



# POLICY AND LEGAL SERVICES NEWSLETTER

“AREN’T I ENTITLED TO A PUBLIC DEFENDER?”

February 5, 2019

## POLICY AND AP CHANGES

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**Thanks** to the elementary school principals and their SCCs! State law requires the district to have a policy governing **detaining elementary school children** after school. We really appreciate all the feedback we got from you on our draft procedures. The final version is now included in Section II of the S-3 administrative procedures, so if you or any school employee has to detain an elementary student after school, please follow the procedures outlined in that section. If you have any questions, please contact Mindi Holmdahl or refer to Section II of the [S-3: Administrative Procedures, Student Conduct and Discipline](#).

Are you planning on having any **FOREIGN STUDENTS** visit your school for a day or a week? If so, you must follow the procedures outlined in Section XVI of the [S-1: Administrative Procedures, School Admissions](#). These new procedures are specifically designed for short-term cultural visits by foreign students, and are less onerous than the foreign exchange program requirements. If you have any questions about short-term cultural visits by foreign students, please contact Mindi Holmdahl or Sandra Buendia, and/or refer to the S-1 administrative procedures.

**School Traffic Safety** - If you, your SCC, parents, or teachers have suggestions about how to improve school traffic safety or concerns with current school traffic safety programs, please send those suggestions/concerns to SLCSA's school traffic safety committee. For more information on the committee, please contact Martin Yablonovsky or refer to Section I in the [G-7: Administrative Procedures, School Traffic Safety](#).

Do you have questions about *religious neutrality*

especially as that requirement relates to: 1) expressions of personal beliefs by employees; or 2) performances, religious services, and church-owned facilities? We might not have all the answers, but a really good place to start is with the new additions to the [I-11:](#)

[Administrative Procedures, Religion in the Curriculum.](#)

We added two new sections: Section II.G., *Performances, Religious Services, and Church-Owned Facilities*; and Section II.H. *Expressions of Personal Belief by Employees.*

We also added more definitions and beefed up the guidance on religious neutrality found throughout Section II. For more information about religion and/or religious activities in our schools, please contact Tiffany Hall or refer to [I-11: Administrative Procedures, Religion in the Curriculum.](#)

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Also, if a **STUDENT ON STUDENT INCIDENT** of bullying, cyber-bullying, harassment, or retaliation has been confirmed, the school staff may, if appropriate and only with the victim's parent's permission, implement positive restorative justice practices to support the students. However, school administrators must **CONTACT THE STUDENT SERVICES DEPARTMENT PRIOR TO IMPLEMENTING ANY SUCH RESTORATIVE JUSTICE PRACTICE.**

For more information about this requirement, please contact Mindi Holmdahl or refer to Section IV.A.1. in the [G-20: Administrative Procedures, Bullying, Cyber-bullying, Hazing, and Abusive Conduct Prohibited.](#)

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Have you ever wondered what the definition of an **AT-WILL/TEMPORARY EMPLOYEE** is, and/or what rights they have? Because at-will/temporary employees have different rights under the law, we have provided more information about this group of employees in our [P-4: Administrative Procedures, Discipline of District Employees.](#) If you have any questions about employee classifications, please contact Byron Garritson or refer to the P-4 administrative procedures.



## Compliance Corner

Sexual Harassment: Did you know?

Romantic relationships between a supervisor and an employee may be tempting...

HOWEVER, pursuant to precedent set by the Equal Employment Opportunity Commission (EEOC), supervisors should be aware that if they enter into a romantic relationship with an employee they supervise; and if that employee files a G-19 complaint of sexual harassment regarding that relationship; **there will be an automatic finding of CAUSE** to believe the supervisor engaged in sexual harassment.

Why?

Due to the imbalance of power between a supervisor and an employee, the employee's consent to participate in a relationship may be based on their fear of a negative job action, rather than a desire to be in a relationship.

Thanks,

*Tina Hatch*

Interim Compliance Officer  
801.578.8388



## Records Request Reminder

### Employee Email Accounts

As a reminder, district email is not private and anything that is sent or received on district email can be accessed for GRAMA requests. If you're responding to a work email please keep it work-related, and if necessary share any personal information in a separate email. As a general rule, exercise your best professional judgment in favor of using a separate email account for personal email communications and limit any such communications to non-work time.

If you have any questions please refer to [P-8: Administrative Procedures, Acceptable Employee Use of Internet, Computers, and Network](#).

Jillian Norton  
GRAMA Officer and Legal Support  
801.578.8348

Remember to communicate with the human resource services ("HRS") department about the **performance of the substitute teachers** in your building! HRS will send out a survey once a year asking for feedback about the substitutes you have used, but if you have any **concerns** with a substitute's performance or conduct, you should contact HRS immediately. Also, a substitute teacher serving in the same teaching position for longer than **eight weeks** must hold an appropriate license or be replaced by a person with an appropriate license. For more information about the employment and evaluation of substitute teachers, please contact Mozelle Orton or refer to the [P-5: Administrative Procedures, Employment of Substitute Teachers](#).

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Please remember, individuals need to file **G-20 complaints** on behalf of themselves, and a supervisor should NOT file complaints on behalf of his/her employees against another employee under the supervisor's control. For more information about this type of situation, please refer to Section III.E. in the [G-20: Administrative Procedures, Bullying, Cyber-bullying, Hazing, and Abusive Conduct Prohibited](#).

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The Utah State Board of Education has set forth **prerequisite courses and specific competency requirements for adult education programs**. If you have any questions regarding Horizonte's adult education program, please contact Joshua Bell or refer to [I-24: Administrative Procedures, Adult Education Program](#).