

Policy Committee Meeting Minutes
Monday, December 17, 2018
3:30 p.m.
RCK Annex

Attendees: Rob Rubin, Barbara Goodman, Peggy Kelland, Dwight Bonk, Alberta Pedro
Absent: John Lumia

There were no members of the public present at the meeting. The meeting was called to order at 3:33 p.m. by Chairman Robert Rubin.

1. **Approval of Minutes** - Motion made by Peggy Kelland to approve the Policy Committee Minutes of November 27, 2018. The motion was seconded by Barbara Goodman. Vote taken.
Yes: Rob Rubin, Peggy Kelland, Barbara Goodman, Dwight Bonk, Alberta Pedro
Not Present: John Lumia.
Motion carried.

2. **Sexual Harassment Policy (attorney feedback with M. Knapp)**

Attorney Knapp compared the District's new policy and regulation with the NYSSBA recommended policy and regulation. Procedures in regulation are provided so that a quick change can be made by the administration without seeking Board approval. Attorney Knapp informed the Committee that there is a new law that may require separate student and employee sexual harassment policies.

Attorney Knapp included gender discrimination in the definition of sexual harassment rather than separate definitions, as provided by NYSSBA's sample policy. Attorney Knapp agreed that there was no problem if the Committee preferred to include separate definitions in the policy. It is a Board decision.

Barbara Goodman noted that the list of behaviors and possible sanctions were not as specific in the District policy as provided in the NYSSBA regulation. Ms. Goodman thanked Mr. Rubin for sharing the DCBOCES sexual harassment policy with the Board. The NYSSBA sample policy included the list of behaviors in its policy rather than in the regulation, as edited for the District by Attorney Knapp. The Committee discussed whether it was stronger to have the list of behaviors included in the policy rather than in the regulation. Attorney Knapp

confirmed that policy and regulation hold the same weight and all employees must adhere to both the policy and the regulation. The Sexual Harassment law requires the organization to have a policy on sexual harassment. School districts use policy and regulation. The regulation establishes the procedure. BOCES uses a different vendor for policies (Erie One BOCES). There is a list of possible sanctions that can be included in the policy or in the regulation. Attorney Knapp agreed that it is the Board's decision whether to include the list of sanctions in the policy rather than the regulation. The most successful approach to affect change and define the culture of the organization is to list specific behaviors and all sanctions, ie. counseling, training, letter to file, etc.

Board discussed that this is a period to see what is happening in the workplace and these concerns may be better addressed in six months to a year. The idea is to see how the policy and regulations are working in the District and then reassess.

Attorney Knapp indicated that she used the State Labor Department's model policy but found a lot of it to be repetitive. The District is covered legally by the policy and regulation in place. The Committee discussed the need to have a model sexual harassment policy so that everyone in the District knows that the Board is taking this matter seriously.

Motion by Peggy Kelland to extend discussion for five minutes.

Seconded by Rob Rubin.

Yes: Rob Rubin, Peggy Kelland, Barbara Goodman, Dwight Bonk, Alberta Pedro

Not Present at Vote: John Lumia

Motion Carried.

Ms. Kelland agreed that including the list of behaviors in the regulation is preferable so that there is more flexibility for the administration to make changes without waiting for board approval since this is a new policy and there needs to be a period of time to assess how it is working.

Sanctions are listed in the regulation and in the Code of Conduct. The goal is to stop sexual harassment and for employees to have a better understanding of what is offensive to other people. The Board discussed the need to have buy-in from others before presenting changes to the policy.

Dr. Bonk added that the District does not want to be punitive but to provide

training. The District provides staff training on an annual basis which includes specific behaviors as examples of sexual harassment, as part of that training. Having clear boundaries helps to improve behaviors. Dr. Bonk confirmed that the training provided to staff does include specific behaviors.

Motion by Peggy Kelland to continue with the current sexual harassment policy as recommended by the attorney and adopted by the Board of Education and to review the policy in six months to see if any changes are needed.

Seconded by Barbara Goodman.

Yes: Rob Rubin, Peggy Kelland, Barbara Goodman, Dwight Bonk, Alberta Pedro

Not Present at Vote: John Lumia

Motion Carried.

