
- (6) Users who have currently copied software for home computers, distributed software or installed software on corporate computers are required to obtain approval according to the current guidelines or remove the software immediately.

If you become aware of someone using Computer Resources for any of these activities, you are obligated to report the incident immediately to your supervisor. Violations of any aspect of this policy will be taken seriously and may result in disciplinary action, including possible termination, and civil and criminal liability.

### **E-Mail Policy**

To maximize the benefits of its Computer Resources and minimize potential liability, MCPSS has created this E-mail usage policy. All computer Users are obligated to use these resources responsibly, professionally, ethically and lawfully.

Employees and other Users are given access to our computer network to assist them in performing their duties. Employees and Users, including students, should not have an expectation of privacy in anything you create, store, send or receive on the Computer Resources. The Computer Resources belongs to MCPSS and may only be used for business purposes. Without prior notice, MCPSS may review any material created, stored, sent or received on its network or through the Internet or any other computer network.

***Sending unsolicited e-mail (spamming).*** Without the express permission of their supervisors, employees may not send unsolicited e-mail to persons with whom they do not have a prior relationship.

***Altering attribution information.*** Employees must not alter the “From:” line or other attribution-of-origin information in e-mail, messages or postings. Anonymous or pseudonymous electronic communications are forbidden. Employees must identify themselves honestly and accurately when participating in chat groups, making postings to newsgroups, sending e-mail or otherwise communicating online.

***Attorney-client communications.*** E-mail sent to in-house counsel, if any, or an attorney representing MCPSS should include this warning header on each page: “ATTORNEY-CLIENT PRIVILEGED; DO NOT FORWARD WITHOUT PERMISSION.” Communications from attorneys may not be forwarded without the sender’s express permission.

***Confidential Transmissions.*** Any confidential e-mail, and/or files transmitted with it, is intended solely for the use of the individual or entity to whom it is addressed. The communication may contain material that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received an e-mail or communication in error, please notify the sender immediately.

## **Internet Use Policy**

The Internet can be a valuable source of information and research. In addition, e-mail can provide excellent means of communicating with other employees, our customers and clients, outside vendors and other businesses. Use of the Internet, however, must be tempered with common sense and good judgment. Users who abuse their use of Computer Resources to access the Internet will may have access to the Internet restricted or removed. In addition, Users who violate this policy may be subject to disciplinary action, including the possibility of termination, student discipline (as applicable) and civil and criminal liability.

Your use of the Internet is governed by this policy:

***Disclaimer of liability for use on Internet.*** MCPSS is not responsible for material viewed or downloaded by Users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk.

***Employees' duty of care.*** Employees should endeavor to make each electronic communication truthful and accurate. You should use the same care in drafting e-mail / electronic documents as you would for any other written communication. Please keep in mind that anything created or stored on the Computer Resources may, and likely will, be reviewed by others.

***Duty not to waste Computer Resources.*** Because audio, video and picture files require significant storage space, files of this sort may not be downloaded unless they are business-related.

***No privacy in communications.*** Users of MCPSS Computer Resources should never consider electronic communications to be either private or secure. E-mail may be stored indefinitely on any number of computers, including that of the recipient. Copies of your messages may be forwarded to others either electronically or on paper. In addition, e-mail sent to nonexistent or incorrect usernames may be delivered to persons whom you never intended.

***Monitoring of computer usage.*** MCPSS has the right, but not the duty, to monitor any and all aspects of its Computer Resources, including, but not limited to, monitoring sites visited by Users on the Internet, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by Users to the Internet and reviewing e-mail sent and received by Users.

***Blocking of inappropriate content.*** MCPSS may use software to identify inappropriate or sexually explicit Internet sites. Such sites may be blocked from access by MCPSS networks. In the event you, nonetheless, encounter inappropriate or sexually explicit material while browsing on the Internet, immediately disconnect from the site, regardless of whether the site was subject to MCPSS blocking software.

***Games and entertainment software.*** Users may not use MCPSS' Internet connection to play games, download games or other entertainment software including screen savers. Educational games approved by the teacher and or administration of the MCPSS are excepted from this provision.

***Illegal copying.*** Users may not illegally copy material protected under copyright law or make that material available to others for copying. You are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages and other material you wish to download or copy.

***Accessing the Internet.*** To ensure security and avoid the spread of viruses, employees accessing the Internet through a computer attached to MCPSS' network must do so through an approved Internet firewall. Accessing the Internet directly, by modem, is strictly prohibited.

***Prohibited Activities.*** The prohibited activities referenced above are also prohibited in connection with Users of MCPSS' Computer Resources use of the internet. Users must avoid internet websites and locations that are ***harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful or inappropriate while using MCPSS Computer Resources.***

## **Students**

The board supports access by students to rich information resources and the development by staff of appropriate skills to analyze and evaluate such resources.

