

Article V.D.2. Discrimination Complaint Policy: Complaints Filed on the Basis of Disability, Gender, Race, Color, National Origin, or Age

A. Statement of Policy

It is policy of Granite School District to maintain a learning and working environment that is free of discrimination. Granite School District prohibits discrimination on the basis of disability, gender, race, national origin, religion or age. This policy provides procedures whereby persons, who believe themselves to have been the object of improper discrimination, may file a complaint. The policy also provides procedures the District will follow in investigating and resolving complaints.

B. Authority and Designation of District Officials

1. Discrimination on the basis of Disability:
 - a. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and its implementing regulations (34 C.F.R Part 104). Director of School Services.
 - b. Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131 - 12134) and its implementing regulations (28 C.F.R. Part 35). Director of Human Resources.
2. Discrimination on the basis of Gender:

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) and its implementing regulations (34 C.F.R. Part 106). Director of School Services.
3. Discrimination on the basis of Race, Color, or National Origin:

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000(d)) and its implementing regulations (34 C.F.R. Part 100). Director of Educational Equity.
4. Discrimination on the basis of Age:

The Age Discrimination Act of 1975 (29 U.S.C. § 631) and its implementing regulations (34 C.F.R. Part 110). Director of Human Resources.
5. Employment Discrimination:

Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000(e)). Director of Human Resources.

C. Definitions

1. Board: means the Granite School District Board of Education.

2. Complaint: means an allegation that an action, policy, procedure, or practice violates a law or regulation listed above.
3. Complainant: means the person filing a complaint.
4. Respondent: means the person alleged to have violated a law or regulation mentioned above.
5. Designated District Official: means the person responsible at the District level for receiving complaints involving the laws or regulations mentioned above. The telephone numbers and titles of Designated District Officials are listed in subsection B. above.
6. Superintendent: means the Superintendent of the Granite School District or the Superintendent's designee.
7. Complaint Answer: means the respondent's written statement concerning the alleged violation.
8. Hearing Officer: means the person assigned to conduct a hearing.

D. Complaint Filing Procedures

Any student or employee who believes that he or she has been discriminated against may personally, or through a representative, file a complaint covered by this procedure with the Granite School District official designated by this policy.

1. Complaint Filing

The building principal is the person responsible for receiving complaints of discrimination at the building level. If the complaint involves the principal, or the complainant is otherwise unwilling to notify the principal, the complaint may be filed directly with the Designated District Official. If the complaint involves the Designated District Official, the complaint shall be filed directly with the Superintendent.

The person with whom the complaint is filed shall encourage the complainant to meet with the respondent to resolve the complaint. The person with whom the complaint is filed may mediate that meeting. If the complainant refuses the meeting, the person with whom the complaint is filed shall contact the Designated District Official who will process the complaint as set out in this policy.

2. Complaint Substance

Complaints filed with a designated District official shall be in writing and shall provide at least the following information:

- a. name, home address, and home and work telephone numbers of complainant;
- b. nature and date of the alleged violation;
- c. names of persons responsible for the alleged violation (if known); and
- d. relevant background information.

The complaint may also include a statement of requested relief or corrective action.

3. Complaint Forms

Complaint forms shall be available at each District building. Complainants may request assistance in the preparation or filing of a complaint.

4. Time Limits

A complaint must be filed within 180 calendar days of the occurrence of the alleged discriminatory action. The Designated District Official, upon a finding that the circumstances of a complaint warrant an extension, may extend this time limitation or other time limitations of this policy.

E. Initial Complaint Processing

1. Notification of Respondent

The Designated District Official shall notify the respondent by personal delivery or registered mail within five days of the filing of a complaint. The notice shall include a copy of this policy and advise the respondent of the responsibility to submit an answer to the complaint.

2. Respondent's Complaint Answer

Within five days of receiving notice of a complaint, the respondent shall submit a written answer to the Designated District Official. The answer shall include:

- a. affirmation or denial of each allegation in the complaint,
- b. an indication as to the extent to which the complaint has merit,
- c. an acceptance or rejection of relief or action requested in the complaint, if any, and
- d. other relevant information.

