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STATEMENT ON ORDERLY AND SAFE SCHOOLS

The Provo City School District Board of Education adopts the policies and procedures set forth herein to create an orderly and safe place for each student to learn. This means that each school will have a positive learning environment free from violence, intimidation, drug use, and harm from individuals, groups, gangs, and criminal gang-type behavior, and any other type of behavior or activity that disrupts the orderly and safe operation of the schools. To foster such an environment each student is expected to follow accepted rules of conduct and to show respect for other people and obey persons in authority. Behaviors, which disrupt the orderly and safe learning environment, are prohibited in the city's schools.

The Board believes activities associated with youth crime, as well as the use, possession, distribution, or sale of tobacco, alcohol and other controlled substances or drug paraphernalia constitute a hazard to the welfare of students and staff.

It is the policy of the Provo City School Board of Education not to discriminate on the basis of race, color, creed, national origin, religion, age, disability, or gender in its disciplinary procedures.

Students classified as having a disability under the provisions of the Individuals With Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1972 shall have these policies and procedures applied to them in conformity with the requirements of IDEA and Section 504. (See Provo City School District Special Education Policies and Procedures.)

These policies and administrative procedures apply to actions of students during school hours, before and after school while on school property, while traveling in vehicles authorized by the school or district, at all school or district-sponsored events, and when the actions threaten or do harm to persons or property associated with the mission or operation of the Provo public schools.

Disciplinary proceedings shall consider relevant mitigating circumstances and provide appropriate due process for each student. Mitigating or aggravating circumstances include, but are not limited to, the following factors:

- prior conduct
- cooperation of parent
- attitude and honesty of student
- willingness to make restitution
- age, health, and maturity of student
- whether receiving special education and/or 504 services

Because of their identification and association with gangs, the following are not permitted: bandannas; headgear; or any article of clothing or jewelry bearing gang symbols, names, initials, or insignia; or anything else which signals gang affiliation.

This section describes a broad range of misconduct that relates to criminal behavior and is prohibited. All types of misconduct and criminal behavior are prohibited, whether listed specifically or not.

All disciplinary actions include a conference with the student under the discretionary authority of the principal or his/her designee. Notification of a parent or guardian should follow as soon as is reasonably practical.

AUTHORITY TO SUSPEND OR EXPEL A STUDENT

The Board delegates to any school principal or assistant principal within the school district the power to suspend a student in the principal's school for up to 10 school days. The Board delegates to the district superintendent and to the Office of Student Services (O.S.S.) the power to suspend a student for up to one school year. The Board may expel a student for a fixed or indefinite period, provided that the expulsion shall be reviewed by the district superintendent or the superintendent's designee and the conclusions reported to the Board at least once each year [UCA 53A-11-905].

GROUND FORS FOR SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL

- (1) A student **may be** suspended or expelled from a public school for any of the following reasons:
 - (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive *or unsafe* behavior, including the use of foul, profane, vulgar, or abusive language;
 - (b) willful destruction or defacing of school property;
 - (c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;
 - (d) possession, control, or use of an alcoholic beverage as defined in UCA 32A-1-105; or
 - (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with any such person, regardless of where it occurs.
- (2) (a) a student **shall be** suspended or expelled from a public school for any of the following reasons:
 - (i) any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including the possession, control, or actual or threatened use of a real, look alike, or pretend weapon, explosive, or noxious or flammable material under UCA 53A-3-502, or the sale, control, or distribution of a drug or controlled substance as defined in UCA 58-37-2, an imitation controlled substance as defined in UCA 58-37b-2, or drug paraphernalia as defined in UCA 58-37a-3; or
 - (ii) The commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.
- (b) A student who commits a violation of Subsection 2(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:
 - (i) within 45 days after the expulsion the student shall appear before the student's local superintendent or the superintendent's designee, accompanied by a parent or legal guardian; and
 - (ii) the superintendent shall determine:
 - (A) what conditions must be met by the student and the student's parent for the student to return to school;
 - (B) if the student should be placed on probation in a regular or alternative school

setting consistent with Section 53A-11-907, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and

- (C) if it would be in the best interest of both the school district and the student to modify the expulsion term to less than a year, conditioned on approval by the local school board and giving highest priority to providing a safe school environment for all students.
- (3) A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.
- (4) A suspension or expulsion under this section is not subject to the age limitations under UCA 53A-11-102(1). [UCA 53A-11-904]

Procedure for Suspension

1. Student is notified of violation
2. School administration contacts parent or guardian to notify of suspension (unless law enforcement must be involved)
3. Parent may appeal suspension to school administrator
4. School administration may only suspend up to ten school days
5. Serious, flagrant, or repeated safe school violations will result in suspension and referral to district office for disciplinary hearing and possible extended suspension or expulsion. There is no appeal of this level until the hearing is completed.

