

ARTICLE 7

PERSONNEL

(Series 7000)

	Page
1. Harassment and Discrimination	7100
2. Employment Background Checks	7110
3. Relations/Conduct Between Employees and Students	7120
4. Employee Career Status	7130
5. Educator Evaluation	7131
6. <u>WSD-LEA Specific Teacher Licensing</u>	<u>7135</u>
7. Intern Policy	7140
8. Communicable Diseases – Employees	7200
9. Drug and Alcohol Abuse – Employees	7300
10. Weapons on School Property	7350
11. Admission of Tax Sheltered Annuity Companies	7400
12. Professional Interactions with Students	7500
13. Occupational Exposure to Bloodborne Pathogens (HIV) and (HBV)	7600
A. Handling Body Fluids in Schools	7610
14. Family and Medical Leave Act	7700
15. Purchase of Retirement Credit	7800
16. Suspension or Termination of District Employees and Corrective Action	7900

7100 HARASSMENT AND DISCRIMINATION

References:

Title VII
Equal Pay Act
ADEA
Title V of ADA
GINA
Civil Rights Act of 1991
Utah Code, 34A-5-106

1. Purpose:

The District prohibits employees from discrimination and harassment based on race; color, religion, national origin, sex; gender identity, sexual orientation, pregnancy, childbirth or pregnancy-related conditions, age, or disability. The District also prohibits discrimination based on genetic information. To the extent these terms are defined in Utah Code 34A-5-102, the district relies on those definitions for the purposes of this Policy.

2. Prohibited Discrimination Conduct

- 2.1 Discrimination on the basis of race; color; religion; national origin; sex; gender identity; sexual orientation; pregnancy, childbirth or pregnancy-related conditions; age, or disability; or genetic information is prohibited in employment practices. The District is prohibited from
- 2.1 A. Discharging, demoting, terminating, retaliating against, refusing to hire or promote an otherwise qualified individual; and
 - 2.1 B. Discrimination against an otherwise qualified individual with respect to compensation or in terms of privileges and conditions of employment, including fringe benefits, job training, classifications, or referrals.
- 2.2 District employees, volunteers and agents are prohibited from engaging in the following conduct if the conduct is based on race; color; religion; national origin; sex; gender identity; sexual orientation; pregnancy, childbirth or pregnancy-related conditions; age, or genetic information:
- 2.2 A. Display of offensive or suggestive posters, pictures, or objects;
 - 2.2 B. Offensive verbal harassment including remarks, questions, teasing, slurs or innuendo;
 - 2.2 C. Inappropriate jokes about traits or characteristics;
 - 2.2 D. Viewing, printing, or transmitting offensive material on a District computer; and
 - 2.2 E. Conduct that is demeaning or derisive and occurs substantially because of race; color; religion; national origin; sex; pregnancy, childbirth or pregnancy-related conditions; age; disability.

- 2.3 An employee who believes he or she has been the target of discrimination in violation of this policy may contact the District Title VII coordinator, whose contact information is listed at the bottom of this policy.

An employee may also choose to file a discrimination claim with either the state administrative agency, the Utah Antidiscrimination and Labor Division (UALD) of the Utah Labor Commissioner's Office or the federal administrative agency, the Equal Employment Opportunity Commission (EEOC). (Filing a claim with both agencies is unnecessary, as long as you indicate to one of the agencies that you want it to “cross-file” the claim with the other agency.) Contact information for these two offices is listed at the bottom of this policy.

3. **Prohibited Sexual Harassment Conduct**

The District is committed to providing a workplace that is free from sexual harassment. Sexual harassment of any kind will not be tolerated. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. The District will investigate all reports of violations of this policy and will take steps to stop violations, prevent recurrence, and remedy effects of violations as appropriate.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

District employees, volunteer, and agents are prohibited from engaging in sexually offensive conduct and sexual harassment on District time, on District premises, and during District activities, including but not limited to the following:

- 3.1 Sexual conduct of any kind
- 3.2 Sexual advances, requests for sexual favors, sexually motivated physical conduct, regardless of consent of those involved;
- 3.3 Subtle pressure for sexual activity;
- 3.4 Inappropriate or unwelcome touching, patting, pinching, blocking or brushing against another's body;
- 3.5 Foul or obscene language or gestures;
- 3.6 Display of sexually offensive or suggestive posters, pictures, or objects;

- 3.7 Sexually offensive verbal harassment including remarks, questions, teasing, slurs or innuendo;
- 3.8 Inappropriate jokes about sex or gender-specific traits;
- 3.9 Viewing, printing, or transmitting sexually offensive material on a District computer; and
- 3.10 Conduct that is demeaning or derisive and occurs substantially because of a person's sex, sexual orientation and/- or gender identity.

4. **Additional Prohibited Conduct for Supervisors**

District employees responsible for supervising other employees are prohibited from having any kind of romantic and or sexual interaction with an employee they supervise.

5. **Procedures for reporting Sexual Harassment**

5.1 District Responsibilities

- 5.1 A. If a building principal receives an allegation of sexual harassment against an employee in his building, or if the principal has reason to believe sexual harassment is occurring, the principal will notify the District Title VII Coordinator (Director of Human Services) immediately, without screening or investigating the report. If the building principal receives an allegation of sexual harassment by a third party (a visiting speaker or team member, vendor, patron, parent, etc.), the principal will notify the District Title VII Coordinator after screening and investigating the report.
- 5.1 B. When the District Title VII Coordinator receives a report of sexual harassment, or has reason to believe sexual harassment is occurring, the Coordinator will take the necessary steps to ensure that the matter is promptly investigated and addressed.
- 5.1 C. If the allegation is determined to be credible, the District will take immediate and effective measures to end the unwelcome behavior.
- 5.1 D. Supervisors and other responsible administrators who observe, are informed of, or reasonably suspect incidents of possible sexual harassment must immediately take the necessary steps to ensure that the matter is promptly investigated and addressed.
- 5.1 E. The District will seek to protect the identities of the alleged victim and harasser, except as reasonably necessary and as required under the law. The District will also take the necessary steps to protect from retaliation those employees who in good faith report incidents of potential sexual harassment.
- 5.1 F. Employees who have been found by the District to have subjected another employee to unwelcome conduct of a sexual nature, whether the behavior meets the legal definition of sexual harassment or not, may be subject to discipline.

5.2 Employees' Rights

- 5.2 A. Any employee who believes he or she has been the target of sexual harassment is encouraged to inform the offending person orally or in writing that such conduct is unwelcome and offensive and must stop.
- 5.2 B. If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee should report the conduct in writing to his/her immediate supervisor, unless the immediate supervisor is the alleged harasser or involved with the alleged harassment, in which case the employee should report to the Title VII representative at the District.
- 5.2 C. An employee may also choose to file a grievance through the appropriate grievance process laid out in employee contracts.
- 5.2 D. An employee may also choose to file a harassment claim with either with the state administrative agency, the Utah Antidiscrimination and Labor Division (UALD) of the Utah Labor Commissioner's Office or the federal administrative agency, the Equal Employment Opportunity Commission (EEOC). (Filing a claim with both agencies is unnecessary, as long as you indicate to one of the agencies that you want it to "cross-file" the claim with the other agency.) Contact information for these two offices is listed at the bottom of this policy.

5.3 Employee Responsibilities

- 5.3 A. If an employee is aware of a violation of this policy by another employee supervised by a building principal (a teacher, custodian, student, etc.), the employee will report immediately to the principal.
- 5.3 B. If an employee is aware of a violation of this policy by another employee not supervised by a building principal (a district office employee, building principal, etc.), the employee will report immediately to the Title VII Coordinator, listed below. If the harasser is the Title VII Coordinator, an employee should report to the Superintendent.
- 5.3 C. If an employee is aware of a violation of this policy by a third party (a visiting speaker, team member, vendor, parent, patron, etc.), the employee will report immediately to the affected building principal or to the Title VII Coordinator.

5.4 Retaliation Prohibited

The District prohibits retaliation against any person who reports violations of this policy or participates in processes under this policy. Retaliation includes, but is not limited to, intimidation, reprisal and harassment.

The District Title VII Coordinator is the Director of Human Resources and can be reached at (801) 476-7804.

Utah Antidiscrimination and Labor Division

Street Address:

160 East 300 South, 3rd Floor

Salt Lake City, UT 84111

Mailing Address:

P.O. Box 146630

Salt Lake City, UT 84114-6630

Phone: (801) 530-6801

Toll Free: (800) 222-1238

TDD: (801) 530-7685

Fax: (801) 530-7609

To file a claim with the EEOC, contact your EEOC office below. More information about filing a claim with the EEOC can be found at <http://www.eeoc.gov/facts/howtofil.html>.

EEOC's Phoenix District Office

3300 N. Central Avenue

Suite 690

Phoenix, AZ 85012-1848

Phone: (602) 640-5000

TTY: (602) 640-5072

Approve by the Board 11/04/2015

7110 EMPLOYMENT BACKGROUND CHECKS

References:

Utah Code Ann., §53A-3-410

Utah Code Ann., §53A-6-401, et seq.

