

Policy 400.02 – Nondiscrimination Policy

POLICY NUMBER:

400.02

ADOPTED:

11.15.2016

Board Policy

1. The Board of Education is committed to providing a working and educational environment free from unlawful discrimination, harassment, and/or retaliation. Accordingly, no otherwise qualified person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to unlawful discrimination in any District program or activity on the basis of age, color, disability, gender, gender identity, national origin, pregnancy, race, religion, sexual orientation, or veteran status.
2. The purpose of this policy is to promote a work and educational environment at the District that is free of unlawful discrimination, harassment, and/or retaliation, and to affirm the Board's commitment to non-discrimination, equity in education, and equal opportunity for employment.
3. The Board is committed to providing equal access and equal opportunity in its programs, services and employment, policies, complaint processes, program accessibility, and District facility use. The District shall not deny equal access or a fair opportunity to meet, or discriminate against, any group officially affiliated with the Boy Scouts of America or is officially affiliated with any other youth group intended to serve young people under the age of 21.
4. The District shall operate as an Equal Opportunity Employer and will provide and safeguard the opportunity for all persons to seek, obtain, hold and advance in employment within the District without discrimination. The Board shall: consider applicants on an equal basis; publicize the

District's commitment to provide equal opportunity employment; review the status of equal opportunity employment, and ensure all persons are given full opportunity and access to compete for available employment opportunities.

5. The Board prohibits unlawful discrimination, harassment, and/or retaliation against individuals who report allegations of discrimination, file a formal complaint, or participate in the investigative process. It is a violation of this policy for any District employee to ignore unlawful discrimination, harassment, or retaliation. Violations of this policy may result in discipline for both students and District employees.
6. Students or employees who believe that they have been subjected to unlawful discrimination, harassment, and/or retaliation shall report the incident immediately to the school principal, department supervisor, or designee, as outlined in the administrative regulations of this policy. Complaints will be investigated with fairness and reasonable speed.
7. Published Nondiscrimination Statement:

No District employee or student shall be subjected to discrimination in employment or any District program or activity on the basis of age, color, disability, gender, gender identity, national origin, pregnancy, race, religion, sexual orientation, or veteran status. Canyons School District is committed to providing equal access and equal opportunity in its programs, services and employment including its policies, complaint processes, program accessibility, District facility use, accommodations and other Equal Employment Opportunity matters. The following person has been designated to handle inquiries and complaints regarding unlawful discrimination, harassment, and retaliation:

Jeffrey Christensen—Assistant Legal Counsel – Compliance Officer
9361 South 300 East
Sandy, UT 84070
801.826.5061

You may also contact:

The Office for Civil Rights, Denver, CO, (303) 844-5695.

8. The Board of Education authorizes the Superintendent and District Administration to establish

Administrative Regulations consistent with this policy.

ADMINISTRATIVE REGULATION:

400.02-1

APPROVED:

11.15.2016

Definitions - 400.02-1

1. **Complainant:** An individual or group of individuals making a complaint.
2. **Compliance Officer:** The person designated by the Superintendent to handle inquiries and complaints regarding unlawful discrimination, harassment, and/or retaliation, which currently is:
Assistant Legal Counsel– Compliance Officer
Jeffrey Christensen
9361 South 300 East
Sandy, UT 84070
(801) 826-5061
3. **Complaint:** A claim by an aggrieved party or witness that an individual or institution has engaged in unlawful discrimination, harassment, and/or retaliation.
4. **Discrimination:** Conduct, including words or gestures and other actions, which adversely affects an employee’s or student’s environment or results in disparate treatment or impact, based upon age, color, disability, gender, gender identity, national origin, pregnancy, race, religion, sexual orientation, or veteran status.
5. **Harassment:** Conduct, including words or gestures and other actions, repeatedly communicated to another individual, in an objectively demeaning or disparaging manner, that contribute to a hostile, demeaning, or offensive work or school environment for the individual based upon age, color, disability, gender, gender identity, national origin, pregnancy, race, religion, sexual orientation, or veteran status.