ALTERNATIVES TO SUSPENSION

When a student is suspended for any period of time, the parent or guardian, upon meeting with the principal or vice principal, may be given the option of attending all classes with the student in lieu of excluding the student from school during the period of suspension, or may be given another appropriate remedial plan. These alternatives apply only if the disruptive behavior is not of a violent or extreme nature. The parent or guardian must agree to and attend all classes with the student for each day of the suspension, or accept and support the remedial plan. The consent of the student's teacher(s) is required. If the parent or guardian fails to attend all classes with the student, or does not support the remedial plan, the student will be excluded from classes and school activities during the suspension (UCA 53A-11-906).

RESPONSIBILITY OF PARENT OR GUARDIAN

If a student is suspended or expelled, the parent or guardian is responsible for undertaking an alternative education plan that ensures that the student's education continues during the period of suspension or expulsion.

The parent or guardian shall work with school officials to determine how that responsibility might best be met. An alternative program offered by or through the district, or other alternatives which reasonably meet the educational needs of the student may be considered.

Costs for educational services that are not provided by the school district are the responsibility of the student's parent or guardian (UCA 53A-11-907).

RECORDS OF POLICY VIOLATIONS

The records of clearly substantiated violations will be kept in the student's confidential record. The records will include dates, types of violations, and disciplinary actions taken. These records will be used in assessments of subsequent disciplinary actions.

The record(s) of violations from previous school(s) concerning behaviors identified in the Policies and Procedures on Attendance, Orderly Conduct, Safe Schools, and Substance Abuse will be reviewed before a student requesting a transfer into Provo City School District is considered for enrollment and is officially enrolled in Provo City School District.

STUDENT RIGHT OF DUE PROCESS

The procedures for due process are designed to protect the rights of students when a disciplinary problem arises. The process is administrative, not judicial. Notification will be given to the student and the parent of the time and place for a hearing and a statement of the alleged act(s) of misconduct. The notice of offenses or charges shall state with reasonable particularity the offense or charge, shall be based upon the information known at the time the notice is issued, and may be subject to amendment upon further investigation or evidence. Due process includes the right to a hearing, the right to counsel, and the right to appeal.

Procedures for hearings and appeals of disciplinary decisions by a parent/guardian are as follows:

- (1) Discuss the grievance with the teacher or person at the school with whom the disagreement occurred.
- (2) If agreement is not reached, the parent/guardian may meet with the principal.
- (3) If agreement is not reached, the parent/guardian may request an informal hearing through the Office of Student Services. The request shall be in writing and within fifteen (15) calendar days of the school decision and addressed to the Provo City School District, Director of Student Services. The appeal shall be heard within ten (10) school days.
- (4) If agreement is not reached, the parent/guardian may submit in writing within fifteen (15) calendar days of the O.S.S. decision a request for a hearing before the Superintendent. The appeal shall be heard within fifteen (15) calendar days and the decision shall be in writing.
- (5) If agreement is not reached, the parent/guardian may submit in writing within fifteen (15) calendar days of the Superintendent's decision a request for a hearing before the District Board of Education. If the Board grants a hearing, it shall be in executive session. Following the hearing, the Board shall give its decision in writing.

At each stage of the proceedings, the hearing officer(s) shall conduct a *de novo* review, and shall hear the matter anew the same as if it had not been heard before and as if no decision had been previously rendered. Hearing officer(s) may receive and consider new documents, information, and witness testimony. However, upon appeal to the Board, the Board shall only consider the

documents, information, and witness testimony presented at the hearing conducted by the superintendent.

Failure to appeal to the next step in the appeals process within the time limits specified shall be deemed a withdrawal and final disposition of the matter.

Once the aggrieved party has exhausted all of the administrative remedies herein he or she may appeal to a court of law.

ACTS OF MISCONDUCT/DISCIPLINARY ACTION

Level 1

Level 1 acts of misconduct include, but are not limited to, the following:

- 1-1 Loitering
- 1-2 Profane, obscene, racist, indecent, immoral, or seriously offensive language, gestures, indecent propositions, or exhibitions
- 1-3 Wearing/displaying of gang apparel, signs or paraphernalia
- 1-4 Displaying any behavior that is disruptive
- 1-5 Failing to provide proper identification or information upon request by school authorities
- 1-6 Insubordination and/or defiance
- 1-7 Fighting - two people, no injuries
- 1-8 Sexual harassment I
- 1-9 Possession of an incendiary device
- 1-10 Use of an interfering device
- 1-11 Vandalism I (damage under \$200.00)
- 1-12 Harassment I
- 1-13 Dress or grooming violation
- 1-14 Bullying I: Taunting, teasing, name-calling, spreading rumors, threatening or obscene gestures, excluding others from a group or manipulation of friendship.
- 1-15 Cyber bullying
- 1-16 Theft I (less than \$299.00)

Disciplinary Action

First Violation

Minimum: Student/Administrator conference

Maximum: Suspension (up to 10 school days)

Student/Parent/Administrator conference

Repeated or Flagrant Violation

Minimum: In-school suspension

Student/Parent/Administrator conference

Maximum: Suspension (up to 10 school days) or referral to the District O.S.S. for alternative placement or suspension, up to 45 school days.

