

G-19.A: Administrative Procedures Discrimination, Harassment, and Retaliation Prohibited



REFERENCES

[Board Policy G-19](#)
[Record of Parent Notification of Student Threat or Incident](#)

DEFINITIONS

Complainant: An individual or group of individuals making a complaint. A parent may file a complaint on behalf of their student.

Compliance Officer: The person designated to handle inquiries and complaints regarding unlawful discrimination, harassment, sexual harassment, and retaliation: Tina Hatch, 440 East 100 South, Salt Lake City, Utah 84111, 801.578.8388.

Complaint: A claim by an aggrieved party or a witness that an individual has engaged in unlawful discrimination, harassment, and/or retaliation.

Discrimination: Conduct including words, gestures, and/or other actions that unfairly disadvantage individuals based upon protected characteristics such as their age, color, disability, gender, gender identity, genetic information, national origin, pregnancy, race, religion, sex, sexual orientation, and/or veteran status.

Gender Identity: Refers to one's internal sense of one's own gender. It may or may not correspond to the sex assigned to a person at birth and may or may not be made visible to others.

Genetic Information: Information about an individual's genetic tests, the genetic tests of family members of an individual, and the manifestation of a disease or disorder in an individual's family members. This term also includes an individual's request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by an individual or any family member of the individual. This term does not include information about the sex or age of any individual.

Harassment: Unwelcome conduct that is demeaning or derisive of, or occurs substantially because of, the individual's age, color, disability, gender, gender identity, genetic information, national origin, pregnancy, race, religion, sex, sexual orientation, and/or veteran status, and that creates a hostile learning or work environment.

Harassment, based on one of the above-listed categories, may include but is not limited to:

- A. Intentional behavior directed at an entire group that is based on demeaning or derisive stereotypes and is severe enough that it creates a hostile environment. Examples include offensive comments, slurs or jokes, physical gestures, and visual displays such as posters, etc.
- B. Intentional, non-criminal behavior that is targeted at an individual or particular members of a group, which can be verbal, physical, or visual, and that is severe enough or pervasive enough that it adversely affects the individual's working or learning environment. Examples include negative or offensive comments, slurs or jokes, suggestions, and gestures directed at the personal traits or characteristics of an individual or group.
- C. Harassing behavior that violates state or federal criminal statutes. Examples include criminal assault, sexual assault, rape, criminal mischief, stalking, arson, and trespass.

Parent: For the purposes of these administrative procedures and the corresponding board policy, "parent" means:

- A. a biological or adoptive parent;
- B. a legal guardian or other individual legally authorized to make educational decisions for the child;
- C. an individual, with whom the child lives, who is acting as a parent in the absence of a natural parent or a guardian;
- D. a foster parent if the authority of the biological or adoptive parents to make educational decisions on the child's behalf has been terminated or specifically limited by a court order;
- E. in the absence of any individual qualified under parts A-D, a surrogate parent appointed pursuant to the Individuals with Disabilities Education Act; and/or
- F. a stepparent if the stepparent is present on a day-to-day basis with the natural parent and child, and the other parent is absent from the home. A stepparent who is not present on a day-to-day basis in the home of the child does not have rights under Family Educational Rights and Privacy Act (FERPA) with respect to the child's education records. Stepparents without guardianship of a child do not have the authority to enroll or register a child in school.

"Parent" does not include the state or any political subdivision of government.

Pregnancy: For purposes of the board's non-discrimination policies and the district's corresponding administrative procedures and practices, the term pregnancy includes childbirth, pregnancy-related conditions, breastfeeding, and medical conditions related to breastfeeding.

Reprisal: An unlawful use of position to avenge or punish an individual for their refusal to consent/submit to an inappropriate request and/or demand. Acts of reprisal may be overt or covert and may take many forms such as:

- A. open hostility to the individual, witnesses, or others involved;
- B. exclusion/ostracism of the individual, witnesses, or others involved, which includes behaviors ranging from overt to silent rejection;
- C. the creation, or continued existence, of a hostile work environment;
- D. individualized negative remarks that are repeated and malicious; and
- E. special attention to, assignment of alternative duties that are less desirable work assignments, or reductions in pay.

Respondent: The individual named in a complaint as having engaged in or being responsible for a discriminatory, harassing, or retaliatory act or omission.

