

DISTRICT EMPLOYMENT EMPLOYMENT OBJECTIVES

Non-Discrimination and Anti-Harassment Policy

4111

4111.1 NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

It is the policy of the San Juan School District Board of Education to follow state and federal laws and guidelines pertaining to the protection of the rights of its students and staff to learn and work in an environment free from unlawful discrimination and harassment. The purpose of this policy is to promote equity in education, equal opportunities for employment, and a safe educational and work environment that fosters mutual respect and positive regard for all persons.

Our efforts are focused on protecting students and employees in the following ways.

- **Non-Discrimination**

The San Juan School District prohibits discrimination based on the basis of age, color, disability, national origin, pregnancy, race, religion, or sex.

- **Anti-Harassment**

No student or employee or third parties (including agents and patrons) of the San Juan School District may engage in unlawful harassing conduct that creates either a hostile learning environment for students or a hostile working environment for staff.

- **Retaliation Prohibited**

The San Juan School District prohibits retaliation against an individual because she or he has either opposed an unlawful employment practice, or has made a charge, testified, assisted or participated in an investigation, proceeding or hearing regarding an alleged incident of illegal discrimination or harassment.

Grievances in any of these three categories may be filed as outlined below. This policy provides a fair, expeditious, and uniform process for investigating and resolving claims of illegal discrimination, harassment, or retaliation.

All publications and applications including student handbooks shall include the following statement:

Non-Discrimination Statement

(for all publications and applications)

The San Juan School District does not discriminate on the basis of age, color, disability, national origin, pregnancy, race, religion, or sex in its programs and activities. The following person has been designated to handle inquires regarding non-discrimination policy: Human Resource Director, San Juan School District, 200 North Main Street, Blanding, Utah 84511, (435) 678-1270. You may also contact the Office for Civil Rights, Denver, CO, (303) 844-5695.

DISTRICT EMPLOYMENT EMPLOYMENT OBJECTIVES

Non-Discrimination and Anti-Harassment Policy

4111

4111.2 PROCEDURES

San Juan School District Board Policy is to provide a work and school environment without sexual discrimination or harassment. Employee-to-employee, employee-to-student and student-to-employee sexual misconduct is especially serious and will be addressed severely. Fraternalization by district personnel with students outside the school environment may create the perception of inappropriate conduct or may lead to allegations or instances of sexual harassment or child abuse.

The district also prohibits discrimination and harassment based on race, national origin, age or disability.

4111.2.1 SEXUAL DISCRIMINATION AND HARASSMENT PROHIBITED

On district premises or on district time, no district employee, student, or third party may engage in sexual conduct or other discriminatory or harassing conduct as defined below. The District will investigate all reports of violations of this policy and will take steps to stop violations, prevent recurrence, and remedy effects of violations as appropriate.

Prohibited sexual conduct on district time or on district premises. Employees, students and third parties (including agents and patrons) are prohibited from sexually offensive conduct and sexual discrimination, including but not limited to the following:

1. Sexual advances, requests for sexual favors and sexually motivated physical conduct;
2. Subtle pressure for sexual activity;
3. Inappropriate or unwelcome touching, patting, pinching, blocking or brushing against another body;
4. Foul or obscene language or gestures;
5. Display of sexually offensive or suggestive posters, pictures or objects;
6. Sexually offensive verbal harassment including remarks, questions, teasing, slurs and innuendo;
7. Inappropriate jokes or comments about sex or gender-specific traits;
8. Viewing, printing or transmitting sexually offensive material on a district computer; and
9. Conduct that is demeaning or derisive and occurs substantially because of a person's gender.

DISTRICT EMPLOYMENT EMPLOYMENT OBJECTIVES

Non-Discrimination and Anti-Harassment Policy

4111

4111.2.2 PROHIBITED CONDUCT BASED ON RACE, GENDER, NATIONAL ORIGIN OR DISABILITY

On district time or on district premises, employees, students and third parties (including agents and patrons) are prohibited from engaging in the following conduct if the offensiveness or inappropriateness is based on race, national origin or disability:

1. Display of offensive posters, pictures, or objects;
2. Offensive verbal harassment including remarks, questions, teasing, slurs and innuendo;
3. Inappropriate jokes or comments about traits or characteristics;
4. Viewing, printing, or transmitting offensive material on a district computer, and conduct that is demeaning or derisive and occurs substantially because of a person's race, disability or national origin.