Level 2

Level 2 acts of misconduct include, but are not limited to, the following:

- 2-1 Criminal activity
- 2-2 Theft (\$300.00-\$999.00)
- 2-3 Possession of a weapon (real, look alike, or pretend)
- 2-4 Assault
- 2-5 Fighting - with injury or injuries or involving more than two people
- 2-6 Trespassing
- 2-7 Harassment II
- 2-8 Indecent exposure
- 2-9 Use of an incendiary device
- 2-10 Vandalism II (damage of \$200.00 or more, but less than \$1,000)
- 2-11 Sexual harassment II
- 2-12 Hazing
- 2-13 Gang Involvement II (any Level 1 violation committed while involved in any gang activity)
- 2-14 Bullying II – Hitting, kicking, physical harm, destruction of property, enlisting someone to assault someone for you.
- 2-15 Cyber bullying

Disciplinary Action

First Violation

Minimum: Student/Parent/Administrator conference

Maximum: Suspension (up to 10 school days)

Repeated or Flagrant Violation

Minimum: Student/Parent/Administrator conference and/or Suspension (up to 10 school days)

Maximum: Referral to O.S.S. for alternative placement or suspension (up to 10 school days) or referral to the District O.S.S. for alternative placement or suspension, up to 90 school days.

Level 3

Level 3 acts of misconduct include, but are not limited to, the following:

- 3-1 Possession of a firearm
- 3-2 Use of a weapon (real *, look alike, or pretend)
- 3-3 Aggravated assault
- 3-4 Arson
- 3-5 Extortion
- 3-6 Sexual battery
- 3-7 Placing any person in imminent danger
- 3-8 Assault upon any school personnel
- 3-9 Vandalism III (damage over \$1,000)
- 3-10 Gang Involvement III (any Level 2 violation committed while involved in any gang activity)
- 3-11 Theft III (more than \$1,000.00 which is a felony)

Disciplinary Action

Any Level 3 Violation

Parents and police will be notified and the student suspended for ten school days during which time the student will be referred to the District O.S.S. for alternative placement or suspension, up to one school year. Violations of *UCA 53A-11-904(2)(a) require mandatory suspension or expulsion for up to one school year unless, upon appeal, the district superintendent determines, on a case-by-case basis, that a different penalty is warranted; [UCA 53A-11-904(2)(b)].

ILLEGAL BEHAVIOR

In addition to these penalties for misconduct, provisions of the Utah Criminal Code is applicable to behavior that is deemed illegal. Principals are required to report all illegal activities to the police. Any disciplinary action taken by the school administration is independent of any criminal proceedings or decisions and is based upon the administrator's best judgment of the situation.

STATEMENT ON ALCOHOL AND CONTROLLED SUBSTANCES ABUSE

Provo City School District prohibits any student use, possession, sale, distribution or being under the influence of alcohol, controlled substances, imitation controlled substances, and/or other similarly harmful substances, or drug paraphernalia. It further bans the misuse of over-the-counter products by students. Any medications must be under the control of and administered through the school nurse or a designated employee, pursuant to UCA 53A-11-601.

Disciplinary action, independent of any court action, will be taken by the school district for any violation of the foregoing statement. All contraband will be confiscated.

DISCIPLINARY ACTION: USE OR POSSESSION

FIRST VIOLATION

A student may be suspended from school for up to 10 school days. Students may be permitted to continue in school if student enrolls in and attends a district-approved intervention program with parent.

1. The principal or designee, during the suspension period, shall:
 - a. notify the appropriate law enforcement agency and give them all confiscated evidence and information;
 - b. notify the parents;
 - c. schedule a parent conference during the suspension period; review with the student and parent the Provo City School District Policies and Procedures on Attendance, Orderly Conduct, Safe Schools and Substance Abuse; and
 - d. refer the student and parent to the school's designated student assistance program and/or to an approved prevention program.

2. The student shall:
 - a. sign a "Provo School District Tobacco, Alcohol and Drug Non-Use Contract" with the

- parent and principal or designee;
- b. reveal the source of material associated with this violation;
- c. attend with parent an approved prevention program, the cost of which will be assumed by the parent;
- d. not participate in school- or district-sponsored activities until any suspension has been removed.