Utah Code Ann., Title 76, Chapter 5, Offenses Against the Person

Utah Administrative Code, R277-501

Utah Administrative Code, R277-516

1. PURPOSE AND PHILOSOPHY

Weber School District is committed to providing a safe and secure educational and working environment for students and employees. As part of this effort, Weber School District requires criminal background checks of licensed and non-licensed employees pursuant to Utah state laws, rules, and regulations, and in accordance with this policy.

2. DEFINITIONS

2.1 **“Licensed Educators” or “Licensed Employees”** means individuals who hold a valid Utah educator license or who are on a Letter of Authorization from the Utah State Office of Education (i.e., teachers, administrators, psychologists, counselors, specialists, licensed substitute teachers, etc.) Licensed employees including those who have a license that are not employed in a position that requires an educator license. Licensed educators include individuals who are student teaching, who are involved in the alternative routes to licensure program, and individuals who hold Weber School District specific licenses.

2.2 **“Non-Licensed Employees and Volunteers”** Other employees of Weber School District, except licensed employees. Nurses, non-licensed substitute teachers, volunteers and Weber School District student employees who have significant unsupervised access to students is included in this category.

3. BACKGROUND CHECKS

3.1 Utah law requires background checks on all employees. Accordingly, Weber School District requires each prospective employee to submit to a background check prior to employment or service in the District.

3.1 A. In the event of an urgent need to fill a teacher vacancy, the teacher may begin working as an at-will employee while the background check is being completed if he or she has met all the following criteria:

- Verification of a current teaching license in another state through personal contact with that state Department of Education.
- Teacher has two satisfactory recommendations from his/her prior teaching assignment; and

- Prospective teacher is in the process of completing a background check and applying for Utah teaching license.

3.1 B. In the event of an urgent temporary need for a substitute employee, all the following criteria should be applied:

- Established process for finding a substitute has been followed and no qualified substitutes are available.
- Position is of such a nature that student's learning and/or safety would be significantly affected if this position were not filled.
- After careful evaluation of the impact the emergency substitute will have on students, the substitute is approved by the building level administrator.
- Individual must complete background check in a reasonable amount of time in order to continue as a substitute, and,
- School must notify the Human Resources Department with the name of the individual who is substituting.

3.2 Prior to beginning employment or volunteering, the successful applicant shall pay the cost of the background check.

3.3 Weber School District shall consider only those convictions which are job-related. The prospective employee shall have an opportunity to respond to any information received as a result of the background check.

3.4 Weber School District shall resolve any request for review by the prospective employee through applicable administrative procedures established by the district.

3.5 If a current employee is dismissed from employment because of information obtained through a background check, the person shall receive written notice of the reasons for dismissal and have an opportunity to respond to the reasons for the dismissal.

3.6 Each current employee and prospective employee must agree to have his/her fingerprints taken and sign a document of acknowledgement and waiver permitting the district to request a background check of any state or federal criminal history file that the district might deem applicable as a condition of employment or volunteering.

4. **LICENSED EMPLOYEES – BACKGROUND CHECKS**

The state of Utah requires licensed employees, in the year in which their license is to be renewed, to complete a background check between January 1 and June 30.

5. NON-LICENSED EMPLOYEES/VOLUNTEERS – BACKGROUND CHECKS

- 5.1 Weber School District shall conduct periodic background checks for all non-licensed employees and volunteers every six (6) years.
- 5.2 Volunteers who have “significant unsupervised access to a student” shall complete a background check before being allowed to have such access in Weber School District schools.
 - 5.2 A. Building administrators will determine whether the volunteer’s duties require him or her to have significant unsupervised access to students - thus the need for a background check.
 - 5.2 B. All volunteer coaches will be required to have a background checks.
 - 5.2 C. Volunteers will pay for the background check unless the school elects to make the payment for them.
- 5.3 D. Volunteers whose duties do not require them to have a background checks, will be under visual supervision of an employee of Weber School District when they have significant contact with students.

6. LICENSED EMPLOYEES/NON-LICENSED EMPLOYEES/VOLUNTEERS – REPORTING OF ARRESTS AND CONVICTIONS

- 6.1 All employees who are cited, charged or arrested for any of the following alleged offenses must report the fact that they have been cited, charged or arrested within forty-eight (48) hours or as soon as possible to the Superintendent or designee:
 - 6.1 A. any matters involving alleged sex offenses;
 - 6.1 B. any matters involving alleged drug-related offenses;
 - 6.1 C. any matters involving alleged alcohol-related offenses;
 - 6.1 D. any matters involving alleged offenses against another person including, but not limited to, crimes related to assault, harassment, threats, hazing, abuse, neglect, exploitation, endangerment, domestic violence, kidnapping, murder, trafficking, stalking, rape, sexual assault, etc.
 - 6.1 E. any matters relating to violations of the vehicle code for employees who drive motor vehicles as an employment responsibility.
 - 6.1 F. any matters involving felony theft, and
 - 6.1 G. any matters involving minors.

- 6.2 Failure to report as specified above will result in disciplinary actions up to and including termination.
- 6.3 An employee shall report any convictions for any crime, including pleas in abeyance and diversion agreements, within forty-eight (48) hours or as soon as possible upon receipt of notice of the conviction, plea in abeyance, or diversion agreement.
- 6.4 The Superintendent or designee shall report a conviction, arrest, or offense information received from a licensed educator to the USOE within forty-eight (48) hours of receipt of information from licensed educators.
- 6.5 Records of convictions shall be placed in the employee's personnel file upon receipt by Weber School District and will include final administrative determinations and actions following investigation.

7. **DISTRICT RESPONSIBILITIES**

- 7.1 When information about an alleged crime or conviction is received by Weber School District regarding a licensed employee, the Superintendent or designee shall review the information and assess the employment status consistent with Utah Code and District policy. The district will also report the matter to the USOE within forty-eight (48) hours.
- 7.2 When information about an alleged crime or conviction is received by Weber School District regarding a non-licensed employee, the Superintendent or designee shall review that information and assess the employee's employment status.
- 7.3 Weber School District shall provide appropriate training to licensed and non-licensed employees about the provisions of this policy for self-reporting and ethical behavior.
- 7.4 Weber School District shall cooperate with the USOE in investigations of licensed educators.

Approved by the Board 04/09/2014

7120 CODE OF CONDUCT BETWEEN EMPLOYEES AND STUDENTS

References:

Utah Code 62A-4a, Part 4, *Child Abuse or Neglect Reporting Requirements*
Utah Code Section 53E-6-701, *Mandatory Reporting of Physical or Sexual Abuse of Students*
Utah Admin. Code R277-401, *Child Abuse-Neglect Reporting by Education Personnel*
Utah Admin. Code R277-515, *Utah Educator Professional Standards*
Utah Admin. Code R277-322, *LEA Codes of Conduct*
Utah Code Section 63G-7-301, *Waivers of Immunity*
Utah Code Section 76-5-401.1, *Sexual Abuse of a Minor*
Utah Code Section 76-9-702.1, *Sexual Battery*

1. PURPOSE AND PHILOSOPHY

Educators, and all those who work with students in Weber School District, are valued professionals, and are considered role models for those they serve. The relationships between staff and students are paramount in ensuring success for students, and maintaining an appropriate relationship is key to this success. Weber School District is committed to establishing and maintaining appropriate standards of conduct between staff members and students. These standards of conduct are also known as professional boundaries. Staff members shall maintain professional and appropriate demeanor and relationships with students, both during and outside of school hours, as well as both on and off campus, that foster an effective, non-disruptive and safe learning environment.

2. POLICY

Staff members shall act in a way that acknowledges and reflects their inherent positions of authority and influence over students. Staff members shall recognize and maintain appropriate personal boundaries in teaching, supervising and interacting with students and shall avoid boundary violations including behavior that could reasonably be considered grooming or lead to even an appearance of impropriety. Weber School District prohibits inappropriate conduct and relationships between employees and students while the students are students at Weber School District, including during the summer, weekends, and holiday breaks. Weber District strictly prohibits sexual conduct or communication, as defined in this policy.

3. DEFINITIONS

3.1 "Boundary violation" means crossing verbal, physical, emotional, or social lines that staff must maintain in order to ensure structure, security, and predictability in an educational environment. Examples of situations that may be considered a boundary violation include, but are not limited to:

- isolated, one-on-one interactions with a student out of the line of sight of others;
- meeting alone with a student in rooms with covered or blocked windows;
- telling risqué jokes to, or in the presence of a student;
- employing favoritism to a student;
- giving gifts to individual students;
- staff member initiated frontal hugging or other uninvited touching;
- photographing an individual student for a non-educational purpose or use;
- engaging in inappropriate or unprofessional contact outside of educational program activities;
- exchanging personal email or phone numbers with a student for a non-educational purpose or use;
- interacting privately with a student through social media, computer, or handheld devices; and
- discussing an employee’s personal life or personal issues with a student.

Boundary violations do **not** include:

- offering praise, encouragement, or acknowledgment;
- offering rewards available to all who achieve;
- asking permission to touch for necessary purposes;
- giving a pat on the back or a shoulder;
- giving a side hug;
- giving a handshake or high five;
- offering warmth and kindness;
- utilizing public social media alerts to groups of students and parents; or
- contact permitted by an IEP or 504 plan.