4111.2.3 ADDITIONAL PROHIBITED CONDUCT FOR EMPLOYEES AND STUDENTS

District employees and district students (except student-age employees who are also students in the district) are prohibited from having any kind of romantic interaction with each other.

4111.2.4 RETALIATION PROHIBITED

The district prohibits retaliation against any person who reports violations of this policy or participates in processes under this policy. Retaliation includes, but is not limited to intimidation, reprisal and harassment.

4111.2.5 DUTY TO REPORT & CONFIDENTIALITY

1. Every employee has a duty to report violations of this policy, using good judgment and common sense to determine whether there are apparent violations. Any employee aware of a violation of this policy must immediately report to the appropriate district official as designated below. An employee who is aware of a violation and fails to report the violation of this policy is subject to disciplinary action.
2. The district official will respect the confidentiality of reporters and those against whom reports are made as much as possible consistent with the district's legal obligations and the need to investigate violations of this policy and take appropriate remedial action.
3. Reporters are protected from retaliation.
4. Persons who knowingly file a false report are subject to discipline.

**DISTRICT EMPLOYMENT
EMPLOYMENT OBJECTIVES
Non-Discrimination and Anti-Harassment Policy**

4111

4111.2.6 HOW TO REPORT HARASSMENT OR DISCRIMINATION

1. If you are aware of a violation of this policy by an employee, by a third party (a visiting speaker, vendor, patron, etc.), or a student report immediately to the principal or the Human Resource Director at (435) 678-1270.
2. If you are a student and believe you are a victim of harassment or discrimination and are uncomfortable reporting to the principal or Human Resource Director you may also report to your school counselor.

4111.2.7 PRINCIPAL'S DUTY

1. Document in writing any report that is made to you.
2. Report alleged violations to the Human Resource Director at (435) 678-1270 immediately.
3. Unless directed otherwise by the Human Resource Director, screen and investigate the alleged violations. Submit written documentation of your investigation to the Human Resource Director.
4. A principal's failure to immediately notify as indicated above will result in disciplinary action.
5. When assigned to handle any other investigation, submit written documentation of your investigation as directed.

4111.2.8 INVESTIGATION & REMEDY

1. The designated district official will promptly investigate as appropriate upon receiving a report alleging violation of this policy. The designated district official will take steps as necessary to protect the reporter and other students or employees pending completion of an investigation.
2. The designated district official shall follow the time lines contained in the District's notice attached to this policy as Attachment 1.
3. The district official will consider the context and surrounding circumstances to determine whether this policy has been violated and to determine any remedy. If this policy has been violated, the district official will take appropriate action based upon the results of the investigation, including employment termination if necessary. The district official will make a decision and initiate any action within 10 working days of completion of the investigation.

DISTRICT EMPLOYMENT EMPLOYMENT OBJECTIVES

Non-Discrimination and Anti-Harassment Policy

4111

4. The investigation may include the opportunity to present witnesses and other information or documents.

4111.2.9 EMPLOYEE FRATERNIZATION WITH STUDENTS (see district policy 4310.11.3)

1. No employee is authorized to meet alone with a student unless it is necessary in the performance of professional duties during school hours on school premises, i.e. counseling, disciplining, instructing, administrative tasks. If an employee assists a group of students with a school assignment during non-school hours, it must be on school premises unless the employee has written permission from the principal to meet elsewhere.
2. Employees are prohibited from being in any private residence with or engaging in any non-school social activity of any kind with students from the attendance school in which the employee works without the prior written permission of the principal. Part-time district employees under the age of 19 who are students of district schools are exempt from this policy's prohibition of social activity with students. The provisions of this policy dealing with student harassment govern conduct of such part-time employees who are also students.
3. School social activities should, whenever possible, be conducted on school premises. When it is necessary to hold school activities off school premises during non-school hours, employees must obtain prior written approval from the school principal.
4. Nothing in this policy will preclude an employee from engaging in activities dictated solely by family, community or church relationships.

