

# ROCKWELL CHARTER SCHOOL

## Educator Rights Policy

### **Purpose**

The Board of Directors of Rockwell Charter School has established this policy to support the provision of a safe, caring, and orderly school environment for the administration, teachers, staff members, and volunteers. With this policy, the Board of Directors asserts that school employees and volunteers have the right to work in a respectful environment free of abusive conduct from parents, students, other school employees, and community members.

### **Notification of Rights**

This Educator Rights Policy serves as notice to Rockwell Charter School administrators, teachers, staff members, and volunteers of their rights under Utah Admin. Code [53G-9-601](#) but does not include all rights that may be available to educators through federal and state laws, Rockwell Charter School's board-approved policies, and administrative policies, such as the Harassment Policy as found in the school's Employee Handbook. This policy acts as an addendum to the school's Bullying and Parental Notification policies.

### **Categories of School Employee**

"School Employee" means an individual working in the individual's official capacity as any of the following:

- A teacher;
- A staff member;
- An administrator;
- An individual who is employed directly or indirectly by the school or the school's Board of Directors and/or who works on the school's campus or for the school;
- Any member of the Board of Directors;
- Any volunteer acting in accordance with the school's policies, state law, federal law, and rules of the Utah State Board of Education.

### **Abusive Conduct**

Abusive conduct is defined as conduct that a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress based on its severity, nature, or frequency of occurrence.

### **Prohibitions**

- No member of the Board of Directors shall be subject to harassment, abusive language, and/or upbraiding by parents, students, employees, or community members.
- No employee of the Board of Directors shall be subject to harassment, abusive language, and/or upbraiding by parents, students, employees, or community members.
- No employee or volunteer at the school shall be subject to harassment, abusive language, and/or upbraiding by parents, students, employees, or community members.
- The Board of Directors prohibits the subjection of employees and volunteers to harassment, inappropriate behavior, or interference by a parent or any other person in the performance of the employee or volunteer's duties.
- The Board of Directors prohibits parents, students, school employees, or volunteers from engaging in abusive conduct toward a school employee.

### **Prohibitions of Certain Written, Verbal, Physical Acts, and Verbal Abuse**

- The Board of Directors prohibits parents, students, school employees, or volunteers from intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:
  - Causing physical or emotional harm to a school employee or student;
  - Placing the school employee or student in reasonable fear of harm to their physical or emotional well-being;
  - Causing damage to the property of a school employee or student;
  - Intentionally damaging the property of a school employee or student;
  - Creating a hostile, threatening, humiliating, or abusive educational environment due to either the pervasiveness, persistence, or severity of the actions or a power differential between the bully and the victim;
  - Putting undue pressure on a school employee or student to act against school policies and procedures, board policies, USBE rule, or state or federal law;
  - Substantially interfering with the safe school environment of a teacher or student deemed necessary to facilitate educational performance, opportunities, or benefits.
- The Board of Directors prohibits, under any circumstances, communication, whether verbal, written, or electronic, that hurts, embarrasses, or threatens an individual school employee or student, or a group of school employees or

students. Inappropriate communication includes chronic and continuous badgering, verbal abuse, cyberbullying of any kind, inappropriate disclosure of a teacher or student's personally identifiable information, or breaching explicit or implicit terms of confidentiality. Verbal abuse includes abusive language, screaming, yelling, insults, threats, profanity, and upbraiding, or any language intended to intimidate or bully a school employee or student.

### **Prohibition of Hazing, Endangerment, or Physical Abuse**

- The Board of Directors prohibits hazing or any act by which a school employee or student intentionally, knowingly, or recklessly does any of the following, regardless of whether a school employee or student against whom the conduct is committed has directed, consented to, or acquiesced in the conduct:
  - Endangering the mental or physical health or safety of a school employee or student;
  - Any brutality of a physical nature, including whipping, beating, branding, excessive calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or excessive exposure to the elements;
  - Compulsion or pressure to consume any food, alcoholic product, drug, or other substance that endangers the mental or physical health and safety of a school employee or student;
  - Any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and,
  - Acts committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a school or school-sponsored team, organization, program, club, or event.

### **Retaliation**

The Board of Directors expressly prohibits retaliation against any school employee or student for reporting abusive language, bullying, hazing, or any threatening act or intimidation prohibited by this policy, or improperly influencing the investigation of, or the response to, a report of abusive language, bullying, hazing, or any threatening act or intimidation prohibited by this policy.

### **Respectful Work Environment**

- The Board of Directors affirms that mutual respect between and among the administration, employees, colleagues, supervisors, volunteers, and parents is integral to the efficient conduct of the school.

- Behaviors that contribute to a hostile, humiliating, or intimidating work environment, including abusive language or behavior, are unacceptable and will not be tolerated.
- School employees who believe they are subject to such behavior should raise their concerns with the appropriate administrator or supervisor as soon as possible, but no later than ninety (90) days from the occurrence of the incident(s).