Failure of the student to comply with any of the above will result in a referral to the District O.S.S. for alternative placement or suspension, for up to 45 school days.

SECOND VIOLATION

A student shall be suspended from school for 10 school days, during which time the student will be referred to the district O.S.S. for suspension up to 45 school days.

1. The principal or designee shall:
 - a. notify the appropriate law enforcement agency and provide the agency with all confiscated evidence and information; and
 - b. notify the parents and schedule a conference.
2. The student shall:
 - a. make arrangements to meet with District Student Services;
 - b. explore educational options available during the suspension period; and
 - c. not participate in school- or district-sponsored activities or programs until he/she has been reinstated by the District O.S.S.
3. Reinstatement
If a student desires to return to school after the suspension period, he/she must petition the O.S.S. and show evidence that he/she has done all of the following:
 - a. participated in a formal drug assessment, with the cost of the assessment assumed by the parent
 - b. show evidence of having completed the most appropriate level of intervention program based on the assessment by a licensed individual or agency, with the cost of the intervention program assumed by the parent and
 - c. show evidence that he/she has personally revealed to school administration the source of the alcohol or controlled substance associated with the violation.

THIRD VIOLATION

The student shall be suspended from school for 10 school days during which time the student will be referred to the District O.S.S. for alternative placement or suspension, for up to one school year, or to the Board for expulsion from school.

1. The principal or designee shall:
 - a. notify the appropriate law enforcement agency;
 - b. provide the agency with all confiscated evidence and information; and
 - c. notify the parents and schedule a conference.

DISCIPLINARY ACTION: SALE OR DISTRIBUTION

The student shall be suspended and referred to the district O.S.S. for alternative placement or suspension, for up to one school year, or to the Board for expulsion.

1. The principal or designee shall:
 - a. notify the appropriate law enforcement agency;
 - b. provide the agency with all confiscated evidence and information; and
 - c. notify the parent.

2. If a student desires to return to school, he/she must petition the O.S.S. and the Board in writing and show evidence that he/she has done the following:
 - a. participated in a formal alcohol and/or controlled substance abuse assessment, with the cost of the assessment assumed by the parent;
 - b. successfully completed the most appropriate level of intervention program based on assessment from a licensed individual or agency, with the cost of the intervention program assumed by the parent; and
 - c. personally revealed the source of materials associated with the violation to the school administrator.

STATEMENT ON TOBACCO USE

Provo City School District prohibits any student use, possession, sale or distribution of tobacco/tobacco products.

Disciplinary action, independent of any court action, will be taken by the school district for any violation of the foregoing statement. All contraband will be confiscated.

DISCIPLINARY ACTION

FIRST VIOLATION

The principal or designee shall:

- a. issue a citation; and
- b. notify the parents

The student shall sign the Provo School District Tobacco, Alcohol and Drug Non-Use Contract with the parent and principal or designee.

SECOND AND FOLLOWING VIOLATIONS

1. The principal or designee shall:
 - a. issue a citation;
 - b. notify parents; and
 - c. refer the student and parent to an approved assessment and/or approved intervention program, with the cost of the program assumed by the parent.

2. The student shall:

- a. participate, with parent, in approved assessment and/or intervention program(s).
- b. show evidence of having successfully completed the most appropriate level of intervention program based on the initial assessment, with the cost of the program assumed by the parent.

Failure of the student to comply with or complete the requirements of the referral will result in administrative action.

ILLEGAL BEHAVIOR

In addition to these penalties for misconduct, provisions of the Utah Criminal Code is applicable to behavior that is deemed illegal. Principals are required to report all illegal activities to the police. Any disciplinary action taken by the school administration is independent of any criminal proceedings or decisions and is based upon the administrator's best judgment of the situation.

STUDENT SELF-REFERRAL

If a student is self-referred concerning a tobacco, alcohol, or controlled substance problem, the school administration will provide a conference with a designated educator and/or the school intervention team staff to discuss possible resources for assistance.

Attendance Policy

Utah Compulsory Attendance laws require a parent or guardian to insure the on-time attendance of their children on a regular, uninterrupted basis. The Provo City Board of Education supports the following attendance policy in order to:

- Increase daily student attendance
- Encourage students to be academically current in classes
- Develop student responsibility
- Increase parental involvement in student attendance
- Increase likelihood of student academic success
- Maintain a safe and orderly learning environment
- Prepare students for attendance expectations in their future careers

This policy sets attendance standards for all students in Provo City School District, and all staff members are expected to adhere to this policy. A school may develop specific procedures to enact this policy but may not exceed or alter the requirements stated herein.

