

## **PROCEDURES FOR CONSTITUTIONAL RIGHTS**

Modern Supreme Court decisions have made it clear that the right to free speech and expression can sometimes be subordinated to achieve legitimate educational goals. (See discussions of *Hazelwood School District v. Kuhlmeier* and *Bethel School District v. Fraser*.) While students and teachers do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (*Tinker v. Des Moines*), speech is not quite as free inside educational institutions as outside.

Real Salt Lake Academy High School commits to providing educational services and a learning environment that does not limit or deny participation in constitutionally protected activities and expression. Consistent with the provisions of the First Amendment, Real Salt Lake Academy High School and its employees, while engaged in official duties, do not sponsor any religious activity or expression, do not discourage or preclude religious expression that is privately initiated, do not influence or deter student political opinions, do not proscribe or remove written materials because of partisan or doctrinal disapproval, and do not discourage wearing clothing that is within school dress code, consistent with this policy and regulation.

To ensure clarity in application of Real Salt Lake Academy's constitutional freedoms policy, the following guidelines have been developed and implemented.

### **RELIGIOUS EXPRESSION**

#### ***Religious Expression of Students***

Students are permitted to engage in religious expression during non-instructional time and while not engaged in school activities. However, the exercise of constitutional rights of religious expression may not be engaged in when the expression disrupts educational activities or school-sponsored activities. The decision to participate or not participate in religious expression is a matter of individual choice. No student will harass or intimidate other students to participate or refrain from participating in religious expression.

### **FREEDOM OF SPEECH**

#### ***Freedom of Speech – Students***

Students are encouraged to express their opinions in a manner that does not substantially disrupt school activities or invade the rights of others.

### **WAIVER OF PARTICIPATION**

Real Salt Lake Academy High School students or parents may request a waiver of participation in any portion of the curriculum seen as an infringement upon a right of conscience or the

exercise or religious freedom. The infringement must violate a superior duty, which is more than personal preference. Parent's wishes prevail over those of a minor student. The requesting student or parent must request the waiver in writing and must suggest an alternative assignment or activity that meets the objective of the curriculum that is objectionable. If the waiver request does not include an alternative assignment or activity, or an acceptable alternative assignment or activity, administration will determine the alternative assignment.

## **APPEALS PROCEDURE FOR CONSTITUTIONAL FREEDOMS**

A student, parent, or teacher with a concern about denial of constitutional freedoms has the right to appeal by following the process outlined below:

**Level 1:** A student or parent with a concern may discuss it with the teacher, counselor, or the RSL Academy Director to resolve the issue.

**Level 2:** If the concern is not resolved at Level 1, it may be formalized by filing a written complaint within three weeks of the event on a Compliance Violation Form. This form may be obtained from the RSL Academy administrative office. The grievant may request the Director, who is the Constitutional Freedoms Compliance Officer, investigate the complaint and attempt to solve it. The Director will write a report following the investigation and provide a copy to the grievant.

**Level 3:** If the concern is not resolved at Level 2, the grievant may submit a written appeal within two weeks from receiving the report to the Governing Board. The governing board may meet with the grievant to discuss the appeal prior to making a decision at the next scheduled board meeting. The Board will send a letter to the grievant with the decision.

The procedure in no way denies the right of the grievant to file a formal complaint with the Utah Civil Rights Commission, the Office for Civil Rights, or any other local, state or national agencies available for mediation or rectification of rights grievances, or to seek private counsel for complaints alleging a violation of constitutional freedoms.

## **INFORMING PARENTS, STUDENTS, STAFF, AND COMMUNITY OF CONSTITUTIONAL FREEDOMS**

RSL Academy will review their policy regarding constitutional freedoms each year and include it in our Parent/Student handbook, post it at RSL Academy's website, and maintain a copy, available for public review, in the RSL Academy's administration office.

## **TRAINING ON AND AMENDING CONSTITUTIONAL FREEDOMS POLICIES**

RSL Academy Staff will be trained yearly to ensure that student's constitutional freedoms are maintained. The Director and the Constitutional Freedoms Compliance Officer will review the policies insuring that constitutional freedoms are maintained each year and will make alterations in their procedures to correct repeated offenses.