### **School Employees' Protections and Rights**

- No school employee shall be coerced, intimidated, discriminated against, threatened, or receive a negative or downgraded evaluation if the employee refuses to take any action which the employee knows to be in violation of any federal, state or local law, rule, regulation, or policy.
- School employees shall have the exclusive right and responsibility to determine grades and similar evaluations of students. No grade or evaluation shall be changed without the approval of the employee giving the grade or evaluation.
- No Board Member or Administrator shall apply pressure to any employee regarding grading or evaluation of students.
- No school employee is ever required to tolerate any act of gross or flagrant misconduct, including derogatory, abusive, or vile language, acts of violence, threats of assault, threats, or intimidation.
- No administrator or supervisor is ever required to tolerate insubordination, or any act of gross or flagrant misconduct, including derogatory, abusive, or vile language, acts of violence, threats of assault, threats, or intimidation.
- School employees shall not be expected to remain in any meeting or at any event in which prohibited behavior occurs.
- Academic freedom shall be guaranteed to all school employees, and no special limitations, except any restricted by state or federal law, shall be placed upon study, investigation, presenting and interpreting facts and ideas concerning people, human society, the physical and biological world, and other branches of learning, subject to accepted standards of professional responsibility.
- School employees shall be guaranteed academic freedom in their teaching and in their classrooms to respond to students in presentations and discussions. In those instances in which political, religious, or otherwise controversial materials are initiated by students, teachers should remain professional and neutral in discussions and responses.
- Teachers may and should teach the curriculum assigned by administrators and approved by the school that may include political, religious, cultural, or other topics as academic subjects that are relevant to course content and are age and developmentally appropriate.

- All monitoring or observation of the work performance of a teacher shall be conducted openly and with full knowledge of the teacher.
- Any substantive complaint made against a school employee by a parent, student, or other person will be promptly called to the attention of the employee. Any complaint not called to the attention of the employee may not be used as the basis for any reprimand, discipline, or discharge.
- Teachers, staff members, or other school employees should not be required to meet with parents during class time, during their assigned tasks, or when there is a general expectation that they are doing assigned work. Exceptions may include rare times when the school is seeking to adhere to compliance timelines for IEP meetings or when there is a legitimate administrative need to talk with a teacher or employee. If parents attempt to address concerns regarding their child with a teacher while class is in session, the teacher may direct the parent to set up an appointment in advance or to contact an administrator.

### **Reports of Abusive Conduct and Resolution Process**

- School employees, who believe they have been the subject of abusive conduct or who have witnessed abusive conduct, will report the incident immediately to the Executive Director or a direct supervisor.
- The Executive Director will investigate all reports of abusive conduct toward a school employee.
- The results of the investigation will be reported to the complainant and, if the allegations have been confirmed, and as deemed appropriate, further action will be taken.
- Actions may include, but are not limited to, regulating communication between parents and school employees, limiting parents' access to areas of the school, prohibiting parents from entering the school or grounds, reporting the incident to law enforcement authorities, and any other measures deemed appropriate by the Executive Director.
- Any allegation of abusive conduct on the part of the Executive Director should be reported directly to the Chair of the Board of Directors.

### **Administrative Responsibilities and Exceptions**

- Administrators will take appropriate steps to ensure that employees are not subjected to harassment, inappropriate behavior, or interference, as described in this policy.
- Administrators will notify parents of any allegation of abusive conduct, or any other conduct prohibited by this policy, in which their child may be involved, consistent with the requirements of the school's Parent Notification Policy.

- Administrators and supervisors shall not be considered in violation of this policy when providing input and feedback during a performance assessment meeting unless the Administrator engages in harassment or inappropriate behavior as described in this policy.
- Administrators and supervisors shall not be considered in violation of this policy when placing an employee on an Improvement Plan or in other ways providing support for an employee's job performance unless the Administrator engages in harassment or inappropriate behavior as described in this policy.
- Administrators and supervisors shall not be considered in violation of this policy when terminating an employee's agreement, not offering an agreement for a new school year, or negotiating a separation agreement unless the Administrator engages in harassment or inappropriate behavior as described in this policy.
- The Board of Directors reserves the right to direct the Administration to offer voluntary training on abusive conduct to employees, parents, or students.

### **School's Right to Impose Communication Protocols**

The Executive Director may impose communication protocols on any parent, employee, student, volunteer, or community member in relation to communication at the school when an individual has engaged in abusive, aggressive, or too frequent communication with teachers and staff at the school; or whenever the Executive Director deems that staff members have justifiably felt harassed, threatened, or intimidated by a parent, employee, student, volunteer, or community member.

Per Utah Code Section 53G-9-601, the Executive Director will consider abusive communication toward teachers and staff at the school to be verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.

While the Executive Director will typically put in place protocols that prohibit communication with teachers and staff except through a designated administrator, the Executive Director is free to impose whatever communication protocols are deemed necessary to resolve the abusive communication and behavior.

### **School's Right to Impose Prohibitions on Entering School Building or Grounds**

This policy recognizes that, while the school performs a public function, no parent or member of the public has an automatic right of entry onto school premises. Both state and federal law prohibit any person, including a parent, from creating a disturbance in the school building or on the grounds of a school. In addition, Utah state law prohibits any adult from threatening, bullying, harassing, or physically abusing a child at any time or place.

The Executive Director may impose prohibitions on any parent, volunteer, or community member in relation to entering the school, grounds, or any facilities secured by the school for recreation or educational purposes when an individual has engaged in abusive or aggressive communication or behavior; or whenever the Executive Director deems that staff members have justifiably felt verbally or physically harassed, threatened, or intimidated by a parent, volunteer, or community member.

In such cases, the prohibition will be for a specific period of time, and individuals so prohibited may seek to mediate the prohibitions with the Executive Director. When such prohibitions are imposed, the school provides written notice to the prohibited individual, an opportunity to mediate the prohibition, and a date for a review of the prohibition.

When such prohibitions have been imposed, the school will consider contrary actions by prohibited parents, volunteers, or community members to be trespassing, which is a civil offense, and a school representative will immediately call law enforcement. Any acts of disturbance during trespassing may also constitute a criminal offense.