1. All students are expected to be in class and on-time every school day, in every class. Provo School District expects all students to have a minimum of 90% attendance per grading period.
2. Absences will cause students to miss significant instruction and learning opportunities. High school students may lose credit if their attendance is less than 90% (approximately five days per nine-week period). In addition, high school students may experience grade reductions for truancy. Middle school students who do not meet the attendance standard may not be advanced to the regular high school or may be assigned make-up work as per the Provo School District High Stakes Policy. Elementary students risk the denial of grade promotion if their attendance is less than 90% (approximately five days per nine-week period). Schools must offer students opportunities to avoid penalties associated with poor attendance.
3. Excessive tardies may result in a loss of credit, reduced grades or denial of grade promotion.
4. Family emergencies, illnesses and court dates, along with some extenuating circumstances are legitimate reasons for being absent or tardy. Parents should follow school policies to excuse such absences.
5. On a case by case basis, where extended study, educational travel, or extracurricular experiences are offered to students by the parent or guardian or a teacher or administrator, students may be excused without attendance penalty for the absence, i.e., the excused absence(s) will not contribute to the accumulated total of absences. The supervising adult will describe such experiences in writing identifying the reason the student will miss school and submit the proposal to the principal or designee for consideration in a reasonable time frame **before** the absence occurs. The student may be expected to complete assigned work, and to complete that work in a time frame agreeable to the teacher(s) of the missed class(es).
6. School administrators will be expected to make “reasonable accommodation” for individuals as per Section 504 of the Americans With Disability Act (ADA) or the Individuals With Disabilities Education Act (IDEA).

7. Incentives for student attendance are encouraged and may be determined at each building or classroom site, as approved by the administrator. School attendance policies should not unintentionally or other wise create disincentives for attendance.

8. School staff will expect daily attendance and will initiate measures to correct attendance problems, which may include, but is not limited to:

- conference with student
- phone or letter contact with parent or guardian
- makeup sessions or other makeup requirements
- lunchtime detention
- after-school detention
- attendance tracking
- revoking/denying choice contract
- in-school referral(s)
- counseling contact
- attendance contract
- class adjustments
- required parent counseling or conferencing
- home visit
- in-school suspension
- alternative programs and placements
- involvement of other agencies
- truancy officer contact(s)
- truancy school referral (s)
- Suspension Center referral (s)
- police contact
- suspensions
- court referrals

9. Schools shall establish clear procedures to implement this policy, including, but not limited to:

- regular and accurate recording of attendance
- parental access to current attendance records
- clear communication of school hours
- beginning and ending school/classes on time
- advance notice of attendance penalties
- opportunity to make up lost class time

10. Costs associated with attendance penalties should be reasonable and not place undue burdens on families.

Petition Procedure:

Parents may petition the principal or designee to waive attendance penalties for legitimate absences (family emergencies, illnesses, court appearances, extenuating circumstances) that result in a student failing to achieve the 90% attendance standard. Such petitions should be directed to the principal or designee in writing prior to the end of the grading period as directed by individual school policies.

DRESS AND GROOMING CODE

Students in the Provo City School District are expected to keep themselves well groomed and neatly dressed while at school or at school functions. Clothing or grooming which is conspicuous or extreme, or which may draw undue attention, distract, or tend to interfere with the educational atmosphere at school/school functions will not be allowed.

Students violating the dress code will be asked to remove/fix the offending items or return home, with parent notification, to change their attire.

The School Board delegates to local school administration the responsibility to implement this policy. The local schools will develop their local grooming and dress standards in cooperation with their school community councils. These standards will be published in the student handbook. The district administration will review the standards, and copies will be given to the School Board.

Cyber Bullying

Provo School District is committed to provide student with a safe and secure learning environment and believes a student's ability to achieve academically is negatively impacted by cyber bullying. Cyber bullying can disrupt a student's attendance as well as his/her sense of well-being. Cyber bullying may result in physical illness, mental and emotional challenges, and long-term social consequences.

Definition:

Cyber bullying involves the use of information and communication technologies to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to torment, threaten, harass, humiliate, embarrass or otherwise harm others.

Policy:

At no time may an electronic communication device or interfering device be used by a student in a manner that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated. Such devices used to capture and transmit test information or any other information in a manner constituting fraud; theft, or academic dishonesty is prohibited.

Electronic communication devices and cameras may not be possessed, activated or utilized in school situations where a reasonable expectation of personal privacy exists. These locations include, but are not limited to, locker rooms, shower rooms, restrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes.

Interfering Devices and Electronic Communication Devices

The Provo City School District Board of Education recognizes that electronic and interfering devices are both distracting and disruptive to the learning environment, and have the potential to be used to intimidate and /or threaten others. Therefore, such devices as cell phones and I-pods are not to be seen or heard in class unless the teacher's activity specifically requires their use.