All such materials shall be consistent with board-system guidelines and staff will provide guidance and instruction to students in the appropriate use of such resources.

Annually, students and parents will be given MCPSS' guidelines and rules governing procedures for acceptable use of the Internet describing the information available and prohibited uses of system computers. Students and parents must sign a written statement acknowledging the guidelines in order for the student to access the Internet at school.

In compliance with the Children's Internet Protection Act, each year, all District students will receive internet safety training which will educate students about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms, and cyberbullying awareness and response. In compliance with federal law, the online activities of minors **will** be monitored.

## **Employees**

Employees will be provided a copy of the MCPSS acceptable use guidelines and sign a statement that they agree to the terms.

*See also Board Policy 6.12*

References – Procedures: *Computer, Internet and Electronic Communication* Acceptable Use

Date Adopted: December 11, 2007

Public Hearings: March 19, 2013, March 25, 2013

Amended: March 23, 2011, March 25, 2013

**PROCEDURE:  
INTERNET ACCEPTABLE USE**

In order to match electronic resources as closely as possible to the approved district curriculum, district personnel must comply with Board Policy IFAC governing the selection of instructional materials. In this manner, school personnel will provide developmentally appropriate guidance to students as they make use of Internet resources to conduct research and other studies related to the district curriculum. All students will be informed by teachers of their rights and responsibilities as users of telecommunication networks prior to gaining access to any network service, either as an individual user or as a member of a class or group.

As much as possible, access to Internet information resources will be designed in ways which point students to those resources that have been reviewed and evaluated by the teacher prior to use. Since students may be able to move beyond those resources to others which have not been evaluated by teachers, they shall be provided with guidelines and lists of resources particularly suited to the learning objectives. Students may pursue research on the Internet independent of teacher supervision only if they have been granted parental permission and have submitted all required forms. Permission is not transferable and may not be shared.

With the complex networking and easy access to systems available worldwide through the Internet, users and the parents of users should understand that school district personnel cannot control the content of information residing on Internet. Users and parents of users should be advised that some locations on the Internet may contain materials considered to be defamatory, inaccurate, abusive, obscene, sexually oriented, or illegal. The Mobile County Public School System does not condone the use of such materials and does not permit usage of such material in the school environment. Parents should be aware of the existence of such materials and monitor home usage of the Internet (if available). Students bringing such materials into the school environment will be dealt with according to the Code of Conduct along with the termination of access privileges.

**Core Rules for Use of Internet**

The use of Internet resources is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges as well as punishment for such violations as prescribed in the Code of Conduct. Unacceptable uses of Internet include the following:

- Using profanity or obscenity.
- Copying and/or distributing commercial software in violation of copyright law.

- Ordering services or merchandise from other agencies that have Internet access. All matters concerning the merchandise and services ordered from a seller, including but not limited to purchase terms, payment terms, warranties, guarantees, maintenance and delivery, are solely between the seller and the user. The Mobile County Public School System makes no warranties or representations whatsoever with regard to any goods or services provided by the seller and expressly forbids these transactions originating from the school system Internet access. The Mobile County Public School System and school system personnel shall not be a party to these transactions or be liable for any costs or damages arising out of the actions of sellers.
- Using the network for financial gain, for commercial activity, or for any illegal activity.
- Altering and forwarding personal communication without the author's prior consent.
- Spoofing or otherwise attempting to send anonymous messages of any kind.
- Lending your password to other students and/or adults.
- Using the network to access a file that contains pornography, inflammatory material, inappropriate material, or any material not specifically related to the instructional lesson, objective, or assignment.
- Using copyrighted materials in reports without permission.
- Publicizing your home address or phone number.
- Creating a computer virus and placing it on the network.
- Using the network for sending and receiving a large number of personal messages.
- Using the network to send/receive inflammatory messages.

All users should be aware that the inappropriate use of Internet information resources can be a violation of local, state, and federal laws.



**STUDENT CONTRACT REGARDING THE USE OF INTERNET**

I, \_\_\_\_\_, accept and agree to abide by the following legal rules.

I agree to abide by all rules which are listed in the Mobile County Public School System Procedures for Internet Use.

I realize that the primary purpose of the Mobile County Public School System’s Internet connection is educational, and that as such, educational purposes shall take precedence over all others.

I realize that the use of Internet is a privilege, not a right. I accept that inappropriate behavior may lead to penalties, including revoking of Internet access, disciplinary action, and/or legal action.

I agree not to participate in the transfer of inappropriate or illegal materials through the Mobile County Public School System’s Internet connection. I realize that in some cases the transfer of such material may result in legal action against me.