3.2 “Grooming” means befriending and establishing an emotional connection with a child or a child's family to lower the child's inhibitions for emotional, physical, or sexual abuse.

3.3 “Sexual abuse” means the criminal conduct described in Utah Code Ann. §76-5-404.1(2) and includes, regardless of the gender of any participant:

- intentionally touching the anus, buttocks, pubic area, or genitalia of a student;
- intentionally touching the breast of a female student; or
- otherwise taking indecent liberties with a student with the intent to cause harm (emotional or physical) or to arouse or gratify the sexual desire of any individual.

3.4 “Sexual battery” means the criminal conduct described in Utah Code Ann. §76-9-702.1 and includes intentionally touching, whether or not through clothing, the anus, buttocks, or any part of the genitals of a student, or the breast of a female student, and under circumstances a reasonable person knows or should know will likely cause affront or alarm to the student touched.

3.5 “Sexual conduct” includes any sexual contact or communication between a staff member and a student including but not limited to sexual abuse, sexual battery, and sharing sexually explicit or lewd communication, image, or photograph.

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- 3.6 “Staff member” means an employee, contractor, or volunteer with unsupervised access to students.
 - 3.7 “Student” means a child under the age of 18 or over the age of 18 if still enrolled in a public secondary school.
 - 3.8 “Utah Educator Standards” means the standards created by the Utah State Board of Education for licensed educators, the violation of which may result in licensing action. The Utah Educator Standards are found in Utah Administrative Rules R277.

4. PROHIBITED CONDUCT*

- 4.1 A staff member may not subject a student to any form of abuse including but not limited to physical abuse, verbal abuse, sexual abuse, or mental abuse.
- 4.2 A staff member shall not touch a student in a way that makes a reasonably objective student feel uncomfortable, including unreasonable or unnecessary physical restraint that is not in compliance with Weber District Policy 5400, and Utah Code 53G-8-302
- 4.3 A staff member shall not engage in any sexual conduct toward or sexual relations with a student including but not limited to:
 - 4.3.1. viewing with a student, or allowing a student to view, pornography or any other sexually explicit or inappropriate images or content, whether video, audio, print, text, or other format;
 - 4.3.2 requesting sexually explicit (including nude or semi-nude) images of students;
 - 4.3.3 engaging in communication with the student about sexual matters, including, but not limited to, the student’s sexual experiences with a boyfriend or girlfriend, the staff member’s sexual experiences, or either staff member’s or student’s sexual thoughts, desires, or fantasies; or
 - 4.3.4 sexual battery.
- 4.4 Staff members shall not travel alone with an individual student without written permission from the school principal. Reasonable exceptions apply for a community or faith-based activity (such as driving a student, who is also a neighbor, to or from babysitting at the educator’s home; driving a student to or from a faith-based activity; driving a student to or from a community activity) **and** parental consent is obtained.
- 4.5 Staff members shall not meet with students outside the regular school day, normal schedule of extracurricular activities or outside of the school premises without express written permission from the school principal.
- 4.6 Staff members shall not be alone at any time with an individual student unless it is necessary in the performance of professional duties within the scope of employment (for example, counseling, disciplining, instructing, and completing administrative tasks).

Even when it is necessary to perform professional duties within the scope of employment, staff members shall make every effort to be in the line of sight of other adults or when meeting in a classroom one-on-one with a student, keep doors open, and/or uncover blocked windows.

- 4.7 Staff members shall not engage in any communication that invites, encourages or establishes an inappropriate relationship with a student. This includes:
- 4.7.1 Any written communication—including text, email, letter, and/or social networking—that is of a personal nature or is not related to school or a school-sponsored activity for which the staff member is an advisor
 - 4.7.2 Texting students through any personal application or program that is not a district-approved and controlled communication application or program, such as Google text
 - 4.7.3 Connecting with students through any social media platform unless the connection is part of a class program and the medium of communication is a district-approved application
 - 4.7.4 Communicating verbally by any telecommunication device if the communication is not for a legitimate educational purpose
 - 4.7.5 Communicating, through any medium, about personal and private matters of the staff member that would not be shared with that student’s parents or guardians
 - 4.7.6 Communicating, through any medium, about personal and private matters of the student, unless done in the course and scope of the staff members’ employment (for example, a school counselor, adults roles teacher, school psychologist, principal) and with parental consent.
- 4.8 A staff member shall not provide gifts, including money, special favors, or preferential treatment to a student or group of students.
- 4.8.1. Any donation or contribution to a student for items such as but not limited to, food, clothing, school-event attire, and/or Christmas gifts for a family, must be collected and given to the student by the school principal.
 - 4.8.2. The school principal shall document the gift and the circumstances surrounding the gift.
 - 4.8.3 Staff members may be recognized as contributors to the gift but staff members may not give gifts directly to students.
- 4.9 A staff member shall not discriminate against a student on the basis of sex, religion, national origin, gender identity, sexual orientation, or any other prohibited class.
- 4.10 A staff member shall not use or be under the influence of alcohol or illegal substances during work hours on school property or at school sponsored events while acting as a staff member.
- 4.11 A staff member shall not provide to students or help students obtain alcohol, illegal substances, tobacco, electronic cigarettes, or prescription drugs for which a student does not have a prescription.

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- 4.12 A staff member shall not use any form of tobacco or electronic cigarettes on school property or at school sponsored activities in an employment capacity.
 - 4.13 A staff member shall not use vulgar, profane, or otherwise inappropriate language (including jokes with sexual innuendos or racial undertones) when communicating with students.
 - 4.14 A staff member shall not make romantic or sexual advances, either verbal or written, and either explicit or implicit, toward a student.
 - 4.15 A staff member shall not visit the home of a student or invite the student to the staff member's home without written permission from a district-level administrator.
 - 4.16 A staff member shall not engage in grooming behaviors.

*Weber District recognizes that familial and pre-existing community relationships between a staff member and a student may provide for exceptions to certain provisions of this policy.

5. EXPECTED CONDUCT

- 5.1 Staff member communications with students, whether verbal or electronic, shall be professional and avoid boundary violations.
- 5.2 Staff members are encouraged to avoid conduct that may appear to an outside observer to be grooming.
- 5.3 Staff member use of electronic devices and social media to communicate with students must comply with this policy, be professional, pertain to school activities or classes, and comply with the Family Educational Rights and Privacy Act.
- 5.4 A staff member shall cooperate in any investigation concerning allegations of actions, conduct, or communications that if proven, would violate this policy.
- 5.5 Conduct prohibited by this policy is considered a violation of this policy regardless of whether the student may have consented.
- 5.6 In addition to the above, Weber School District licensed employees shall be familiar with and comply with the Utah Educator Standards.

6. REPORTING

- 6.1 A staff member who has reason to believe there has been a violation of this policy shall immediately report such conduct to the school administrator, or if a staff member has reason to believe a school administrator violated this policy, the staff member shall immediately report the conduct to the Director of Human Resources.

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- 6.2 A staff member who has reasonable cause to believe that a student may have been physically or sexually abused by a school staff member shall immediately report the belief and all other relevant information to the nearest law enforcement or the Division of child and Family Services under Utah Code Ann. §62A-4a-403, AND to the school administrator.
- 6.2.1. A school administrator who has received a report or who otherwise has reasonable cause to believe that a student may have been physically or sexually abused by a school staff member shall immediately inform the Director of Human Resources of the reported abuse; and
- 6.2.2. If the staff member suspected to have abused a student holds a professional educator license issued by the Utah State Board of Education, the Human Resource Director shall immediately report that information to the Utah Professional Practices Advisory Commission.
- 6.3 A person who makes a report under this subsection in good faith shall be immune from civil or criminal liability that might otherwise arise by reason of that report.
- 6.4 Failing to report suspected misconduct as required herein is a violation of this policy, the Utah Educator Standards, and in some instances, state law, and may result in disciplinary action.

7. TRAINING

- 7.1 Within 10 days of beginning employment with Weber District, a staff member shall receive training regarding this policy and shall acknowledge in writing having received training and understanding the policy by signing the attached Acknowledgment Form.
- 7.2 All staff members employed by Weber District shall receive training regarding this policy on an annual basis and new staff members shall receive this training prior to beginning work with students. Staff members shall acknowledge in writing having received training and understanding the policy.
- 8. VIOLATIONS.** A staff member found in violation of this policy will be subject to disciplinary action and will be referred to the Utah Professional Practices Advisory Commission.

Approved by the Board 09/04/2019

7130 EMPLOYEE CAREER STATUS

The Board of Education of Weber School District believes that Employee Career Status is something that must be earned and not merely awarded due to the passage of time. The Board expects that each of its Provisional Employees will demonstrate all of the abilities and qualifications for, and meet the high expectations of their position before being awarded Employee Career Status. Provisional Employees must be recommended in writing for Employee Career Status by their supervisor.

