

BUSINESS AFFAIRS AND HUMAN RESOURCES
AUGUST 23, 2023

SUBJECT

Board Policy Section II.P. Human Resources Policies and Procedures - General Policies and Procedures – All Employees – First Reading

REFERENCE

October 2011	Board approved first reading Board policies II. A., C., F., G., H. and P.
December 2011	Board approved second reading Board policies II. A., C., F., G., H. and P.
April 2023	Board approved resolution titled: Prohibiting Use of Diversity Statements in Hiring and Promoting an Environment of Belonging for All Students at Public Postsecondary Institutions and directed staff to develop a proposed amendment to Board policy codifying the principles of the resolution and bring the amendment forward no later than the August 2023 Board meeting.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section II.P.

BACKGROUND/DISCUSSION

Board Policy II.P. outlines the General Policies and Procedures applicable to all employees.

At the April 2023 Board Meeting, the Board directed staff to develop an amendment to Board Policy regarding Diversity Equity and Inclusion statements for review at the August 2023 Board Meeting.

Proposed amendments to the policy will add a new subsection under Section II.P.5 – Miscellaneous Policies and Procedures. The new subsection mirrors the language of the Board’s resolution:

h. Diversity, Equity, and Inclusion

Institutions shall create a welcoming and dynamic learning environment of belonging by administrators, faculty, and staff who are invested in the success of every student. Hiring decisions, however, shall not be conditioned on a requirement that applicants submit a written diversity statement.

IMPACT

Approval of the proposed Board Policy amendment would prohibit the use of diversity statements in hiring practices. It also reaffirms the Board’s goal to continue to create and nurture a safe, welcoming, and dynamic learning environment of belonging for all students.

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ATTACHMENTS

Attachment 1 – Proposed policy amendment to Board Policy Section II.P. General Policies and Procedures – All Employees

STAFF COMMENTS AND RECOMMENDATIONS

This proposed policy amendment fulfills Board direction to staff to develop a proposed amendment to Board Policy codifying the principles of the April 2023 resolution Prohibiting Use of Diversity Statements in Hiring and Promoting an Environment of Belonging for All Students at Public Postsecondary Institutions. The Board requested a draft of this new amendment be brought forth to the Board at its regularly scheduled August 2023 meeting.

Staff recommends approval of the proposed amendment consistent with the previously approved resolution.

BOARD ACTION

I move to approve the first reading of proposed amendments to Policy II.P as provided in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

Idaho State Board of Education

GOVERNING POLICIES AND PROCEDURES**SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****SUBSECTION: P. General Policies and Procedures – All Employees**

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1. Nondiscrimination Policy

It is the policy of the Board that the institutions or agency under its governance provide equal employment opportunities to applicants for employment and equal benefits to employees without regard to race, color, national origin, religion, sex, age, disability, or veteran's status in accordance with applicable state and federal laws.

2. Equal Employment Opportunity

The policy of the Board is to pursue a continuing program of specific positive practices designed to achieve the realization of equal employment opportunity without regard to race, color, national origin, religion, sex, age, disability, or veteran's status in accordance with applicable state and federal laws.

To implement this policy, the Board directs the chief executive officers of its institutions or agencies to:

- a. Recruit, hire, train, and promote persons without discrimination in accordance with applicable state and federal laws and the governing policies of the Board;
- b. Make decisions on employment so as to further the principle of equal employment opportunity;
- c. Ensure that promotion decisions are in accordance with the principles of equal employment opportunity; and
- d. Ensure that all personnel actions affecting such matters as compensation, benefits, transfer, termination, layoff, return from layoff, sponsored training, education, and social and recreational programs are administered without discrimination.

Each chief executive officer or his or her designee is specifically responsible for ensuring that there are no obstacles to equal employment opportunity by establishing a program of affirmative action, ensuring internal adherence to such a program, and evaluating its progress.

3. Sexual Harassment Policy

It is the policy of the Board that no employee should be subject to illegal sexual harassment. Each institution and agency must establish and maintain policies prohibiting sexual harassment and an internal process for investigating allegations of sexual harassment and addressing and remedying violations of applicable law and policies prohibiting sexual harassment.

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4. Personnel Files

a. Employee Files

Each institution and agency must maintain for each employee a personnel file, which is open for examination by the employee in accordance with the provisions of the Idaho public records act, Idaho Code 9-337 et seq., and other applicable law.

- i. The employee may, pursuant to the Idaho public records act, request in writing an amendment of any record pertaining to that employee. Within ten days of the receipt of the request, the custodian of the files will make any correction of any portion of the file which the employee establishes is inaccurate, irrelevant, or incomplete; or inform the employee in writing of the refusal to amend the record(s) in accordance with the request and the reasons for the refusal, as set forth in the Idaho public records act.
- ii. In accordance with the Idaho public records act and other applicable law, an employee may obtain copies of materials in his or her personnel file.

b. Personnel Records Exempt From Disclosure

Each institution and agency will comply with the provisions of the Idaho public records act and other applicable law concerning the maintenance, disclosure and confidentiality of personnel records and information.

c. File Maintenance and Retention

- i. Each institution and agency must maintain personnel files under such conditions as are necessary to ensure the integrity and safekeeping of the file and may establish additional policies and procedures for the maintenance of personnel files consistent with the Idaho public records act and other applicable law.
- ii. Any personnel files related to and involving legal action must be retained through any time period in which legal action may be taken.
- iii. Personnel files must be retained for a minimum of three (3) years following severance of an employment relationship with an institution or agency. A summary record of employment relationships must be kept indefinitely.

5. Miscellaneous Policies and Procedures

a. Political Activities of Employees

Idaho State Board of Education

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Employees retain unimpaired all of their individual and political rights of citizenship. However, employees may not exercise those political rights in the name of any institution or agency, or through the use of Board facilities, or through the use of forms or official stationery or in any way that might involve an institution or agency in partisan political activity or controversy.

- i. The Board or any of its members, agents, representatives, or employees must not prevent, threaten, harass, or discriminate against any employee who chooses to run for public office.
 - ii. Employees are permitted to campaign freely in a manner that does not violate Board Governing Policies and Procedures or applicable provisions of the Idaho Code.
 - iii. Employees may choose to request a leave without compensation in order to campaign for elective office or to serve in an elective office by using the procedures established at an institution or agency in addition to these policies and procedures.
- b. Loyalty Oaths
- No loyalty oath shall be required of any Board employee.
- c. Outside Employment

The maintenance of a high standard of honesty, impartiality, and conduct by Board employees is essential to ensure the proper performance of its business and to strengthen the faith and confidence of the people of the State of Idaho in the integrity of state employees. The Board recognizes that employees may engage in outside employment of a professional or personal nature, directly related to the professional or other competencies of the employee. However, no employee may undertake outside employment that interferes with the employee's assigned duties to the Board or the agency. In all outside employment, the outside employer must be informed that the employee is acting in a private capacity and that the institution or agency is in no way a party to the outside employment, and is not liable or responsible for the performance thereof.

- d. Other Services to the Institution or Agency.

An employee may be requested by the Chief Executive Officer or his or her designee to perform responsibilities or provide services beyond the primary scope of his or her appointment.

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Each institution and agency must establish policies and procedures that do not conflict with policies and procedures of the Board regarding additional responsibilities or services.

Payment in addition to regular salaries must be authorized by the Chief Executive Officer.

h. Diversity, Equity, and Inclusion

Institutions shall create a welcoming and dynamic learning environment of belonging by administrators, faculty, and staff who are invested in the success of every student. Hiring decisions, however, shall not be conditioned on a requirement that applicants submit a written diversity statement.