Retaliation: Any form of sanction or adverse treatment, including but not limited to intimidation, reprisal (as defined above), or harassment of any individual because that individual:

- A. has asserted, or assisted another individual to assert, a complaint in either a formal or informal manner with the district or with any state or federal agency; or
- B. has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to a complaint.

Examples of retaliatory actions that may result from an individual's participation in a protected activity include but are not limited to:

- A. a supervisor giving a performance evaluation that is lower than it should be, transferring an employee to a different, less desirable, or lower-paid position, or terminating the participating party;
- B. an individual engaging in verbal or physical abuse against the participating party; or
- C. an individual threatening the participating party with or making reports to authorities (such as reporting immigration status or contacting police) or spreading false rumors that negatively impact the participating party.

Title VII Sexual Harassment (for complaints against employees that aren't covered by Title IX): Unwelcome sexual advances, requests for sexual favors, or other verbal or written communications, or physical conduct of a sexual nature when:

- A. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, academic or professional pursuits, or participation in a district-sponsored program or activity;
- B. such conduct affects or has the purpose of unreasonably interfering with an individual's employment, education, or participation in a district-sponsored activity by creating an intimidating, hostile, or offensive working or learning environment; or
- C. such conduct amounts to a violation of state or federal criminal laws, including sexual assault, rape, etc.

Examples of sexual harassment include but are not limited to:

- A. subtly or overtly pressuring another for sexual activity, engaging in sexually motivated physical conduct, including unwelcome touching, pinching, blocking, or brushing against another's body;
- B. using obscene or sexually explicit language or making sexually explicit gestures;
- C. displaying, viewing, printing, or transmitting sexually offensive images, objects, or other materials;
- D. using sexually offensive language or slurs, teasing, joking, or making innuendos about gender-specific traits or characteristics;
- E. engaging in demeaning or derisive conduct based substantially on a person's gender, gender identity, or sexual orientation; and
- F. engaging in any behavior of a sexual nature, or "romantic contact," between a student and district employee.

Supervisor-Employee romantic relationships are not strictly forbidden by board policy, however;

- A. if a supervisor engages in a romantic relationship with an employee; and
- B. if the employee files a complaint of sexual harassment against the supervisor; then
- C. an automatic finding of sexual harassment against the supervisor will result.

PROCEDURES FOR IMPLEMENTATION

The procedures do not apply to sexual harassment complaints covered by Title IX; the procedures for Title IX sexual harassment investigations are outlined in G-19.B: Administrative Procedures, Sexual Harassment Prohibited – Title IX.

The district prohibits unlawful discrimination, harassment, and retaliation on all district premises, during district-sponsored activities, in all aspects of employment with the district, and by all district students and employees.

Any student who commits unlawful discrimination, harassment, retaliation, or violates an individual's civil rights may be subject to discipline up to and including alternative placement. Any employee who engages in such behavior may be subject to discipline up to and including termination. The district will determine the appropriate remedy for each complaint.

Any request to stop the unlawful behavior outlined in these procedures must be complied with immediately. Individuals are encouraged to make such requests in order to resolve these situations, if possible.

Supervisors are responsible for taking prompt necessary steps, including appropriate disciplinary action, to ensure and maintain a working and educational environment free of intimidation, coercion, discrimination, harassment, and retaliation. Additionally, the performance of supervisors will be evaluated, in part, on their adherence to the reporting and response requirements outlined in the procedures below. Failure of a supervisor to fully comply with these procedures may result in disciplinary action, up to and including termination.

The district will investigate all complaints of discrimination, harassment, and retaliation, and will take appropriate action to stop violations, prevent recurrence, and remedy any effects of violations. All complaints will be investigated by using the preponderance of the evidence standard. A preponderance of the evidence means that it is more likely than not that the testimony or other evidence on one side of a particular issue is true.

All district employees are required to cooperate in all proceedings conducted pursuant to these procedures. Failure or refusal to cooperate in, or interference with, any such investigation or proceeding will result in disciplinary action up to and including termination. The district prohibits retaliation against individuals who assert their rights as outlined in these administrative procedures or who participate in any such investigation or proceeding.

The following procedures are available to those who believe they have witnessed or are victims of unlawful discrimination, harassment, or retaliation.