4111.2.10 PROVIDING TRANSPORTATION TO STUDENTS

1. No employee except an authorized bus driver has authority to provide transportation for any student unless the principal gives express written permission. District employees who receive written permission to provide transportation should not travel alone with a student unless the written permission expressly authorizes the employee to do so.
2. An employee who knows of an apparent violation of this or the previous section will promptly report to the Principal.
3. Nothing in this policy will preclude an employee from transporting the employee's child to or from school, from participating in that child's car pool, or from taking appropriate, prudent measures for student safety.

**DISTRICT EMPLOYMENT
EMPLOYMENT OBJECTIVES
Non-Discrimination and Anti-Harassment Policy**

4111

4111.2.11 DISSEMINATION OF POLICY

District and site administrators will take appropriate actions to reinforce this policy, including:

1. Provide annual staff in-service;
2. Provide for all students to receive a copy of and to discuss this policy in a classroom setting in age appropriate ways, early in each school year; and
3. Distribute a notice of this policy in employee handbooks, and notifications sent to students' homes at the beginning of each school year or in student handbooks. The notice to be used is attached as Attachment 1.

4111.2.12 QUESTIONS

If you have questions about this policy, call the Human Resource Director at (435) 678-1270.

4111.2.13 ATTACHMENT 1 AND COMPLAINT FORM

State Reference: DAA,DAD, DDA, DDB, DKB

RPM: July 2000; R:10-21-09; R:04-21-10

DISTRICT EMPLOYMENT EMPLOYMENT OBJECTIVES

Non-Discrimination and Anti-Harassment Policy

4111

San Juan School District Non-Discrimination and Anti Harassment Notice and Complaint Procedures

San Juan School District prohibits discrimination based on the basis of age, color, disability, national origin, pregnancy, race religion or sex. No student or employee may engage in unlawful harassing conduct.

Any student or employee who feels that they have been unlawfully discriminated against, harassed, or has witnessed an unlawful act should report as follows:

- Report such conduct to a counselor, supervisor, administrator or the District Human Resource Director within 10 calendar days of the alleged act of discrimination or harassment.
- An informal review and/or investigation of the complaint will be conducted at the site of the alleged act.
- If the issue is not resolved, a formal complaint should be submitted to the Human Resource Director within 10 calendar days. The Complaint Form is attached to this notice.
- The District Human Resource Director or designee will initiate an investigation and inform the complainant within 15 working days.
- All investigations will be treated with discretion to protect the privacy of those involved. All efforts will be made to treat the information as confidential; however, absolute confidentiality of all information obtained through an investigation cannot be guaranteed.
- An investigation shall be completed as quickly as possible and within 25 working days of receipt of the complaint, unless extenuating circumstances require longer.
- Within 10 working days of the completion of the investigation, the District Human Resource Director shall notify all parties of the findings of the investigation.
- Nothing in policy or procedure prohibits a person from filing a discrimination or harassment complaint with the Regional Office for Civil Rights: Department of Education, Region VIII, Federal Office Building, 1244 Speer Blvd., Suite 300, Denver, CO 80204.

All questions or inquires may be submitted to: Human Resource Director, San Juan School District, 200 North Main Street, Blanding, UT 84511 Phone: (435) 678-1270

**DISTRICT EMPLOYMENT
EMPLOYMENT OBJECTIVES
Non-Discrimination and Anti-Harassment Policy**

4111

COMPLAINT FORM

Non-Discrimination and Anti-Harassment for Students and Employees

Personal Information:

Name: _____ Telephone: _____

Address: _____

I am (check one) Student Employee Patron

Location of Discrimination or Harassment: _____

Type of Discrimination (check all that apply):

Age Color Disability Marital Status National Origin Pregnancy Race Religion
 Retaliation Sex/Gender Sexual Harassment
 Other (please describe) _____

Additional Information

Please describe your concern or complaint in detail including the date the problem occurred. You may attach additional pages as necessary. Please include the following information:

- How you or others were treated differently?
- Names and positions of those involved including contact information.
- Names of individuals who witnessed or are aware of the facts relating to this complaint.
- Describe any steps you have taken to address the problem.
- Describe your proposed solution to the problem.
- If your concerns relate to a disability, state the nature of the disability.

I state under criminal penalty of the State of Utah that the foregoing information, including any attached pages, is true and correct.

Signature: _____ Date: _____

Submit to: Human Resource Director, San Juan School District, 200 North Main Street, Blanding, UT 84511
Phone: (435) 678-1270 Fax: (435) 678-1280