

## REFERENCE POLICY

### Section 1. Definitions

**Section 1.1** *Employee* – Any staff member or student teacher of Hawthorn.

**Section 1.2** *Former Employee* – An employee who was terminated or resigned or whose contract was nonrenewed, and/or an employee who has been notified that his or her contract with Hawthorn will not be renewed.

**Section 1.3** *Potential Employer* – Another charter school, school district, business or person seeking to hire a current or former employee or screening the current or former employee for a volunteer position, internship, or other activity.

**Section 1.4** *Reference* – Information regarding the employment of, or services provided by, a current or former employee including, but not limited to, specific information regarding dates of employment or service, salary, job duties, performance, or character.

**Section 1.5** *Sexual Misconduct* – Includes, but is not limited to, any conduct with a student, on or off Hawthorn property, that could constitute a crime that is sexual in nature under Chapter 566 of the Missouri Revised Statutes, including, but not limited to, the crime of sexual misconduct; any conduct with a student that could constitute a serious violation of Hawthorn's policies prohibiting sexual harassment, as determined by Hawthorn; any conduct that is inappropriate and of a sexual nature that endangers the welfare of a student or students, as determined by Hawthorn; or child abuse involving sexual behavior, as determined by the Children's Division (CD) of the Department of Social Services.

### Section 2. General References

**Section 2.1.** Hawthorn will maintain information regarding current and former employees as confidential within the limits of the law. Only the Head of School or a person or persons specifically designated by the Head of School may respond on behalf of Hawthorn to a reference request for a current or former employee. Hawthorn employees must direct reference requests to the Head of School or designee. Upon request, employees will assist the Head of School or designee with the preparation of accurate reference information.

**Section 2.2.** In response to a reference request, the Head of School or designee may provide information regarding the employee's work performance, including, but not limited to, the following information:

1. Name, positions, salary, and length of service.
2. A description of the employee's job duties when employed.

3. Additional School-sponsored committees, activities or duties the employee volunteered for or was designated to perform.
4. Honors and awards received by the employee.
5. Factual information on work performance.
6. Whether the employee resigned, was terminated, or the employee's contract, if any, was not renewed.
7. When requested, a "yes" or "no" answer to a question about whether Hawthorn would re-employ the current or former employee if an appropriate position existed or whether the Head of School would recommend re-employment.
8. Allegations of sexual misconduct with a student as required below.

### **Section 3. Disclosing Allegations of Sexual Misconduct to Other Public Schools**

**Section 3.1** If a potential public school employer requests a reference regarding a former employee whose job involved contact with children, Hawthorn will, in accordance with state law, notify the potential public school employer if the employee was terminated, nonrenewed or allowed to resign in lieu of termination (whether through a separation agreement or otherwise) as a result of allegations of sexual misconduct with a student or as a result of such allegations being substantiated by the CD's child abuse and neglect review board. In addition, Hawthorn is required to disclose, to any public school that contacts Hawthorn about a former employee, information regarding any violation of Hawthorn's policies by the former employee if such violation related to sexual misconduct with a student and was determined to be an actual violation by the Board of Directors.

**Section 3.2.** If a potential public school employer contacts Hawthorn for a reference for any former employee about whom the CD has investigated allegations of sexual misconduct with a student and reached a finding of substantiated, Hawthorn will provide the results of the CD investigation to the potential public school employer, regardless of whether the employee's job involved contact with children.

### **Section 4. Recordkeeping**

**Section 4.1.** When Hawthorn is contacted for a reference for a current or former employee, the Head of School or designee will document the date, the name of the person and entity requesting the information, the person responding to the request, the method of disclosure, the information provided and, when applicable, the consent received.

## **Section 5. Notice**

**Section 5.1** Hawthorn will notify all current employees of this policy. The Head of School or designee will provide notification of the existence of this policy to all potential employers who contact Hawthorn for a reference. The notification must also include a statement that the Hawthorn's responses are limited to the scope of this policy.

**Section 5.2.** Hawthorn will also provide copies of the policy to former employees upon request.

## **Section 6. Immunity**

**Section 6.1.** Any Hawthorn employee who is permitted under this policy to respond to requests for references regarding former employees and who communicates only the information authorized by this policy in good faith and without malice is entitled to immunity against any civil action for damages brought by the former employee arising out of the communication of such information, in accordance with law.

**Section 6.2.** Hawthorn employees responding to requests for references in accordance with this policy may request the attorney general to defend them if sued.

Amended and Restated September 27, 2021