Ms. Goodman requested the slides of the powerpoint sexual harassment training which is provided to staff (Safe Schools Training) which goes with this new policy. Attorney Knapp confirmed that she provides this training to staff and she gives lots of examples in her presentation.

3240 Line and Staff Relations - Attorney Feedback

This policy has not been reviewed since 1994. Attorney Knapp indicated that this policy is too broad. We now have job descriptions. With the introduction of the positions of Directors and Assistant Directors who report to more than one supervisor, being responsible to only one staff member is no longer true. In addition, of more concern is item #5 in the current policy which states that "each staff member shall be informed as to whom he/she can appeal in case of disagreement with an immediate superior." Attorney Knapp provided the following sentence to replace the entire policy language, "All employees of the District shall be under the general direction of the Superintendent. Teachers shall be immediately responsible to the principal of the building in which they work. Other employees shall be immediately responsible to the administrative personnel under whom they work directly." Attorney Knapp also agreed with NYSSBA's recommendation to retire this policy.

Motion by Peggy Kelland to retire this policy.

Seconded by Barbara Goodman.

Yes: Rob Rubin, Peggy Kelland, Barbara Goodman, Dwight Bonk, Alberta Pedro

Not Present at Vote: John Lumia

Motion Carried.

3. [3200 Administrative Organization](#)

NYSSBA recommended that this policy be retired as it is outdated and non-essential. The Committee discussed that the appointment of the Acting Superintendent is a resolution on the reorg agenda. The Superintendent is responsible to create the organizational chart. The organizational chart is posted in BoardDocs and on the district website every year.

Motion by Peggy Kelland to retire this policy.

Seconded by Barbara Goodman.

Yes: Rob Rubin, Peggy Kelland, Barbara Goodman, Dwight Bonk, Alberta Pedro

Not Present at Vote: John Lumia

Motion Carried.

4. [3250 School Building Administration](#)

The Committee discussed retiring this policy, as recommended by NYSSBA. The policy is outdated and non-essential. The job descriptions for building principal include the internal management of their buildings.

Motion by Barbara Goodman to retire this policy.

Seconded by Peggy Kelland.

Yes: Rob Rubin, Peggy Kelland, Barbara Goodman, Dwight Bonk, Alberta Pedro

Not Present at Vote: John Lumia

Motion Carried.

5. [3300 Policy Implementation and 3310 Development of Regulations](#)

The Committee agreed to retire both policies 3300 and 3310, as recommended by NYSSBA. The policies are outdated and non-essential. Item are covered by Policy 3210 Duties of the Superintendent.

Motion by Barbara Goodman to retire this policy.

Seconded by Peggy Kelland.

Yes: Rob Rubin, Peggy Kelland, Barbara Goodman, Dwight Bonk, Alberta Pedro

Not Present at Vote: John Lumia

Motion Carried.

6. [6630 Financial Reports and Statements](#)

The Committee agreed to retire this policy as it is outdated and non-essential. Items in this policy are covered by Policy 3210 Duties of the Superintendent and

providing financial reports are governed by law and does not need to be reiterated in policy.

Motion by Dwight Bonk to retire this policy.

Seconded by Barbara Goodman.

Yes: Rob Rubin, Peggy Kelland, Barbara Goodman, Dwight Bonk, Alberta Pedro

Not Present at Vote: John Lumia

Motion Carried.

7. **7420 Energy Management Conservation**

Chairman Rubin noted that John Lumia is deeply involved in energy management through the Capital Improvement Committee and suggested that the Policy Committee table this item so that Mr. Lumia can provide input. District Clerk Pedro indicated that while this policy is outdated and could be retired, as recommended by NYSSBA, the district does enforce plug load capacity guidelines in the regulations. In addition there is an exhibit attached to this policy, which includes a form for employees who request the use of an electrical item which must be approved by the Office of Human Resources. The Committee agreed by consensus to table this policy for further discussion after input from Ron Broas, Director of Facilities and Operations.

8. **Adjournment**

Motion by Rob Rubin to adjourn the Policy Committee meeting. Seconded by Barbara Goodman.

Yes: Rob Rubin, Peggy Kelland, Barbara Goodman, Dwight Bonk, Alberta Pedro

Not Present at Vote: John Lumia

Motion carried.

The Committee adjourned at 4:15 p.m.