I agree not to allow other individuals to use my account for Internet activities nor will I give anyone my password.

I agree not to download any shareware or freeware programs from the Internet.

I agree not to bring software from home into the computer lab or library media center.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Please complete and return this form if you agree to allow your child access to the Mobile County Public School System's Internet connection.

**PARENTAL CONTRACT REGARDING THE USE OF INTERNET**

As the parent or guardian of this student, I have read the terms and conditions for system Internet access privileges. I understand this access is for educational purposes and that the Mobile County Public School System has taken available precautions in forewarning and educating all interested parties of the controversial material that is accessible on the Internet. I also recognize that it is impossible for the Mobile County Public School System to restrict access to all controversial materials. I will not hold the Mobile County Public School System nor its employees responsible for materials acquired by my son/daughter on the network in violation of the Internet Acceptable Use Policy and Procedures for Internet Acceptable Use. Further, I accept full responsibility for supervision if and when my child's use is not in a school setting.

I hereby give my permission to the Mobile County Public School System to issue Internet access privileges to my son/daughter.

Signed \_\_\_\_\_

Date \_\_\_\_\_

## **COPYRIGHT**

The board encourages its staff to enrich the learning program by making proper use of supplementary materials. The staff is responsible for abiding by MCPSS copying procedures and obeying the requirements of the law. In no circumstances shall it be necessary for MCPSS staff to violate copyright requirements in order to perform their duties properly.

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with the MCPSS's procedures or is permissible under the law should contact the MSPSS library media services. The library media services department will also assist staff in obtaining proper authorization to copy or use protected material when such authorization is required.

**PROFESSIONAL PUBLISHING**

Employees publishing written materials concerning the school system shall have the superintendent's approval. Written materials developed by board employees in their official capacity as a board employee for the school system other than for personal use shall be the property of the school system and not that of the individual writers.

**Date Adopted: December 11, 2007**

### **DATA USE AND GOVERNANCE POLICY**

The Mobile County Public School System Data Use and Governance Policy is based upon, but not limited to, maintaining compliance with the Family Educational Rights and Privacy Act (FERPA). The Superintendent is authorized to establish, implement, and maintain data use and governance measures. These measures shall include establishing data security classifications; implementing procedural, physical, and electronic security controls; managing external data requests; maintaining records regarding security access, and establishing a Data Governance Committee. The data governance measures will apply to Board employees and all Board operations. In addition, this policy will apply to all individuals who are granted access to data in conjunction with any services that they provide at the request of the Board. Any unauthorized access, use, transfer, or distribution of Board data by an employee, student, or other individual, may result in disciplinary action that may include a recommendation for termination and other legal action.

**Date Adopted: February 22, 2017**

### SCHOOL VOLUNTEERS

Volunteers, parents and other community members with approval of the local school principal can assist schools in many capacities.

Volunteers may be permitted to perform non-instructional tasks without direct supervision but should not have unsupervised access to children.

The Mobile County Public School System shall also comply with all laws (and amendments thereto) concerning adult sex offenders.

Legal Reference: Ala. Code § 15-20A-17 (as amended by Act 2014-421)

**Date Adopted: December 11, 2007**

**Date Amended: October 27, 2015**

## FUNDRAISING

All school-based fundraising projects must be approved by the school principal. Any system-wide fundraising effort must be approved by the superintendent. Any fundraising effort on behalf of the school system must be approved by the superintendent.

Groups or their sponsors should be required to submit a fundraiser request and a fundraiser budget for any planned event. When deciding on fundraiser projects such things as purpose, need, potential profitability, and available volunteers should be considered. The health, safety, and welfare of students, parents, and the general public should be a primary consideration.

### **ASSOCIATIONS/COLLECTIVES**

The board recognizes the potential benefits to public education of the pursuit of excellence through membership in associations and organizations with goals consistent with those of the board. The board authorizes the superintendent to approve memberships deemed to be in the best interests of the school system and public education.

**Date Adopted: December 11, 2007**



## **SCHOOL FACILITY USE**

The superintendent or his designee will approve in advance and in writing all special programs sponsored by individuals and groups that are not affiliated with the school, school board or a school group if a charge is to be made for admission or if a collection is to be taken at the end of the performance or activity.

### **Rentals and Service Charge**

Any fees collected for the temporary use of school facilities shall be forwarded to the Facilities Division attached with the approved School Use of Facilities form. All funds received shall be forwarded to the Chief Financial Officer and deposited into the General Operation account for system-wide operating expenses.

**FLAG DISPLAYS**

Reference: Alabama Code - §16-43-1.

**Date Adopted: December 11, 2007**