The school administration is hereby given the authority to take appropriate disciplinary action when policy is violated. When violation is repeated or flagrant, the student may be suspended and referred to the Office of Student Services for expulsion.

Definitions:

Interfering device – This is any device that interferes with the educational process. This would include, but is not limited to, cameras, cell phones, camera telephones, lasers, laser pens or pointers, portable CD players, two-way radios, pagers, or other electronic equipment or disruptive objects.

Electronic device – An “electronic communication device” includes, but is not limited to, telephones, cell phones, camera telephones, two-way radios or video broadcasting devices, pagers and any other device that allows a person to record and/or transmit, on either a real time or delayed basis, sound, video or still images, text or other information.

All disciplinary actions include a conference with the student under the discretionary authority of the principal or his/her designee. Notification of a parent or guardian should follow as soon as is reasonably practical.

TITLE IX GRIEVANCE PROCEDURES

Title IX was the first comprehensive federal law to prohibit sex discrimination against students and employees of educational institutions. Title IX benefits both males and females and is at the heart of efforts to create gender equitable schools. The law requires educational institutions to maintain policies, practices, and programs that do not discriminate against anyone based on sex. Under this law, males and females are expected to receive fair and equal treatment in all arenas of public schooling: recruitment, admissions, educational programs and activities, course offerings and access, counseling, financial aid, employment assistance, facilities and housing, health and insurance benefits, marital and parental status, scholarships, sexual harassment, and athletics.

In compliance with applicable federal (Title IX) and state law, it is the policy of Provo City School District to investigate promptly and resolve equitably all complaints and reports of discrimination on the basis of race, sex, religion, age, national origin, disability, privacy and any other alleged violation of civil rights in the District's educational programs and activities. Provo City School District does not discriminate on the basis of sex in admission or employment in educational programs or activities.

The Director of Student Services is designated as the Title IX Coordinator. For questions concerning Title IX regulations, contact the U.S. Department of Education Office for Civil Rights or the Title IX Coordinator.

<p>Greg Hudnall Director, Student Services Hearing Officer, Title IX Coordinator Administration Building - Room 13 280 West 940 North Provo, Utah 84604 Phone: (801) 374-4815 Fax: (801) 374-4808 Email: gregh@provo.edu</p>	<p>Office for Civil Rights Denver Office U.S. Department of Education Federal Building, Suite 310 1244 Speer Boulevard Denver, CO 80204-3582 Phone: (303) 844-5695 Fax: (303) 844-4303 Email: OCR.Denver@ed.gov</p>
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It is the policy of Provo City School District to protect the due process rights of all individuals involved with a report of discrimination or civil rights violation. The process is administrative, not judicial. Due process includes the right to a hearing, the right to counsel, and the right to appeal.

Provo City School District respects the privacy and anonymity of all individuals. However, an individual's right to confidentiality must be balanced with the District's obligation to take appropriate disciplinary or legal action and/or cooperate with police investigations or legal proceedings. Provo District retains the right to disclose the identity of individuals in appropriate circumstances.

Notification will be given to the individual(s) of the time and place for a hearing and a statement of alleged discrimination or civil rights violation. The notice of offenses or charges shall be based upon the information known at the time the notice is issued and may be subject to amendment upon further investigation or evidence.

The Title IX Coordinator will monitor the procedures of this policy. Procedures for discrimination or civil rights violations are as follows:

1. Every effort should be made to handle complaints at the site of incidence. Grievances shall be in writing, using the Discrimination Grievance Form, and submitted to the site administration within thirty(30) calendar days of the incident. The site administration will follow informal investigation and resolution procedures.
2. If the complaint is not resolved, the individual may request an informal hearing before the Title IX Coordinator. The request shall be in writing and submitted within fifteen (15) calendar days of the site administration investigation. The complaint shall be heard within ten (10) school days.
3. If the grievance is not resolved, the individual may request a formal hearing before the Superintendent. The request shall be in writing and submitted within fifteen (15) calendar days of the Title IX hearing. The grievance shall be heard within fifteen (15) calendar days and the decision shall be in writing.
4. If the grievance is not resolved, the individual may request a formal hearing before the District Board of Education. The request shall be in writing and submitted within fifteen (15) calendar days of the Superintendent hearing. The formal hearing before the Board will be held in executive session. The grievance shall be heard within fifteen (15) calendar days and the decision shall be in writing.
5. If the grievance is still not resolved, the individual may appeal to a court of law. Judicial action must be commenced within thirty(30) calendar days after the written decision of the Board or the right to judicial review will be forfeited.