Provisional Employees who have not achieved Employee Career Status in another school district or in another position in Weber School District may not be awarded Employee Career Status until they have completed at least three consecutive years of at least half-time employment. Employees who have achieved Employee Career Status in another school district in Utah or in Weber District in a substantially different position from which the employee is currently employed, may not be awarded Career Status in the employee's current position until they have completed at least two consecutive years of half-time employment.

During a Provisional Employee's last year of service, the employee's supervisor may initiate the process to recommend Employee Career Status. If the Provisional Employee fulfills all the necessary requirements, and the employee's supervisor submits a written recommendation to the Human Resources Director, the employee may be awarded Employee Career Status. If the employee does not fulfill all the necessary requirements, the employee's supervisor shall recommend in writing either non-renewal or an additional provisional year of service. An employee's provisional status may be extended in this manner up to two times. If an employee is not recommended for Employee Career Status during the employee's last year of service as a Provisional Employee, the employee's contract with the District shall be non-renewed in writing.

Nothing in this policy shall limit the District's authority or ability to non-renew the contract of a first or second year Provisional Employee or to take any other corrective or disciplinary action consistent with the law and Board policy. In addition, the Board and the Superintendent reserve the right to non-renew an employee even when the employee has received the necessary recommendations.

Approved by the Board 11/1/17

7131 EDUCATOR EVALUATION

References:

Utah State Code §53A-8a-403

Utah Administrative Rule R277-533

The Weber School District Board of Education recognizes that educator effectiveness is one of the most important factors in improving student achievement. The primary purpose of evaluation is to support students and improve instruction in every classroom. Improved evaluation systems will benefit students by driving systematic improvement and growth and will foster development of professional capacity.

The instructional performance of all licensed employees in the Weber School District will be observed and evaluated, both formally and informally, by a certified administrator. Using a collaborative evaluation process, educators will be given feedback regarding professional strengths, as well as areas needing improvement.

The Weber School District Board of Education authorizes the Superintendent, District Administration, and the Evaluation Committee to develop administrative evaluation procedures consistent with Utah State Code §53A-8a-403 and Utah Administrative Rule R277-533.

Approved by the Board 04/13/2016

Policy 7135
WSD-LEA Specific Teacher Licensing

1) **PURPOSE AND PHILOSOPHY**

The purpose of this policy is to identify WSD-LEA-Specific licensing/endorsement requirements pursuant to the conditions outlined by the Utah State Board of Education (USBE).

2) **POLICY**

Weber School District's policy is to create a WSD LEA-specific license and/or endorsement, allowing those applicants to work as a licensed educator in WSD, pursuant to the procedures outlined below.

3) **DEFINITIONS**

- a) **Associate Licensing Plan:** a plan jointly developed by the District and Applicant outlining the requirements and steps to transition from a WSD LEA-specific license to an Associate's License
- b) **Associate License:** USBE issued license awarded upon completion of certain requirements set by USBE, and intended to convert to a Professional License upon further requirements as determined by a plan established by either USBE or WSD
- c) **Applicant:** A person applying for a WSD LEA-specific license or endorsement
- d) **District Mentor:** a trained educator who holds a professional educator license and/or performs substantially the same duties as an educator with released time to work as a mentor.
- e) **Integrated Specialist Mentor:** A District appointed mentor to visit with and mentor first year teachers on a bi-monthly basis,
- f) **LEA Licensed Educator:** an educator who has obtained his WSD LEA-Specific License.
- g) **Professional License:** USBE issued license to all educators completing a university educator preparation program or educators with an Associate License who have completed the requirements for a Professional License. A Professional License will need to be renewed every five (5) years.
- h) **WSD LEA-Specific License:** an educator license issued by WSD Board of Education that is acceptable as a valid teaching license only in WSD for a period of three (3) years, unless the educator petitions the State Board of Education for an extension of the LEA-specific license for up to two (2) years.
- i) **WSD LEA-Specific Endorsement:** a temporary (3 year) authorization for an already licensed educator (LEA, Associate, or Professional) to teach a class for which the educator does not have the proper endorsements. Endorsement criteria are the same as those established by USBE. An LEA-Specific Endorsement allows a licensed educator to take three years to complete the endorsement while teaching the class that requires the endorsement.

4) **EDUCATOR LICENSE AND ENDORSEMENT REQUIREMENTS**

- a) To apply for a WSD LEA-Specific License, an Applicant must:
 - i) Have begun a bachelor's or higher degree in a related field of study and complete the program within 3 years, or in the alternative, have exceptional or specialized occupational experience, training, or expertise directly related to the area of assignment; and,
 - ii) Complete a criminal background check including review of any criminal offenses and clearance in accordance with Rule R277-214; and,
 - iii) Complete the educator ethics review described in Rule R277-500 within one calendar year prior to the application; and,
 - iv) Complete the following Professional Learning Modules (linked to the USBE web site):
 - (1) Educator ethics;
 - (2) Classroom management and instruction;
 - (3) Basic special education law and instruction; and
 - (4) Utah Effective Teaching Standards described in R277-530.

- b) To apply for a WSD LEA-Specific Endorsement, an Applicant must:
 - i) Have a current valid educator license (WSD LEA Specific, Associate, or Professional) and
 - ii) Be recommended by an administrator.

- c) The District shall post requirements for LEA-Specific License, license areas, or endorsements on each school's website.

5) APPROVAL PROCESS

- a) An Applicant for a WSD LEA-Specific License or Endorsement must receive approval from the WSD Board of Education in a public meeting within 60 days of being hired at WSD.
 - i) Pending WSD Board approval, the Applicant is hired on an interim basis as a substitute teacher receiving a substitute teacher salary.
 - ii) If the Board approves the Applicant for a WSD LEA-Specific License, the Applicant will be paid on a regular teacher salary schedule retroactively to date of hire.
 - iii) If the Board does not approve the application, the Applicant will be released from the position.

- b) WSD Board considers the following factors when reviewing applications for a WSD LEA-Specific License or Endorsement:
 - i) Rationale for the appointment of a WSD LEA Specific License or endorsement
 - ii) Verification that there is an inadequate supply of highly qualified and suitable licensed applicants in the license and endorsement area as demonstrated by posting the position for a reasonable period of not less than one week. (Not required for less than half-time (<.5FTE applicants))

- iii) An Applicant's Associate Licensing Plan, if submitted by the Applicant. (The Applicant's Associate Licensing Plan is not a requirement, but may be submitted at the Applicant's discretion.)
- c) LEA Licensed Educators serve under temporary (at-will) employment agreements, and are considered temporary employees, as defined by state law, and are subject to termination at any time at the sole discretion of the District.
- d) A WSD LEA-Specific License, license area, or Endorsement is valid for up to three (3) years subject to the following, as determined by WSD personnel:
 - i) demonstration of adequate progress consistent with the Associate Licensing Plan;
 - ii) successfully implementing guidance from the Mentor; and
 - iii) recommendations of administration based on observations.
- e) After three years, the license may be renewed or denied renewal by the State Board of Education.
- f) A WSD LEA-Specific License expires immediately if the educator's employment with the District ends and the educator is not rehired as an educator in the next contract year.
- g) The WSD Board may not authorize a WSD LEA-Specific License in the areas of Special Education or Preschool Special Education.

6) WSD LEA Specific License Mentoring Program

- a) An educator with a WSD LEA-Specific License must participate in the District mentoring program, requiring a District Mentor and an Integrated Specialist Mentor (collectively, "Mentor") for all provisional teachers.
 - i) A District Mentor must have three (3) years of experience as a District Mentor to mentor an LEA Licensed Educator.
 - ii) Mentors will not evaluate the educator; however, all employees, including Mentors, must promptly report educator misconduct in violation of the District's Code of Conduct found in Policy 7900 and Policy 7120, or the Utah Educator Standards found in Utah Administrative Rule R277-515.
- b) A Mentor will help the LEA Licensed Educator meet the Utah Effective Educator Standards established in Utah Administrative Rule R277-530 by:
 - i) assisting the educator with a Self-Assessment (SA)
 - ii) working on educational strategies
 - iii) meeting regularly with the educator for observations and feedback
 - iv) documenting meetings with an observation log and
 - v) reflecting each quarter, mid-year and end of year review.

- c) Mentors will receive regular mentor training at Mentor meetings throughout the school year.

7) ASSOCIATE AND PROFESSIONAL LICENSING PLAN

- a) The LEA Licensed Educator and the District will jointly develop an Associate Licensing Plan to:
 - i) Encourage transition from a WSD-LEA license to an Associate's License and then to a Professional License.
 - ii) Identify paths and opportunities to prepare for successful passage of a pedagogical performance assessment.
 - iii) Identify applicable educational skill, and/or content knowledge requirements for enrollment in a qualified educator preparation program.
 - iv) Develop significant competency and knowledge sufficient to justify an extension request from the Utah State Board of Education for a continued WSD LEA License if transition to an Associate License is not reasonable or applicable.
- b) Once the LEA Licensed Educator has obtained an Associate License, the educator and the District will jointly develop a Professional Licensing Plan.

Approved by Board 4/8/2020

7140 INTERN POLICY

The following policies shall apply to interns hired in the Weber School District:

1. Each intern hired shall be assigned a district mentor. The district mentor will visit an intern once a week to provide support, feedback, and resources. If the intern is hired, the district will provide the new teacher continued service for the next three years.
2. The maximum number of interns that may be supported by a district mentor shall be two.