6. **Retaliation:** Any form of sanction or adverse treatment, including but not limited to intimidation, reprisal, or harassment of any individual because he or she: (1) has asserted, or assisted another individual to assert, a complaint in either a formal or informal manner with a school or the District or with any state or federal agency; or (2) has testified, assisted or participated in any manner in an investigation, proceeding or hearing related to a complaint.
7. **Disability:** An individual's physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.
8. **Respondent:** The individual or organization named in a complaint as having engaged in or being responsible for a discriminatory, harassing or retaliatory act or omission.
9. **Sexual Misconduct:** Unwelcome sexual actions or conduct that is both nonphysical or physical, offensive to the sensibilities of any person, including sexual advances, lewd gestures, words or other communication of sexual nature that has the effect of threatening or intimidating the person against whom such conduct is directed, but does not meet the definition of sexual harassment under Title IX for a hostile environment for sexual conduct that is severe, pervasive, and objectively offensive to deny a person equal access to the education program or activity.
10. **Sexual Harassment:** Please refer to Policy—400.021—Sexual Harassment (Title IX).

ADMINISTRATIVE REGULATION:

400.02-2

APPROVED:

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Duty to Report - 400.02-2

1. It is the duty of every student and every employee to report any violations of these administrative regulations or accompanying policy (Policy 400.02—Nondiscrimination). Failure to do so may result in disciplinary action.

ADMINISTRATIVE REGULATION:

400.02-3

APPROVED:

11.15.2016

Filing a Complaint - 400.02-3

1. Submission of a Complaint:

1. At the school level, the principal is the individual responsible for receiving all complaints of discrimination, bullying, harassment, and/or retaliation.
 1. Any complaint involving students must be immediately referred to the school principal.
 2. If a complaint involves the principal or another school employee, the Complainant should contact Human Resources.
2. District employees should report violations involving other employees to their immediate supervisor.
 1. If the complaint involves an immediate supervisor, the Complainant should contact Human Resources.
 2. If the immediate supervisor works in Human Resources, the Complainant should contact Legal Services.
3. If a complaint involves an adult in the school (e.g., vendor, patron, volunteer, etc.,) the Complainant should contact the principal.
4. If the complaint involves an adult in the District (e.g., vendor, patron, volunteer, etc.,) the Complainant should contact Legal Services.

ADMINISTRATIVE REGULATION:

400.02-4

APPROVED:

11.15.2016

Discrimination, Bullying, and Harassment Complaint Procedures (Employee Victims) - 400.02-4

1. Upon receipt of a discrimination, bullying, or harassment complaint regarding an employee victim, a principal or supervisor will forward a completed Bullying, Discrimination, and Harassment Form to the Director of Human Resources.
 1. The Director of Human Resources will forward a copy to Legal Services if a student perpetrator is involved and notify law enforcement if appropriate.
2. The Director of Human Resources will review the complaint and determine whether to conduct a site-level (department or school) investigation or District-level investigation.
3. An investigation is a formal process including interviews, and witness statements from the victim, the person against who the complaint is made, witnesses, and others that have pertinent information.
 1. Individuals that are interviewed as part of an investigation will be required to sign a confidentiality statement regarding the investigation. Investigations will be conducted in a reasonably confidential manner. However, witnesses and others with pertinent information may need to be aware of the investigation and sufficient facts to elicit their verbal/written statements.
4. The investigator will consider all the evidence and will make findings of fact and conclusions as to whether any District policies have been violated.
5. If appropriate, disciplinary action may be taken against the perpetrator, and other actions may be taken to address the effects on the victim and the school/workplace environment.
6. To the extent legally permissible, the victim and perpetrator will be notified of these decisions.

