

BOARD DISCUSSION

2017 POLICY UPDATES

Date: July 17, 2017

Background:

The following policy and procedure modifications and deletions are recommended to avoid policy conflicts.

Discussion Items:

Policy 1100, 1420, 1710, and 1720:

Current Policy 1100-3.7, provides an appeal process for an employee who is transferred to a new location involuntarily. Appeals of this nature should be routed through the grievance procedure outlined in **Policy 1720**, recently updated on 4/11/2017. We therefore recommend removal of paragraph 3.7.1.2 in Policy 1100, and modification of policy 1720 paragraph 2.3:

Current Policy 1420, Sexual Harassment is in conflict with District Policy 1710 and District Employee Grievance Procedure as stated above. Whereas sexual harassment is a form of discrimination, the provisions required to address complaints should be contained as a whole in Policy 1710, Non-Discrimination and should reflect the same complaint, investigation, and resolution procedure as other forms of discrimination. It is therefore recommended that the two policies be combined into one, with a common grievance procedure under **Policy 1720**.

Current Policy 1420, Sexual Harassment and **Current Policy 1710**, Anti-Discrimination contains guidance for both employees and students. The Office of Civil Rights (OCR) is the federal administrative agency authorize to investigate and resolve complaints of student discrimination. The Equal Employment Opportunity Commission (EEOC) is the federal administrative agency authorized to investigate and resolve complaints of employee discrimination. They both operate under distinctly separate statutes and administrative rules. Under a recent OCR audit it was recommended that the policies be separated for ease of understanding and compliance. While our current policies attempt to separate the two distinctly different administrative processes, separating them as different Policies will add additional clarity and uniformity. The Director of Student Services, Karen Bess, is rewriting the Student Policies and will submit them to you for discussion. It is recommended that the above policies be replaced with policies specific to students and employees.

DELETE Paragraph 3.7.1.2. and MODIFY Paragraph 3.7.1.1. of Policy 1100 Filling Positions as follows:

Paragraph, 3.7.1. ~~All employees: 3.7.1.1.~~ It is the responsibility of each employee desiring transfer to contact the principal with an opening to set up an interview. (6-97) (2-8-05)

~~3.7.1.2. An employee required to move against his or her will (involuntary transferred) may request a review of the placement decision by submitting a written request to the Superintendent within 10 days after receiving the notice of transfer. A~~

~~committee consisting of a School Board member, the Superintendent, concerned administrators, and a member of the appropriate employee association appointed by the association's president will review all requests. The administration and Board of Education will reserve the right to make the final decision. (8-79)~~

REPEAL District Policy 1410 and current Policy 1710 in whole and replace with new Policy 1710.

DELETE bullet 3, 10, and 11 of Paragraph 2.3. in Policy 1720 Employee Grievance Procedure to allow complaints related to allegations of discrimination, sexual harassment, and involuntary transfers complaint coverage under the employee grievance procedure by removing the relevant exclusions as follows:

Paragraph, 2.3. The following complaints, appeals for resolution, or grievances are specifically excluded:

- Complaints regarding disciplinary actions, termination of probationary or provisional employees, and non-renewal of contract, and other matters pursuant to District Policy 1450.
- Complaints regarding educator evaluations or performance reviews and other matters pursuant to District Policy 1432.
- ~~Complaints regarding alleged sexual harassment violations and other matters pursuant to District Policy 1420.~~
- Necessary Staff Reductions pursuant to UCA §53A-8a-504.
- Termination of temporary employees.
- Job classification and compensation issues.
- Resignations or request for transfer.
- Hiring decisions.
- Classroom or grade reassignments.
- ~~Management transfers to another school or work location.~~
- ~~Any matter where an employee alleges discrimination or other civil rights violations and other matters pursuant to District Policy 1710.~~
- Any other matter where the subject and applicable appeal process is specifically identified in another District Policy.

RECOMMEND APPROVAL OF THE ABOVE POLICY CHANGES

BOARD Approved / Disapproved

Date