Approved by the Board 01/07/2015

7200 COMMUNICABLE DISEASE - EMPLOYEES

The Utah State Statutes and the State Department of Health defines communicable diseases as follows:

"Communicable disease" means illness due to a specific infectious agent or its products which arises through transmission of that agent or its products from a reservoir to a susceptible host, either directly, as from an infected person or animal or indirectly, through an intermediate plant or animal host, vector, or the inanimate environment.

A "carrier" of communicable disease is defined as follows:

"Carrier" means an infected person or animal who harbors a specific infectious agent in the absence of discernible clinical disease and serves as a potential source of infection for man. The carrier state may occur in an individual with an infection that is unapparent throughout its course (commonly known as healthy or asymptomatic carrier), or during the incubation period, convalescence, and post-convalescence of an individual with a clinically recognizable disease (commonly known as incubatory carrier or convalescent carrier). Under either circumstance the carrier state may be of short or long duration (temporary or transient carrier or chronic carrier).

Source: Section 26-6-2, Utah Code Annotated, 1953

The Utah State Board of Health has statutory authority to investigate and effectuate control of the causes of communicable diseases including authorization for detection, reporting, prevention and control.

In addition to the statutory authority of the State Department of Health for control of communicable diseases, the Board of Education acknowledges the importance of developing within this district, guidelines for the employment of school district staff infected with Acquired Immunodeficiency Syndrome symptoms (AIDS), Cytomegalovirus (CMV), Herpes Simplex virus (HSV), and HSV related diseases such as chicken pox, shingles, and infectious mononucleosis. The Board of Education will cooperate in educating its employees and its residents and patrons about the risks involved in maintaining an infected employee in a school setting or in an out of school employment setting, recognizing that such information will help in providing optimum care and education for an infected employee while minimizing the risk of transmission to others. The Board will also cooperate with the Utah State Department of Health in assisting its designated authority in the detection, prevention and control of communicable diseases.

DEFINITIONS

- AIDS:** is caused by a virus (HTLV-3) which attacks the body's immune system, leaving victims especially vulnerable to infection. To date, there is no known cure. The mortality rate ranges between 70% - 90% after two years. No identified cases are known to have been transmitted in the school or day-care setting or through casual person to person contact. The only known modes of transmission are sexual contact, neonatal contact (birth), blood cells are present in saliva, there is nor evidence that AIDS has been transmitted through saliva or other body fluids, with the exception of those referred to above. AIDS is not as easily transmitted as HSV and HSV related diseases. (As more medical knowledge of AIDS becomes available, this definition may change.)
- Caretaker:** refers to the teacher or other school personnel responsible for the care and education of the infected child.
- Cytomegalovirus:** is a member of the herpes family, and is transmitted through secretions of body fluids. Is primarily a threat to pregnant women. Its symptoms are similar to those of mononucleosis (fever, lethargy, headaches, aching muscles) and may sometimes lead to CMV pneumonia.
- Employee:** is any employee of the school district whether administrator, teacher, certified employee, classified employee, whether employed part time or full time including substitute teachers and teachers' aides, and school aides.
- Herpes Simplex Virus:** categorized as Type I and Type II. HSV-1 occurs mainly in childhood and is transmitted orally by direct contact with infected secretions. HSV-II, also known as genital herpes, is transmitted through sexual contact. Both types of herpes are evidenced by lesions on the infected person's body, including cold sores. The risk of transmission is greatest when the person has visible or active lesions. Hand washing and cleanliness are the best prevention.
- Chicken pox, shingles and infectious mononucleosis are closely related to the herpes virus, and can be transmitted through contact with infected body fluids.
- Lesions:** are open sores (i.e. cold sores, blisters) on the skin. Active lesions can secrete and transmit the responsible virus.
- Secretions:** refers to all body fluids, such as saliva, blood, tears, urine, feces, and oozing lesions.

PLACEMENT IN EMPLOYMENT

Decisions regarding the type of employment setting for an infected employee shall be based on the behavior, neurological development, and physical condition of the employee and the expected type interaction with others in employment in that setting. The employee's physician, an employee's representative if desired, and those persons of the school district involved with the proposed employment setting shall be considered an evaluation team to be consulted to assist in weighing the risks and benefits to both the infected employee and to others in the employment setting.

Infected employees shall be placed on temporary sick leave until such time as the above-referenced evaluation team involved in the medical diagnosis and care and employment responsibilities of the infected employee shall have reached a determination as to the proper continued employment setting for the infected employee.

Infected employees who are able to confine and control their secretions shall be allowed to continue employment in an appropriate designated employment setting, minimizing the possibility of exposure to school children or other employees.

Neurologically handicapped employees who are infected with AIDS and who lack control of their secretions or who have uncoverable lesions shall be placed on continued sick leave whether or not the employee receives under an employment contract sick leave salary or other pay benefits until such time as the persons involved in evaluation of the infected person approves employment in an appropriate designated employment setting.

Employees with active herpetic lesions, including chicken pox and shingles, will not be permitted in employment settings unless such lesions can be completely covered. When the lesions have disappeared (usually within a week) the employee will be allowed to return to employment. The primary responsibility for examining an infected employee for lesions or other related symptoms rests with employee and the employee's physician.

Each case involving an infected employee shall be considered on an individual basis and final determinations shall be subject to grievance procedures as provided by employee contracts.

RIGHT TO PRIVACY

There is potential for social isolation and social stigma should an infected employee's condition become known to the general public. School personnel and others involved in the infected employee's employment setting will respect the employee's right to privacy and need for confidentiality. The employee's records will be kept confidential. The number of school personnel who will be in contact with the employee and informed of the employee's condition will be kept at the minimum needed to assure of the employee and to detect and avoid situations where the potential for transmission of the disease may increase (i.e. a bleeding injury or open lesions).

POLICY SUBJECT TO CHANGE

As the medical determinations of communicable diseases such as those identified herein become more generally accepted, this policy may be subject to change to meet that additional medical information.

7300 ALCOHOL AND DRUG ABUSE - EMPLOYEES

References

Utah Code, Title 34, Chapter 38

Utah Administrative Code R277-217

Utah Administrative Code R277-516

Code of Federal Regulations, Rule 49, Part 40

I. PURPOSE AND PHILOSOPHY

Weber School District is committed to an alcohol and drug free workplace. The Weber School District Board of Education recognizes that the use, possession, distribution, or sale of narcotics, or other dangerous drugs and drug paraphernalia constitutes a hazard to employees and students and is illegal according the Federal and State law. Also, the use of alcohol or tobacco in any form on school property, in school buildings or vehicles, or at school sponsored activities is contrary to the District's education mission. The Board also recognizes that alcoholism and drug dependencies are recognized as treatable illnesses from which recovery is possible. The Board supports and encourages programs that coordinate school district and employee cooperation in attempting to prevent substance misuse and abuse problems, and encourages employees to seek school district, public, or outside professional help for employees who become involved with alcohol or drug abuse.

II. POLICY

It is the policy of Weber School District that the use, possession, distribution, or sale of narcotics or other dangerous drugs and drug paraphernalia is prohibited by Weber School District employees. It is also Weber School District's policy that the use of alcohol or tobacco in any form on school property, in school buildings, or vehicles, or at school sponsored activities is prohibited by Weber School District employees. It is also Weber School District's Policy to support employees seeking to overcome substance misuse and abuse problems without repercussion so long as the employee has not violated this policy.

III. DEFINITIONS

- A. **“Drug or narcotics”** mean, for purposes of this policy, controlled substances which are illegal under federal, state, or local laws. It also includes any prescription medication not prescribed for current personal medical treatment by a licensed physician for its intended purpose.
- B. **“Drug paraphernalia”** means all equipment, products, and materials of any kind, including the constituent parts thereof that are either designed for use or which are intended by the employee for use in packaging, repackaging, storing, containing,

concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body drugs or a controlled substance, which are possessed by the employee pursuant to a prescription issued by a licensed physician for current personal medical treatment.

- C. **“Electronic cigarette”** means a cigarette shaped device containing a nicotine-based liquid that is vaporized and inhaled, used to stimulate the experience of smoking tobacco
- D. **“Tobacco”** means cigarettes, cigars, cigarillos, chewing tobacco and any and all other products containing tobacco.
- E. **“Under the influence of alcohol or drugs”** means consuming alcohol or drugs (illegal or prescription) to a degree that renders the employee incapable of safely and effectively working in a public school or with public school students.

IV. ADMINISTRATION. The Board delegates to the Administration the responsibility for providing educational prevention programs, with adequate employee notification, procedures for employee discipline, and support for employees and their families in all efforts of substance abuse prevention.