At any point in the process, the Complainant, the Respondent, or any witness, may request assistance in order to ensure their due process rights are being protected. Examples of such requests include, but are not limited to, assistance filling out a complaint form or other necessary paperwork, and provision of translation or interpreter services. Assistance with what claims to assert, what defenses should be raised, what testimony to give, or other content issues will not be provided.

Nothing in these procedures may be construed to modify any person's rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

I. Duty to Report

- A. It is the duty of every student and every employee to report any violations of these procedures or the accompanying board policy. Failure to do so may result in disciplinary action.
- B. Within 24 hours of receiving a report/complaint/allegation, a school administrator must notify parents that their student was involved in an incident of discrimination, harassment, and/or retaliation.
 1. As part of this notification, parents must be provided with:
 - a. Suicide prevention materials and information; and
 - b. Information on ways to limit the student's access to fatal means, including a firearm and/or medication.
 2. A phone call with a follow-up email is the preferred method for delivering this notification; however, if the administrator has left a voicemail message but has been unable to connect telephonically with the parent, an email will be sufficient.
 3. This notification must be documented on the "Record of Parent Notification of Student Threat or Incident" form (hereafter referred to as the "Notification Form") linked in the References section above.
 4. The Notification Form must be maintained for at least one year in a separate and secure location, not in the student's cumulative file.
- C. The Notification Form may be shredded after one year unless an appeal is pending.

II. Confidentiality

- A. Every effort will be made to protect the confidentiality of all participants in complaint proceedings and investigations; however, absolute confidentiality cannot be guaranteed. In some instances, the district's legal obligations, including the need to investigate allegations and take appropriate corrective action, will require the disclosure of certain information.
- B. In all cases, the person receiving the complaint should discuss confidentiality standards and concerns with the Complainant initially. The Complainant must be informed that a confidentiality request may limit the district's ability to respond to a complaint. If the Complainant continues to ask that their name not be revealed, all reasonable steps must still be taken to investigate and respond to the complaint consistent with the Complainant's request as long as doing so does not prevent the district from responding effectively to the complaint.

1. Respondents are entitled to due process, thus, if a Complainant, who was the only other individual involved, insists that their name not be revealed, and the Respondent cannot respond to the charges without that information, disciplinary action against the Respondent may not be appropriate.
- C. All individuals involved in a complaint or investigation should refrain from discussing the matter, except with those who have a legal need to know.

III. Submitting an Initial Complaint

- A. A Complainant may submit an initial complaint as follows:
1. Any complaint involving students must be immediately referred to the school principal.
 - a. Any district employee who receives a complaint from a student, which is covered by these procedures, shall inform the student of the employee's obligation to report the complaint to the principal, and then shall immediately notify the principal. Depending on the nature of the alleged behavior, a report to the appropriate licensing or law enforcement authority may be necessary.
 - b. Pursuant to state law, when a complaint involves allegations of child abuse, the complaint must immediately be reported to either the Division of Child and Family Services (DCFS) or local law enforcement, and the anonymity of both the Complainant and school officials involved in the investigation will be strictly protected.
 2. If the complaint involves a district employee, the Complainant may submit a complaint to their supervisor or may contact the Compliance Officer.
 3. If the complaint involves the Compliance Officer, the Complainant may contact the district's Human Resource Services Department (HRS) at 801.578.8340, 440 East 100 South, Salt Lake City, Utah 84111.
 4. When the Respondent is a third-party such as a vendor, visiting speaker, patron, volunteer, etc., if the Complainant is a student, the student should contact the principal; if the Complainant is a district employee, the employee should contact the Compliance Officer.
 5. When the Respondent is the superintendent or business administrator, the complaint shall be sent or referred to the Board of Education.
 - a. These complaints will be resolved/investigated in accordance with Section IX below.
- B. Any complaint clearly alleging criminal conduct, including sexual violence, must be forwarded to local law enforcement for investigation.
- C. Complainants must be informed of their right to file a complaint or report with law enforcement.
- D. Good faith submission of a complaint will not adversely affect the Complainant's future employment, grades, work assignments, or participation in district-sponsored programs or activities. However, a student or employee who knowingly files a false report may be subject to civil and/or legal actions as well as district disciplinary action.