All hearings will be limited to two hours. The Hearing Officer will place appropriate time restrictions on the hearing proceedings to ensure all parties equal representation in the allotted time.

At each stage of the proceedings the district representative may: 1) conduct a *de novo* review and hear the matter anew the same as if it had not been heard before and as if no decision had been previously rendered; 2) receive and consider new documents, information and witness testimony.

However, upon appeal to the Board of Education, the Board shall only consider the documents, information and witness testimony presented at the hearing conducted by the Superintendent.

Failure to appeal to the next step in the appeals process within the time limit specified shall be deemed a withdrawal and final disposition of the grievance.

Provo City School District does not tolerate retaliation or intimidation of any kind towards anyone filing grievances under this procedure. Such retaliation and intimidation violates the District Safe Schools Policy and also may violate state and federal law. All participating parties will be informed of their right to be *free* from retaliation and intimidation.

Provo City School District will take swift and strict disciplinary action against any individual who retaliates against an appellant or who retaliates against a person who testifies, assists, or participates in an investigation proceeding or hearing in connection with an appeal,

Retaliation and intimidation may include, but is not limited to, any form of physical or verbal intimidation, reprisal, coercion, discrimination, physical or verbal harassment, threats, extortion, blackmail, or unwanted sexual contact.

Provo City School District
Discrimination or Civil Rights Grievance Form

Name _____

Parent/Guardian, if minor _____

Address _____ City _____ Zip _____

Home Phone _____ Daytime/Cell Phone _____

Email _____

Please provide a brief description of the alleged discrimination or civil rights violation. Include the date, time and location as well as names of any individual(s) involved, initial efforts to resolve the grievance and any additional information relevant to the case.

Date _____ Time _____ Location _____

Name of individual(s) accused of discrimination or a civil rights violation

Description of incidence and other relevant information

GLOSSARY

aggravated assault - to intentionally cause serious bodily injury to another or use of a dangerous weapon or other force likely to produce death or serious bodily injury.

alcohol - see glossary under “use, possession, sale, distribution of alcohol, drugs, controlled substances and imitation controlled substances.”

alternative placement - placement of a student in a program outside of his/her regular school setting. This may include, but is not limited to, the following: daytime alternative, 4:00-6:00 after-school alternative, and/or home placement.

arson - the act of knowingly, by means of fire or explosive, damaging a building and/or the personal property of others.

assault - an attempt with unlawful force or violence to do bodily injury to another, or a threat accomplished by show of immediate force of violence to do bodily injury to another, or an act committed with unlawful force of violence that causes or creates a substantial risk of bodily injury to another.

Board - the Provo City School District Board of Education.

bullying - bullying is intended to cause harm or distress, exists in a relationship in which there is an imbalance of power, and may be repeated over time.

bullying I: Taunting, teasing, name-calling, spreading rumors, threatening or obscene gestures, excluding others from a group, or manipulation of friendship.

bullying II – Hitting, kicking, physical harm, destruction of property, enlisting someone to assault someone for you.

controlled substance - any drug delivered by a pharmacist to an ultimate user under a lawful prescription; see also definition of “use, possession, sale, distribution of alcohol, drugs, controlled substances and imitation controlled substances.”

criminal activity - any activity that violates applicable criminal codes.

cyber bullying – cyber bullying includes the use of email, web pages, text messaging, instant messaging, three-way calling or messaging, or any other electronic mean of aggression inside or outside of school.

cyber bullying I – the use of email, web pages, text messaging, instant messaging, or any other electronic communication device with the intent to annoy alarm, intimidate, offend, abuse, threaten, harass, or frighten another inside or outside of school.

cyber bullying II - the use of email, web pages, text messaging, instant messaging, or any other electronic communication device that threatens to inflict injury, physical harm, or damage to any person or the property of any person inside or outside of school.

cyber bullying III - the use of email, web pages, text messaging, instant messaging, or any other electronic communication device for the purpose of stalking, extortion, or distribution of pornographic material.

disciplinary reassignment - disciplinary action involving transfer to another room or school or alternative school placement for a specified period of time.

distribution - means to deliver other than by administering or dispensing a controlled substance or a listed chemical (see use, possession/sale).

district - the superintendent and/or designee(s).

drug paraphernalia - see definition of “use, possession, sale, distribution of alcohol, drugs, controlled substances and imitation controlled substances.”

due process - notification to the student and the parent of the time and place for a hearing and a statement of the alleged act(s) of misconduct. Due process includes the right to a hearing, the right to counsel, and the right to appeal.

electronic device – an “electronic communication device” includes, but is not limited to, telephones, cell phones, camera telephones, two-way radios or video broadcasting devices, pagers and any other device that allows a person to record and /or transmit, on either a real time or delayed basis, sound, video or still images, text or other information.