V. PROHIBITED CONDUCT

- A. Employees charged with and convicted of use, possession, distribution, sale or being under the influence of narcotics, or other drugs and drug paraphernalia as defined in this policy may be subject to employee discipline. Employees may be placed on administrative leave pending resolution of criminal charges described above.
- B. Employee use, possession, distribution, or sale of drugs that are illegal under both state and federal law is prohibited.
- C. Employee use, possession, distribution or sale of alcohol is prohibited in all Weber School District facilities and property, at school district-sanctioned activities, or when employees are using vehicles owned or dispatched by the school district.
- D. Employee use, distribution or sale of tobacco or electronic cigarettes is prohibited in all Weber School District facilities and property, at school district-sanctioned activities, or when employees are using vehicles owned or dispatched by the school district.
- E. Being under the influence of a drug or narcotic or alcohol at school or a school district-sanctioned activity is prohibited.
- F. Failure of employees to report any and all drugs or narcotics to the Department of Transportation, where the employee’s job duties require a commercial driving license, is prohibited. An employee must report any new drug or narcotics to the Department of Transportation when the employee begins taking the drug or narcotics. Failure to report any and all drugs or narcotics will result in employment discipline.
- G. Any use of drugs or narcotics that result in a positive drug test, including positive results for tetrahydrocannabinol (“THC”), is prohibited. This does include positive results for drugs or narcotics that are used in accordance with a legal prescription from a health care provider. A medical recommendation for cannabis or cannabis derivatives is not a legal prescription.

VI. DISCIPLINARY ACTION

- A. Disciplinary action, independent of court action, will be taken against any employee that violates this policy, in accordance with Policy 7900.
- B. Employees may be subject to disciplinary action including immediate suspension and possible termination for violation of this policy.
- C. Disciplinary action may be based on information obtained by testing as described below but a positive drug test is not required for discipline for violations of this policy provided the district has credible evidence of a violation of this policy.
- D. If an employee who is required to report to the Department of Transportation all drugs and narcotics the employs is using subsequently tests positive for a drug or narcotic that the employee failed to disclose, the employee may be subject to discipline for failure to disclose.
- E. An employee who tests positive for THC is in violation of this policy and may be subject to discipline, regardless of whether the employee has a medical recommendation for a product that may contain THC.

VII. DRUG TESTING

- A. Any employee may be required to submit to medically accepted testing to determine whether he or she is using a drugs or narcotics or alcohol in violation of federal or state law, or district policy under the following circumstances:
 - When, during work hours, there is reasonable suspicion that an employee is using or is under the influence of a drug, narcotic, or alcohol*

*Administrators will document the basis for their suspicion on the Reasonable Suspicion for Drug Testing Form and provide a copy to the employee upon sending the employee to be tested.

- As a part of a post-accident investigation;
 - Random testing of employees required to have a commercial driver's license to fill their job duties; or
 - As part of a rehabilitation program.
- B. An employee who refuses to submit to drug or alcohol testing may be subject to disciplinary action.
 - C. All drug and alcohol testing shall be conducted by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology and approved by the district. All drug or alcohol tests with positive results or a possible false positive result shall require a confirmation test.
 - D. As provided above, disciplinary action may be taken against an employee if such testing establishes or supports evidence of a violation of this policy.

VIII. GRIEVANCE PROCEDURE

An employee who has been subject to disciplinary action taken under this policy may initiate grievance procedures as provided in the employee policies and procedures of the school district, subject to the provision of the appropriate employee agreement of the employee.

IX. ASSISTANCE.

- A. The school district desires to provide the following forms of assistance for any employee who acknowledges alcohol or drug abuse and desires assistance.
- B. Providing assistance to employees for current alcohol or drug abuse does not waive the district's right to discipline employees for violations of Section 5 of this Policy, or in accordance with Policy 7900.
 - **Counseling.** Assistance to employees as it relates to alcohol or drug abuse will be given by providing information, counseling, and referral for appropriate treatment at the employee's expense of group health benefits that may apply.
 - **Sick Leave.** Sick leave benefits may be utilized for alcoholism or drug abuse treatment to the same extent and in the same manner as for any other illness.
 - **Referral.** Employees who acknowledge a dependency problem with alcohol or drugs should voluntarily seek information, counseling, and appropriate referral direction on a confidential basis. An employee's job security or employment shall not be jeopardized in any way by a request for information, counseling or referral assistance, provided this the provisions in Section 5 of this policy have not been violated

X. COMPLIANCE

- A. All employees of the district shall abide by the terms of this policy as a condition of employment.
- B. Employees shall notify the District Human Resources Office within 48 hours of any arrest or conviction for possession, manufacturing, sale, use, dispensing, or distribution of drugs or other controlled substance.
- C. Employees shall also report within 48 hours any arrest or conviction related to supplying alcohol or tobacco to minors or related to driving under the influence of alcohol or other intoxicants.
- D. Failure to abide by and conform personal conduct to this policy will result in the disciplinary sanctions as provided herein.

Approved by the Board 1/6/2021

7350 WEAPONS ON SCHOOL PROPERTY

References:

UCA §53-5-704(1)

UCA §76-10-501 (2)(a).

UCA §76-10-505.5

UCA §76-10-505.5(4)(b)

Purpose of Policy

The purpose of this policy is to define the use of, and the ability to carry, dangerous weapons and firearms on school premises and other district buildings or property. This policy applies to all individuals including but not limited to employees, students, parents/guardians, volunteers, and visitors, who are on or around school premises and other district buildings and property.

School District Property Defined

School District Property is defined as all property including buildings, portable buildings, parking lots, fields, parks and other land under the possession of the Weber School District, whether leased or owned, where business of the Weber School District takes place.

State Law Defined

76-10-505.5. Possession of a dangerous weapon, firearm, or sawed-off shotgun on or about school premises...(2) A person may not possess any dangerous weapon, firearm, or sawed-off shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in this section.

The law further provides that a qualified person may receive a permit “to carry a concealed firearm for lawful self-defense....” UCA §53-5-704(1).

A concealed dangerous weapon means “...a dangerous weapon that is covered, hidden or secreted in a manner that the public would not be aware of its presence and is readily accessible for immediate use.” UCA §76-10-501 (2)(a).

Policy

Possession or use of a weapon by anyone in a school building, in or on school property, or in conjunction with any school activity, unless specifically authorized by law, is in violation of the law and Weber School District Policy, and will be subject to disciplinary actions which may include termination. This section does not apply if the possession is approved by the responsible school administrator (Section 76-10-505.5(4)(b)). Students are prohibited at all times from possession or use of a weapon in or on school property or in conjunction with any school activity.

Concealed Weapon Permit Exceptions and Clarification

Utah State Law allows any holder of a valid concealed weapons permit to carry a concealed weapon on school district property. As a concealed weapon must be readily accessible for immediate use, any person who carries a concealed weapon on school premises, must keep it on their person at all times, and it must be fully concealed. Employees are prohibited from keeping a concealed weapon in or on any property fixture or furniture owned by the school district. This would include but not be limited to desks, closets, cabinets, or any other property owned by and located on school district property.

Employees of Weber School District who obtain concealed weapons permits do so at their own volition. Any employee's decision to carry or use a weapon will be the sole responsibility of that person as an individual, and not as an employee of the school district. Employees who have concealed carry permits are obligated to have knowledge of and adhere to state and local weapons laws.

If a person carries a concealed weapon in any personal container, bag, briefcase, purse, backpack, etc., that item must be on the person at all times while on school property.

Approved by the Board 12/04/2013

7400 ADMISSION OF TAX SHELTERED ANNUITY COMPANIES

1. Before a company dealing in tax sheltered annuities can be approved to solicit employees of Weber School District to enroll in the company's tax sheltered annuity plans, they must file with the Business Administrator an affidavit, signed by an officer of the company, assuring the District that the company's plan complies with all applicable provisions of the Internal Revenue Code and that the company's plan will be updated when necessary to comply with any changes that may be made to the Internal Revenue Code in the future.
2. After the Business Administrator has received the affidavit, the company will be notified in writing of their acceptance to contact Weber School District employees.
3. The annuity company must have written interest from 25 or more employees before they will be given the privilege of employee payroll deduction.
4. In order to maintain the privilege of employee payroll deduction, a company must maintain 20 employees actively participating in their plan.
5. In the event a company does not comply with the requirements in Section 4, any employee who has authorized an annuity amount to be deducted from their district pay can continue to participate with the company until the employee elects, in writing, to cancel the deduction.
6. A company may be reinstated with the privilege of payroll deduction by adding enough employees to have 20 active participants. In this event, the original affidavit signed under Section 1 would still be in effect.
7. The Board of Education and District Administration will not endorse any specific plan as to the investment suitability for Weber District employees. It is each employee's responsibility to determine if a specific plan is suitable for their own use in consultation with individual sales people. This consultation would include, but not be limited to, the following: sales commission, earning rates, redemption values, the financial stability of the annuity companies, and any other relevant information outlined in the investment prospectus provided by the annuity company.

Approved by the Board 05/1989

7500 PROFESSIONAL INTERACTIONS WITH STUDENTS

References:

Utah Code 34A-5-102

1. Purpose

Weber School District's policy is to provide a work and school environment in which District employees interact professionally at all times with students. Discrimination and harassment towards students on the basis of race, color, religion, national origin, sex, gender identity, sexual orientation, childbirth or pregnancy related conditions, and disability is strictly prohibited. To the extent these terms are defined in Utah Code 34A-5-102, the district relies on those definitions for the purpose of this Policy. Employee-to-student sexual conduct is a form of sexual harassment and possibly sexual abuse; such conduct is especially serious and will be addressed severely. Fraternalization by District personnel with students outside the school environment may create the perception of inappropriate conduct or may lead to allegations or instances of sexual harassment or child abuse.