IV. The Initial Complaint

- A. The initial complaint may be submitted either orally or in writing. Whether or not a Complainant files a complaint or otherwise asks the person receiving the complaint to take action, where the district knows or reasonably should know of an incident, the district must take steps to understand what occurred and respond appropriately.
1. A complaint should be made as soon as possible, but preferably not later than thirty (30) days after the incident(s) in order to be effectively investigated and resolved.
 2. The individual filing the complaint should describe the circumstances which they believe support the allegation(s) of unlawful behavior, the names of the individual(s) against whom the claim is made, and any remedies that are being sought.
 3. Individuals should provide as much information as possible including any conversation(s) with the Respondent, noting the time, date, and place, what was said or done, and any other relevant circumstances surrounding the event(s).
- B. Complaint forms may also be used and are available online and in each district building. See, Board Policy G-19, G-20, & Title IX Sexual Harassment Form: Complaint and/or Request for Investigation. Complaints may also be submitted by using the "Non-Discrimination/Title IX/Bullying" button located under the non-discrimination statement at the bottom of every main page on the district's website.

V. Responsibilities and Protocol for Resolving a Complaint

- A. Any principal or supervisor receiving a verbal complaint will first document the complaint in writing.
- B. Principals will notify the parent(s) of any student who has been the subject of discrimination, harassment, and/or retaliation, and will document the notification using the Record of Parent Notification of Student Threat or Incident form.
- C. The principal or supervisor must immediately forward a copy of the written complaint to the district's Compliance Officer.
- D. At any point during or after the complaint is raised, the district may take steps to protect and or support the Complainant, Respondent, students, and other employees.

1. For students, such actions may include providing counseling services and/or academic support services, and/or adjusting passing times, class seating arrangements, and/or class schedules.
 - a. A list of counseling services is available at: <https://www.slcschools.org/departments/educational-equity-and-student-support/student-services/counseling-services/>.
 2. For employees, appropriate steps may include changing work schedules or work locations, but any changes will be dependent on the employee's job responsibilities and must be arranged through HRS.
 3. School and district administrators must assure that all parties are informed that retaliation is prohibited and that the district will take strong responsive action to address retaliation, and shall offer assistance to victims, and if applicable their parents, in reporting subsequent problems and new incidents.
- E. Complaints will be informally resolved/investigated by the following individuals:
1. Any complaint alleging a student violation against another student shall initially be informally resolved/investigated by the principal.
 2. Any complaint involving an employee, vendor, volunteer, or third party, shall be reported immediately to the Compliance Officer who will then be responsible for informally resolving/investigating the complaint.
- F. The Investigator may dismiss all or part of the complaint without any further investigation if:
1. the allegations in the complaint are insufficient to establish a policy violation even if all the factual allegations in the complaint are true;
 2. the complaint was not filed in a timely manner; and/or
 3. the Investigator decides to limit the scope of the investigation.

VI. Informal Process

- A. Any complaints involving severe discrimination, harassment, or retaliation may not be informally resolved without obtaining prior permission from the Compliance Officer.
- B. The complaint may be handled informally if the Complainant seeks to resolve the issues directly with the individual(s) involved or through appropriate district employees.
1. All parties must agree to an informal resolution for one to occur. An informal resolution may only occur after the person informally resolving the complaint receives full disclosure of the allegations, determines the matter is appropriate for the informal process, and informs the Complainant of the option for a formal resolution.
 2. In no event will a student victim be required to work out a problem directly with the Respondent without participation by the appropriate district administrator.
 3. The individual resolving the complaint will make their best efforts to resolve the complaint through mediation and negotiation with all parties.
 4. If a satisfactory resolution is reached informally, and an informal resolution agreement is signed by the Complainant and the Respondent, no further action will be taken and the matter will be considered closed.
 - a. When the individual resolving the complaint is addressing a student-to-student concern, they shall document in writing that the matter has been resolved informally by including the relevant details of the matter and the outcome in PowerSchool using the appropriate designation.
 5. If the Complainant or Respondent is not satisfied with the outcome of the informal process, they may request that the complaint be handled formally.
 6. A request for the matter to be resolved through a formal process may be made at any time.
 7. The informal process should be completed within 20 business days unless a longer time is deemed necessary.
- C. If an employee's behavior warrants any sanction above a verbal warning, the executive director of HRS must be involved in determining appropriate discipline and reviewing any gathered documentation.
1. Discipline imposed on an employee may be separately appealed through the appropriate process outlined in the administrative procedures associated with Board Policy P-4: Discipline of District Employees.
- D. If a student's behavior rises to a serious violation of policy and warrants a suspension or expulsion, the director of social and emotional learning must be involved in determining appropriate discipline and reviewing any gathered documentation. (See, Board Policy S-3: Student Conduct and Discipline and its accompanying administrative procedures.)