ADMINISTRATIVE REGULATION:

400.02-5

APPROVED:

Discrimination, Bullying, and Harassment Complaint Procedures (Student Victims) - 400.02-5

1. Upon receipt of a discrimination, bullying, or harassment complaint regarding a student victim, a principal will forward a copy of the completed Bullying, Discrimination, and Harassment Form to Legal Services.
 1. Legal Services will forward a copy to:
 1. the Director of Human Resources if it involves an employee;
 2. the Section 504 Coordinator if it involves a disability; or
 3. Notify Law Enforcement/Division of Child and Family Service (DCFS) if required by law.
2. Legal Services will review the complaint and determine whether a District or school investigation is needed.
3. An investigation is a formal process including interviews, and witness statements from the victim, the person against who the complaint is made, witnesses, and others that have pertinent information.
 1. Individual adults that may be interviewed as part of an investigation will be required to sign a confidentiality statement regarding the investigation.
 2. Investigations will be conducted in a reasonably confidential manner. However, witnesses and others with pertinent information may need to be aware of the investigation and sufficient facts to elicit their verbal/written statements.
4. The investigator will consider all the evidence and will make findings of fact and conclusions as to whether any District policies have been violated.
5. If appropriate, disciplinary action may be taken against the perpetrator, and other actions may be taken to address the effects on the victim and the school/workplace environment.
6. To the extent legally permissible, the victim and perpetrator will be notified of these decisions.

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Request for Review; Final Administrative Action - 400.02-6

1. Complainants that are not satisfied with the outcome of an investigation may file a Request for Review with the Legal Services.
2. A Request for Review must be submitted to the Legal Services within ten (10) business days of the written disposition.
3. The Request for Review shall be in writing and shall contain the following information:
 1. Complainant's name, home address, telephone number, and school or work location;
 2. A brief description of the alleged discrimination, harassment, or retaliation, including the date, place, and time;
 3. Name of Respondent (s), if known;
 4. A brief description of the actions/efforts that have already occurred to address the issue; and
 5. A rationale for the Request for Review.
4. The Legal Services shall forward the Request for Review to the Superintendent's designee.
 1. The Assistant Superintendent's Office is designated by the Superintendent to review a Request for Review of claims of employee discrimination, harassment, and/or retaliation.
 2. The School Performance Office is designated by the Superintendent to review a Request for Review of claims of student discrimination, harassment, and/or retaliation.
5. The Superintendent's designee shall render a decision based on the record submitted to the Legal Services within 15 business days.
6. The decision of the Superintendent's designee shall serve as the final administrative action in the matter.

ADMINISTRATIVE REGULATION:

400.02-7

APPROVED:

11.15.2016

Records - 400.02-7

1. Records of discrimination, harassment, and/or retaliation complaints shall be maintained by the Legal Services, or his or her designee. Records of complaints shall be kept in a separate and confidential file as required by the Governmental Records and Access Management Act (GRAMA).
2. Information gathered, developed, and documented in an investigation will be regarded as a protected record.
3. If the Complainant is an employee, no record of the complaint shall be kept in the Complainant's personnel file.

ADMINISTRATIVE REGULATION:

400.02-8

APPROVED:

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Dissemination of Policy and Training - 400.02-8

1. The District's Policy—400.2—Nondiscrimination shall be included in the District's annual employee training. The training shall include relevant documentation and require employee signatures.
2. The policy shall also be included in student handbooks and notice shall be provided to parents/guardians in school registration materials.
3. Principals in each school are responsible for informing students and training staff on Policy—400.2—Nondiscrimination and the accompanying regulations and procedures.

ADMINISTRATIVE REGULATION:

400.02-9

APPROVED:

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Outside Reporting and Procedures - 400.02-9

1. Nothing in this policy shall prohibit an individual from filing 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 individual has 180 calendar days from the alleged date of the discrimination or harassment to file with UALD.

2. If concerns cannot be resolved at the school or District level, discrimination complaints may be filed with the Office of Civil Rights: Department of Education, Region VIII, Federal Office Building, 1244 Speer Blvd., Suite #310, Denver, CO 80204-3582.

References

None

Forms

None

Document History

Revised – 11.15.2016. Policy – 400.02 – Nondiscrimination was updated to include investigation procedures for complaints of discrimination, bullying, harassment of employee and student victims.

Adopted – 1.6.2015.

This online presentation is an electronic representation of the Canyons School District's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent located at 9361 South 300 East Sandy, UT 84070.