2. Prohibited Conduct

2.1 District employees, volunteers, and agents are prohibited from engaging in offensive conduct toward students while on District time, on District premises, and during District activities where that conduct is based on race, color, religion, national origin, sex, childbirth or pregnancy related conditions, and disability, including but not limited to the following:

- 2.1 A. Jokes of any kind related to race, color, religion, national origin, sex, including gender, pregnancy, or disability that would be deemed objectively offensive;
- 2.1 B. Differential treatment in class activities and participation and in issuing grades and academic awards, recognitions, and accolades;
- 2.1 C. Excluding or ostracizing students from participation in activities and/or discussions, both in and out of class;
- 2.1 D. Preferential treatment towards students;
- 2.1 E. Calling out students' race, color, religion, national origin, sex, gender, pregnancy, or disability in a demeaning way
- 2.1 F. Using disparaging names or slurs associated with race, color, religion, national origin, sex, gender, pregnancy, or disability;
- 2.1 G. Sexual advances, requests for sexual favors, sexually motivated physical conduct;
- 2.1 H. Subtle pressure for sexual activity;
- 2.1 I. Foul or obscene language or gestures;
- 2.1 J. Display of sexually offensive or suggestive posters, pictures, or objects;
- 2.1 K. Offensive verbal harassment including remarks, questions, teasing, slurs or innuendo;

- 2. 1 L. Inappropriate jokes about sex or gender-specific traits;
 - 2.1 M. Viewing, printing, or transmitting offensive material on a District computer; and
 - 2.1 N. Conduct that is demeaning or derisive and occurs substantially because of a person's race, color, religion, national origin, sex, gender, childbirth or pregnancy related conditions, and disability.
- 2.2 District employees (except employees who are also students in the District) are strictly prohibited from the following conduct, on or off campus, the violation of which will result in discipline:
- 2.2 A. Having any kind of romantic or sexual interaction with a student in the District
 - 2.2 B. Being alone in a privately-owned vehicle with a student (unless for a community or church related activity and parental consent is obtained); and
 - 2.2 C. Being alone in the employee's or student's residence with a student.
- 2.3 District employees (except employees who are also students in the District) are also prohibited from the following conduct, the violation of which may result in discipline:
- 2.3 A. being alone in a classroom with a student
 - 2.3 B. communicating with students in the District via text message, telephone, instant message, email, or any social networking site about non-school related issues (unless there is an outside relationship that justifies non-school related communication)
 - 2.3 C. spending time socially outside of school with students in the District.

3. Duty to Report & Confidentiality

Employees and students have a legal obligation to report any suspected violation that is of a sexual nature. Any person—student or employee—aware of a violation of this policy that is sexual in nature and that may rise to the level of sexual abuse has a legal obligation to report immediately to the nearest peace officer, law enforcement agency, or office of the Division of Child and Family Services. (Utah Code 62A-4a-403) Licensed educators who have reasonable cause to believe that a student may have been physically or sexually abused must *also* report to the appropriate District official as designated below. (Utah Code 53A-6-502)

A person who is aware of a violation of a sexual nature and fails to report the violation of this policy is subject to disciplinary action.

Reporters are protected from retaliation.

A person who knowingly files a false report is subject to discipline.

The District will respect the confidentiality of reporters and those against whom reports are made as much as possible consistent with the District's legal obligations and the need to investigate violations of this policy and take appropriate remedial action.

4. How to Report Violations of this Policy, Sexual in Nature

A person who suspects a student is being sexually abused by an adult must immediately report to law enforcement, as outlined above. However, if an employee suspects a violation of this policy that does NOT rise to the level of sexual abuse, the following reporting requirements are to be followed:

- 4.1 For reports against employees with a building principal, the report should be made to the building principal. The building principal will immediately notify the Director of Human Resources without screening or investigating a report against an employee.
- 4.2 For reports against employees who do not have a building principal (i.e., a district office employee, building principal, etc.), the report should be made to the Director of Human Resources. If the report is against the Director of Human Resources, the report should be made to the Superintendent.

Approved by the Board 11/04/2015

7600 OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS (HIV) AND (HBV)

References:

Department of Labor Standards Title 29 CFR Part 1910.1030

The interest and policy of the Board of Education is to prevent hazards to the health and well-being of district employees. To that end and in compliance with Department of Labor standards as outlined in Title 29 CFR Part 1910.1030, the Board establishes the following as its official policy.

Definition: Bloodborne Pathogens means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include but are not limited to Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).

Measures to be taken to prevent transmission of bloodborne pathogens will include:

1. Exposure Control Plan:

- 1.1 Work Practice Controls to alter work practices or task methods to reduce the likelihood of exposures.
- 1.2 Exposure Control will include a written plan designed to eliminate or minimize employee exposure.
- 1.3 Exposure determination will be made by means of job classification evaluation to determine exposure and degree of exposure.
- 1.4 Methods of compliance will be enumerated as:
 - 1.4 A. Engineering and work practice controls
 - 1.4 B. Personal protective equipment
 - 1.4 C. General housekeeping
 - 1.4 D. Medical evaluation and prophylaxis
 - 1.4 E. Training and record keeping
 - 1.4 F. Universal precautions

2. Responsibilities:

The primary responsibility for accomplishment of this policy will always rest with the first level supervisor, e.g., principal, administrator, foreman, etc. Specifically, the responsibilities are:

- 2.1 Planning and evaluation of the exposure control plan effectiveness will be a joint effort of the personnel office, the building and grounds department, the special education department and the building administrators.

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- 2.2 Engineering and work practice controls and exposure determination assessment will be outlined by the district nurses and the personnel office.
 - 2.3 Personal protective equipment provision and training will be the responsibility of the immediate supervisor.
 - 2.4 General housekeeping is the responsibility of the building supervisor and the custodial staff.
 - 2.5 Medical evaluation and prophylaxis will be the responsibility of the district nursing staff.
 - 2.6 Training (tentative proposal, to be determined by need):
 - 2.6 A. District training personnel, athletic directors, and principals will receive training from state and county health departments, commercial agencies or other qualified health professionals.
 - 2.6 B. The special education staff will be trained by the special education department.
 - 2.6 C. District maintenance and custodial staff will be trained by the building and grounds department.
 - 2.6 D. Athletic personnel (coaches and trainers) will be trained by the athletic directors.
 - 2.6 E. School secretaries will be trained by district staff.
 - 2.6 F. Other faculty and staff will be trained by district and building administrators.
 - 2.7 Reporting:
 - 2.7 A. Persons involved in, or having knowledge of a suspected exposure incident must report the incident to their building administrator or immediate supervisor.
 - 2.7 B. The building administrator or supervisor must determine if an actual exposure incident has occurred. If it is an actual exposure or in case of doubt the incident will be reported, in writing, to the district nurses for evaluation and/or action.
 - 2.7 C. An actual exposure and the actions taken to comply with this directive will be reported, in writing, to the personnel office and the risk manager for the district.
 - 2.8 Record keeping:
 - 2.8 A. Immunization and medical records will be maintained in the personnel records.
 - 2.8 B. Training records will be maintained by the office conducting the training.

Approved by the Board 09/1993

7610 HANDLING OF BODY FLUIDS IN SCHOOLS

The following guidelines are meant to provide simple and effective precautions against transmission of disease for all persons, potentially exposed to the blood or body fluids of any students. No distinction is made between body fluids from students with a known disease or those from students without symptoms or with an undiagnosed disease.

The use of UNIVERSAL PRECAUTIONS (protective barriers) to reduce the risk of exposure to one's skin or mucous membranes to potentially infective materials (blood, bloody fluids containing visible blood and other fluids) is very important. Rarely, if at all, would precautions beyond the use of gloves and provision of ventilation devices to minimize the need of emergency mouth to mouth resuscitation (CPR) be indicated in a school setting.

1. **GLOVES** must be worn where it can be reasonably anticipated that the employee will have contact with blood and other potential infectious materials (OPIM), mucous membrane and non-intact skin.

Disposable gloves are available in each school nurse health room. Employee should keep a pair in their work area. They should be replaced as soon as practical when contaminated, or their ability to function as a barrier is compromised (torn, punctured, etc.).

GLOVE REMOVAL - Gloves should be removed when they become contaminated or damaged, or immediately after finishing the task. You must follow a safe procedure for glove removal, being careful that no pathogens from the soiled gloves contact your hands.

- With both hands gloved, peel one glove off from top to bottom and hold it in the gloved hand.
- With the exposed hand, peel the second glove from the inside, tucking the first glove inside the second.
- Dispose of the entire bundle promptly.
- Never touch the outside of the glove with bare skin.
- Every time you remove your gloves, wash your hands with soap and running water as soon as you possibly can.