VII. First Level Formal Investigation and Response

- A. The individual designated to investigate the complaint ("Investigator") shall be responsible for investigating the complaint as outlined in these procedures. Failure to properly investigate a complaint may result in discipline.
- B. Initial investigation
1. At a minimum, the Investigator will immediately:
 - a. separately notify the Complainant and the Respondent of the following:
 - i. right to have someone translate or interpret during the interview; and
 - ii. the right to have someone of the same gender conduct or be present during the interview.

- b. interview the Complainant and document the conversation;
 - c. instruct the Complainant that they should avoid contact or communication regarding the complaint with the Respondent;
 - d. inform the Respondent that a complaint has been filed against them;
 - e. inform the Respondent that if the objectionable conduct is still occurring, it must cease immediately;
 - f. provide the Respondent with a copy of these procedures;
 - g. inform the Respondent of their rights and responsibilities during the investigation;
 - h. notify the Respondent that they will be afforded a full and complete opportunity to respond to the allegations;
 - i. instruct the Respondent that they should avoid contact or communication regarding the complaint with Complainant, and to not take any retaliatory action against the Complainant; and
 - j. document the conversation with the Respondent.
2. The Respondent (and when appropriate, the Respondent's parent) will be provided with a written notice of complaint and a summary of allegations that includes the information listed in Section 1. Above, as well as sufficient details of the event(s), a list of proposed violations of policy, the identity of the Complainant (where applicable), and the approximate date and location of the events.
 - a. If during the course of the investigation, further allegations are discovered, the Investigator will deliver an amended notice of allegations to the Respondent which contains sufficient details of the event(s), a list of the amended allegations, and the proposed violations of policy, the identity of any new Complainants, and the approximate date and location of the events.
 3. Within five calendar days of receiving notice of a complaint, the Respondent shall submit a written answer to the Investigator.
 - a. The answer should include:
 - i. an admission or denial of each allegation in the complaint;
 - ii. a statement as to the extent to which the complaint has merit; and
 - iii. any other information the Respondent deems relevant.
 - b. If the Respondent admits all of the allegations in the complaint, appropriate disciplinary action will be coordinated by the Investigator, the appropriate district administrator, the executive director of HRS, and/or the director of social and emotional learning.
 - i. At a minimum, in cases involving an employee-Respondent, a written reprimand shall be issued to the Respondent and a copy placed in the Respondent's personnel file.
 - c. If the Respondent elects not to submit a written response, the Compliance Officer will continue the investigation without the response and will note the Respondent's failure to respond in the investigative report.
 - i. The Compliance Officer will determine whether a formal interview is appropriate in the absence of a written response.
 4. The Compliance Officer may interview the Complainant/Respondent on more than one occasion regarding the complaint, the answer, witness statements, and other gathered information.
 5. The Compliance Officer may also interview any other individual(s) believed to have pertinent information or who either party identifies as an individual who has knowledge of the alleged incident(s).
 6. The investigation in a formal process will be impartial. Both the Complainant and Respondent shall have the opportunity to present witnesses and evidence.
 7. Under no circumstances will the alleged perpetrator be permitted to question the Complainant directly.
 8. All witnesses will have the opportunity to review, edit, and acknowledge by signature or return email the accuracy of their own written statements or accountings of their interviews.
 9. The Investigator should attempt to keep the parties and the appropriate administrators informed of the progress of the investigation. When appropriate, the Investigator should also attempt to keep parents informed about the progress of the investigation, as well as the results of the investigation.
 10. The Investigator shall complete the investigation within 30 business days of receipt of the complaint unless a longer period of time is necessary. The Investigator will communicate with the parties any delay in the process, and the reason for the delay.
 11. The Investigator shall provide the Complainant and the Respondent (and parents when appropriate) with a draft of the findings. Both parties shall have five calendar days after receipt of the draft to submit written comments and any additional documents. The Investigator may reinvestigate if either party raises new issues or allegations.