expulsion - permanent removal of a student from school by the Board of Education.

extortion - obtaining of money, information or personal property from another by coercion or intimidation.

fighting - physical conflict between two or more individuals.

firearms - a pistol, revolver, shotgun, sawed-off shotgun, rifle, or sawed-off rifle, loaded or unloaded, or any device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.

flagrant - outrageous, notorious, scandalous, glaringly bad.

gang involvement II – any level 1 violation committed while involved in any gang activity.

gang involvement III – any level 2 violation committed while involved in any gang activity.

graffiti - any form of unauthorized printing, writing, spraying, scratching, affixing, or inscribing on the property of another, regardless of the content or nature of the material used in the commission of the act.

harassment I – intentional, non-criminal behavior, which is targeted at an individual or particular member of a group; which can be verbal, physical or visual; and that is so severe or pervasive that it adversely affects the learning environment. (Offensive comments, jokes, suggestions or gestures directed to an individual’s/group’s race, ethnicity or national origin.)

harassment II - intimidation and/or threat of violence.

hazing – hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law (UCA 53A-11-908).

indecent exposure - unauthorized exposure of one’s genitals, buttocks, anus, pubic area, or breast (if female) [UCA 76-9-702(1)].

imitation controlled substance - see definition of “use, possession, sale, distribution of alcohol, drugs, controlled substances and imitation controlled substances.”

incendiary device - any device designed to cause combustion or fire, including a lighter or matches.

in-school suspension - the student remains in a supervised location in school where work is provided, but regular school freedoms are severely limited. Classes are not attended. The action may be recorded in the student’s folder.

insubordination - failure to obey an order by school authority.

interfering device - any device or object that interferes with the educational process, including lasers, laser pens, radios, portable CD players, portable telephones, pagers, or any electronic equipment or other disruptive objects.

intimidation - engaging in behavior, which prevents or discourages another student from exercising his/her right to education. Such prohibited behavior includes the use of threats, coercion, or force to prevent another student from attending school or to recruit another student for membership in any organization or group not authorized by the principal.

loitering - occupying an unauthorized place on or near the school grounds, property, or activities.

mitigating - to make less severe.

O.S.S. - Office of Student Services

other similar harmful substances - substances such as inhalants and prescription or over-the-counter drugs used inappropriately.

parent(s) - natural parents, foster parents, or legal guardians.

possession - physical control over real or personal property.

school days - one of the regularly scheduled 180 days in a school year and/or a summer school program.

school personnel - any school district employee, including administrators, teachers, coaches, counselors, staff, aides, interns and volunteers.

school property - school buildings and lands owned by the school district, vehicles funded by the Board of Education, any areas rented or leased by the school district, and areas in and around any school- or district-sponsored event.

sexual battery - a criminal, intentional, offensive touching (whether or not through clothing) of another's anus, buttocks, any part of the genitals, or the breast of a female. [UCA 76-9-702(3)]

sexual harassment I - Sexual language, whether verbal or written, including joking; sexual conduct that is visual or silent or through any medium; or allegedly unintentional sexual touching -- all of which create a hostile environment.

sexual harassment II - Physical, intentional, sexual conduct, touching, threat or intimidation that is not criminal.

special education - specially designated instruction, at no cost to the parents or guardians, to meet the unique needs of a student with a disability. This education includes instruction conducted in the classroom, in the home, in a hospital or an institution, and in other settings and instruction in physical education.

suspension - involuntary temporary removal of a student from school attendance and activities.

theft - to obtain or exercise unauthorized control over the property of another.

tobacco - includes cigarettes, cigars, pipes, and smokeless or other tobacco products in any form.

trespassing - to enter or remain unlawfully on property, including being present on school grounds during a period of suspension or expulsion.

use, possession, sale, distribution of alcohol, drugs, controlled substances and imitation

controlled substances - shall have the meanings ascribed to them in the Utah Controlled Substances Act, the Utah Drug Paraphernalia Act, the Imitation Controlled Substances Act, and the Alcoholic Beverage Control Act or any successor acts thereto of the Utah Code.

vandalism - intentionally damaging, defacing or destroying the property of others.

weapon - any item that in the manner of its use or intended use is capable of causing death or serious bodily injury, including, but not limited to, BB-guns, air guns, pellet guns, blow guns, sling-shots, all knives, explosives, chemical, noxious, or flammable materials, and all items containing gun powder.

wearing/displaying of gang apparel, signs or paraphernalia - wearing of bandannas, headgear or any article of clothing or jewelry bearing any gang symbols, names, initials, insignia or anything else which signals gang affiliation and/or is worn for the purpose of signifying gang membership. This includes gang signing.

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