Utility gloves worn by housekeeping staff may be cleaned and disinfected for reuse if they show no signs of deterioration. They must be discarded if they are cracked, peeling, torn, punctured or exhibit other signs of deterioration, or when their ability to function as a barrier is compromised.

7700 FAMILY AND MEDICAL LEAVE ACT

Weber School District will provide family and medical leave for all qualified employees.

1. Definitions:

Subject to the conditions under Implementation Procedures/Guidelines, any employee who has been employed by the Board for 12 months and who has worked at least 31 weeks (1,250 hours) in the year preceding the request for leave may take up to 12 weeks unpaid leave, in a 12-month period (a) for the birth of a child and to care for such child; (b) for the placement of a child for adoption or foster care; (c) to care for the employee's seriously ill spouse, son, daughter or parent; or (d) because of the employee's serious health condition that makes the employee unable to perform his or her job functions.

Military Family Leave Entitlements

Subject to the conditions under Implementation Procedures/Guidelines, any employee who has been employed by the Board for 12 months and who has worked at least 31 weeks (1,250 hours) in the year preceding the request for leave may take up to:

12 weeks unpaid leave, in a 12 month period with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation to address certain qualifying exigencies.

26 weeks of leave during a single 12-month period to care for a covered service member who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment.

2. Implementation Procedures/Guidelines:

2.1 **Interpretation.** This leave is provided pursuant to the Family and Medical Leave Act of 1993 and will be interpreted according to the Act, its implementing regulations and applicable case law.

2.2 **Notice.** Employees must give the Administrator for Human Resources 30 days advance notice of leave, or when 30 days is not practicable, notice within two (2) business days from when the employee learns of the need for leave. Failure to notify may result in denial of leave until 30 days after the employee provides notice.

2.3 **Scheduling of Foreseeable Treatment.** An employee must make reasonable efforts to schedule foreseeable medical treatment so as not to disrupt the operations of the district.

- 2.4 **Medical Certification.** Employees must provide medical certification of their own or a family member's serious health condition that makes leave necessary. The District may require an employee on medical leave to provide medical certification that the employee is able to resume work.
- 2.5 **Substitution of Paid for Unpaid Leave.** The Administrator for Human resources may require any employee who has accrued paid sick, vacation or personal leave to substitute it for the medical or family leave to which the employee is entitled under (B) above. The employee may also elect to so substitute.
- 2.6 **Intermittent Leave and Leave Near End of Semester.** Intermittent leave is available for births and adoptions/foster care only by mutual agreement between the District and the employee. Intermittent medical leave is available upon certification of medical need, but the District may transfer the employee temporarily to an equivalent alternate position.

If an instructional employee provides medical certification that the employee needs intermittent, reduced-week or reduced-day leave for more than 20% of the working days in the relevant school semester, the Administrator for Human Resources may require the employee to choose either leave of a specified duration or temporary transfer to an equivalent alternate position. If an instructional employee seeks leave near the end of the school semester, the Administrator for Human Resources may require the employee to take leave through the end of the semester.

- 2.7 **Limits for Spouses Both Employed by Weber School District.** Spouses who are both employed by the District are limited to a total 12 weeks leave shared between the two spouses for (a) birth, (b) adoption/foster care (c) care for a sick parent, does not include parents "in law".
- 2.8 **Periodic Reporting.** The District may require periodic status reports from an employee on leave.
- 2.9 **Employment and Benefits Protection.** Following leave taken under this policy, an employee will be restored either to the position the employee left or to an equivalent position. Taking this leave will not result in loss of any employment benefit accrued prior to the leave. This policy does not provide accrual of seniority or employment benefits during the period of leave. For highly compensated employees, some restrictions apply.
- 2.10 **Maintenance of Health Benefits.** During an employee's leave under this policy, the District will maintain the employee's coverage under any group health plan at the level and under the conditions it would have been provided if the employee had not taken leave. If the employee fails to return from leave for reasons within the employee's control, the District may recover the premium portion it paid for maintaining coverage during the leave.

- 2.11 **No Retaliation.** The District will not discriminate against any employee for exercising or attempting to exercise any right under this policy.
- 2.12 **Effective Date.** Interim date will be from February 5, 1994, to June 30, 1994. Thereafter, effective date will be July 1, 1994.

Approved by the Board 09/02/2009

7800 PURCHASE OF RETIREMENT CREDIT

References:

UCA 49-13-408

It is the current policy of the Weber School District Board of Education to provide assistance to employees who wish to apply for early retirement benefits by purchasing service credit through Utah Public Employee's Non-Contributory Retirement System as provided under Section 49-13-408 of the Utah Code Annotated (the State's Credit Program).

This policy shall be implemented according to the following program:

1. To be eligible to participate, the employee must have a minimum of 10 years of service with Weber School District and be eligible to participate in the District's early retirement benefit program.
2. To be eligible to participate, an employee must have elected and be eligible to participate in the State's Credit Program which has, among others, the following conditions.
 - 2.1 The employee may purchase only the number of years of retirement credit needed to qualify for retirement eligibility without any actuarial reduction of benefits.
 - 2.2 The employee must have 25 years in the Utah State Retirement System and may purchase no more than a total of five years of retirement credit.
 - 2.3 The purchase must enable the employee to meet the retirement eligibility requirements of the Public Employee's Non-Contributory Retirement System without an actuarial reduction.
3. The District will pay for the purchase of an eligible employee's service credit as follows:
 - 3.1 Through the end of the first fiscal year of the early retirement incentive benefit, the employee may authorize the District to use his/her early retirement benefit to purchase one year service credit with no penalty for the employee. If more of the early retirement incentive is needed to purchase additional years, the employee will pay a penalty of 3% of the amount used to offset the District's loss in interest earnings.
 - 3.2 The employee may, to the extent permissible, use 401(k) plan assets to facilitate this payment.

- 3.3 The employee will be required to pay 5% of the total cost of all years purchased. The District contribution from any benefit program cannot exceed 95% of the total amount to purchase service credit.
- 3.4 The employee will be responsible for all of the employee taxes which may result from participating in this program; the District will be held harmless from any tax liability or other problems an employee may have in connection with this policy.
- 3.5 The employee must retire immediately upon purchasing such service credit.
- 3.6 To the extent required by the State's Credit Program, this program shall be operated on a nondiscriminatory participation standard for all of the District's employees who are eligible for the District's early retirement benefit program.

Approved by the Board 11/02/2005

7900 SUSPENSION OR TERMINATION OF DISTRICT EMPLOYEES AND CORRECTIVE ACTION

Employees of the Weber School District may be suspended or dismissed for cause subject to the requirements of the Utah Orderly School Termination Act, any applicable written agreements and this policy.

It is the policy of Weber School District, where appropriate, to apply corrective action principles to remedy concerns about employee job performance. The District Administration shall prepare a guide and train its Administrators on appropriate corrective action methods.

Cause for corrective action, up to and including suspension (with or without pay) non-renewal, or dismissal, shall include, but not be limited to, the following acts or omissions by an employee:

1. IMPROPER CONDUCT

- 1.1 Conduct which violates any school district or State Board established rule, regulation, policy or directive.
- 1.2 Conduct which violates any provision of the professional agreement between the Board of Education and teacher association.
- 1.3 Conduct which violates the criminal law of this state or of the United States.
- 1.4 Conduct which violates common established standards of moral, professional or competent conduct.
- 1.5 Conduct which exposes the District to censure, ridicule, damage or reproach
- 1.6 Bringing an intoxicant onto school property; consuming an intoxicant on school property; or reporting for work under the influence of an intoxicant.
- 1.7 Bringing a narcotic (as defined in policy # 7300) or other controlled substance onto school property; using the narcotic or other controlled substance on school property; or reporting for work under the influence of a narcotic or other controlled substance.
- 1.8 Theft
- 1.9 Use of District property for personal gain.
- 1.10 Negligent or willful damage to District property.
- 1.11 Dishonesty or falsification on any information supplied to the School District, including data on application forms, employment records, or other information given to the District.
- 1.12 Sexual harassment.
- 1.13 Hazing and or Bullying as defined in policy # 5200
- 1.14 Failure to report arrests and or convictions as specified in policy # 7110

2. **NEGLECT OF DUTY** - Each employee, teacher, secretary, custodian, etc, is expected to be on duty during regular work hours and to fulfill the responsibilities of the employee's position. If not, the employee is not doing the job. This requirement includes, but is not limited to:

- 2.1 Unexcused absence.
 - 2.2 Excessive tardiness.
 - 2.3 Abuse of leave policies.
 - 2.4 Excessive unexcused absenteeism.
3. Insubordination – Although this runs the total continuum of behavior, it is basically the failure to follow a clear and reasonable order, request, or directive.
 4. Incompetency or unprofessional behavior.
 5. Failure to perform duties properly.
 6. Incapacity due to mental or physical disability. (May require an accommodation for a disability)
 7. Professional standards of personal appearance and dress.
 8. Conduct which undermines the effectiveness or role model responsibility of the employee.
 9. Any reason that the District, in its sole discretion, deems reasonable and appropriate (applies to provisional employees only).

Procedures for termination and non-renewal of contract are included in the applicable written agreement.

Approved by the Board 02/03/2010