12. At the conclusion of the further investigation, if any, or at the conclusion of the 5-day period described above, the Investigator shall issue the final results of the investigation to the Complainant and Respondent.
 13. If there is a CAUSE finding made against the Respondent, an appropriate response will be coordinated through the following process:
 - a. In incidents involving student violations against another student, the complaint, along with the investigative report, shall be forwarded to the director of social and emotional learning. The Investigator should also log the relevant information into PowerSchool and use appropriate designations.
 - b. In all other circumstances, the complaint, along with the investigative report, shall be forwarded to the executive director of HRS.
 - c. The final investigative report shall also be forwarded to appropriate district administrators.
 14. Within five business days of receiving the final investigative report from an Investigator, the appropriate district administrator will review the documentation, meet with the Investigator if necessary, and determine and initiate any appropriate action based on the investigative results. These actions may include taking appropriate steps to correct any adverse consequences suffered by the Complainant.
- C. Disciplinary Actions/Consequences:
1. If an allegation is found to be substantiated in whole or in part against an employee, the appropriate district administrator, in consultation with HRS, will determine and implement corrective discipline and remedial steps necessary to eliminate the effects of discrimination, harassment, or retaliation.
 2. If the investigation results in a CAUSE finding against an employee based on a violation of one or more board policies, disciplinary action must result in formal disciplinary action (see, P-4: Administrative Procedures, Discipline of District Employees).
 3. If the investigation results in a CAUSE finding against a student based on a violation of a board policy or the student code of conduct, disciplinary action must be taken in accordance with S-3: Administrative Procedures, Student Conduct and Discipline.
 4. The appropriate district administrator will then inform the Complainant:
 - a. whether or not appropriate action will be or has been taken; and
 - b. that the Complainant should immediately report any further objectionable behavior or retaliatory actions.

VIII. Appeal of Investigative Report

- A. If the Complainants and/or Respondents (hereafter individually referred to as "Appellant" and collectively referred to as "Appellants") is not satisfied with the outcome of the first level investigation, they may file a request for an appeal with the Compliance Officer. The appeal must be made within five business days of the receipt of the final investigative report.
 1. The Compliance Officer will review the first-level investigations completed by principals; and
 2. the appropriate executive director will review the first-level investigations completed by the Compliance Officer.
 - a. The Compliance Officer, in consultation with HRS, will identify the appropriate executive director who will be serving as the second-level reviewer, and will forward to that individual the applicable investigative materials for review.
 - i. The Appellant will be notified by the Compliance Officer of the identity of the second-level reviewer.
- B. Requests for an appeal shall be in writing. Appeals will only be considered and acted upon if they are based on one or more of the following:
 1. evidence of bias or ill will on the part of the Investigator;
 2. new evidence or documentation that was not available during the course of the initial investigation that would be determinative or impact the outcome; or
 3. evidence that the Investigator failed to do a thorough investigation.
- C. Appeal requests that fail to provide the evidence listed in Section VIII.B.1-3. above will be dismissed as without merit.
- D. Appeal requests must also include the following:
 1. Appellant's name, home address, telephone number, and school or work location;
 2. a brief description of the alleged discrimination, harassment, or civil rights violation including the date, place, and time; and
 3. a brief description of the actions/efforts that have already occurred to address the issue.
- E. The Appellant may also include a statement of requested relief or corrective action.

- F. Within 10 business days after receipt of the request, the second-level reviewer, or designee, will meet with the Appellant to discuss the request and possible resolutions.
- G. The second-level reviewer will review the appropriateness of any first-level investigation, response, final investigative report, and corrective action taken, if any.
- H. The second-level reviewer may take any additional steps deemed necessary in order to resolve the request such as re-interviewing the parties or any witnesses, requesting additional information, or interviewing other pertinent individuals.
- I. Within 15 business days after the initial meeting, the second-level reviewer will issue a written decision.

IX. Complaints Against the Superintendent or Business Administrator

- A. Any complaint filed with the board against either individual will be forwarded by the board president or vice president to the board's attorney.
- B. The board's attorney will consult with the board regarding the sufficiency of the complaint and the nature of the allegations.
- C. The board's attorney may dismiss all or part of the complaint without any further investigation if:
 - 1. the allegations in the complaint are insufficient to establish a policy violation even if all the factual allegations in the complaint are true;
 - 2. the complaint was not filed in a timely manner; and/or
 - 3. the board's attorney decides to limit the scope of the investigation.
- D. If the board's attorney determines that any allegation merits investigation, the board's attorney will work with the appropriate district personnel to determine whether an impartial investigation can be performed internally or whether an external investigator should be retained.
- E. If an external investigator is hired, the specific investigative processes set forth in these administrative procedures will not apply to the investigation.
 - 1. Supportive measures will still be available to the Complainant and should be coordinated through HRS and the assigned investigator.
 - 2. The Respondent(s) will be afforded due process, including an opportunity to respond to the written allegations, identify witnesses for interview, and be accompanied or assisted by an advocate of the Respondent's choosing.
- F. The parties will be notified of the outcome of the investigation by the board president. Any resulting disciplinary action will be determined by the board in its sole discretion.
 - 1. The board's decision in this matter constitutes final action.

X. Responsibility for Dissemination of Policy

- A. Principals and supervisors will take appropriate actions to reinforce these procedures and the accompanying board policy by:
 - 1. ensuring employees complete the annual online training related to these procedures by September 1;
 - 2. including links to the corresponding board policy and these procedures in employee handbooks;
 - 3. ensuring that by October 1 of each year, every student receives an age-appropriate explanation of the policy and is given the opportunity to discuss the policy in a classroom setting; and
 - 4. notifying parents and students of these procedures by September 1 of each year either by including it in the student handbook or by sending a notice to student homes.
- B. A summary of these procedures and related materials shall be posted in a prominent place in each district facility.

XI. Records

- A. Records of discrimination or harassment complaints shall be maintained by the Compliance Officer or designee. The records will be kept in a separate and confidential file as required by the Governmental Records and Access Management Act.
- B. The release of information regarding the specific disciplinary action imposed on a student or employee must comply with applicable state and federal law(s).
- C. Information gathered, developed, and documented in the investigation will be regarded as a protected record.
- D. If the Complainant is an employee, no record of the complaint shall be kept in the Complainant's personnel file.
- E. If no cause finding is made against an employee-Respondent, no record will be placed in the Respondent's personnel file.
- F. Records of initial complaints and investigations shall be retained for at least one year.
- G. Records of district-level investigations shall be retained for at least three years.

XII. District Compliance Office

- A. All questions related to discrimination, harassment, and retaliation should be directed to the Compliance Officer.

- B. The Compliance Officer serves as a resource to the district to provide information, counseling, training, and advice regarding discrimination, harassment, and retaliation. Individuals are encouraged to discuss their concerns or complaints with the district's Compliance Officer in order to clarify whether discrimination may be occurring and to determine the individual's options, including the pursuit of more formal action.
- C. The Compliance Officer can also provide information relating to any external remedies that may be available to the Complainant.

XIII. Plans for Harassment- and Discrimination-Free Learning

- A. After reviewing each school's climate survey data, each principal in consultation with the appropriate area director in the school leadership and performance department, will be required to revise its practices, rules, and training to eliminate harassment and discrimination in their school.
- B. Based on a review of the climate survey data, the district will adopt a plan for harassment- and discrimination-free learning, and host outreach events or assemblies to inform students and parents of the plan.
 - 1. No later than August 1, 2023, the district will report its plan to USBE; and
 - 2. Annually, thereafter report to USBE on the district's implementation of the plan and the progress.

XIV. Outside Reporting Procedures

- A. Nothing in this policy shall prohibit an individual from filing a discrimination or harassment claim with the Utah Anti-Discrimination and Labor Division ("UALD"), 160 East 300 South, 3rd Floor, P.O. Box 146600, Salt Lake City, UT 84114-6600. An employee has a maximum of one hundred and 180 calendar days from the alleged date of discrimination to file a claim with the UALD.
- B. Discrimination complaints may also be filed with the Office for Civil Rights, Region VIII, U.S. Department of Education, Federal Building, Suite 310, 1244 Speer Boulevard, Denver, Colorado, 80204-3582.

XV. Training

- A. All new employees shall receive information about these procedures and the related policy at new employee orientation. All other employees shall be provided information on a regular basis regarding these procedures, and the district's commitment to providing a learning and working environment free from discrimination, harassment, and retaliation.
- B. Principals in each school are responsible for informing students and training staff on these procedures.