3. Referral of Complaint to a Hearing Officer

Within five days of receiving respondent's complaint answer, the Designated District Official shall determine the level of hearing appropriate to the complaint and deliver the complaint to the appropriate hearing officer as determined in e(4) below. A hearing officer receiving a complaint shall be knowledgeable about laws and policies relevant to the subject matter of the complaint.

4. Three Hearing Levels

Level I: If the complaint involves a single school policy or practice, or if a respondent is assigned to a single school or department, the Designated District Official shall deliver the complaint to the District Compliance Officer or other appropriate person, as determined by the Designated District Official, who shall then be the hearing officer.

Level II: If the complaint involves a district-wide policy or practice, if there are multiple respondents in multiple schools or departments, or if the respondent is a school principal or department Director, the Designated District Official shall report the complaint to the Superintendent who shall then be the hearing officer.

Level III: If the complaint involves the Superintendent, the Designated District Official shall report the complaint to the Board. The Board shall designate hearing officers in accordance with this policy.

F. Hearings

1. Level I

- a. Within five days of receiving the complaint assignment, the hearing officer shall schedule an informal hearing and notify the complainant and respondent. The notice shall include a statement of procedures which will govern the conduct of the hearing. The hearing shall be held no sooner than 10 days nor more than 20 days after service of the notice of hearing.

- b. Persons present at the informal hearing shall include the complainant, respondent, any individual requested by either party to provide assistance relevant to the consideration of the complaint, and the hearing officer. The hearing officer may request the assistance of the Designated District Official or others.
- c. Within five days after the informal hearing, the hearing officer shall issue a written decision which includes statements regarding the validity of the complaint allegation, any necessary corrective action, and the reasons upon which the decision is based. Copies of the decision shall be delivered to the complainant, the respondent, and the Designated District Official. If no written hearing decision is received by the Designated District Official within five days of the hearing, the Designated District Official shall, in writing, request the decision. If the written hearing decision is not received within an additional five days, the Designated District Official shall refer the complaint for Level II hearing.
- d. A complainant or respondent may appeal a decision of the hearing officer by submitting a written request for a Level II hearing to the Designated District Official within ten days of receipt of the written hearing decision.

2. Level II

- a. The Superintendent shall schedule a Level II hearing within five days of receiving a request from the Designated District Official. The complainant and respondent shall be notified in writing of the date, time, and location of the hearing, copies of materials or records which are provided to the Superintendent which are pertinent to the hearing, and a statement of procedures to be followed at the hearing. The hearing shall be held no sooner than 10 days nor later than 20 days after service of the hearing notice.
- b. Persons present at the Level II hearing shall include the complainant, the respondent, any individual requested by either party to provide assistance relevant to the consideration of the complaint, and the Superintendent. The Superintendent may request the assistance of the Designated District Official or others.
- c. The duration of the hearing shall be allocated in equal parts to the complainant and respondent. Parties shall not be charged with time spent responding to questions posed by the superintendent. Time will be moderated.

- d. Both the complainant and the respondent shall have the right to present witnesses as they deem necessary to develop facts pertinent to the complaint. Formal rules of evidence shall not apply to Level II hearings.
- e. Within five days after the Level II hearing, the Superintendent shall issue a Level II written hearing decision which includes statements regarding the validity of the complaint allegation, any necessary corrective action, and the reasons upon which the decision is based. Copies of the decision shall be delivered to the complainant, the respondent, and the Designated District Official. If no Level II written hearing decision is received by the Designated District Official within five days of the hearing, the Designated District Official shall, in writing, request the decision. If the written hearing decision is not received within an additional five days, the Designated District Official shall refer the complaint for Level III hearing.
- f. A complainant or respondent may appeal a decision of the hearing officer by submitting a written request for a Level III hearing to the Designated District Official within ten days of receipt of the written hearing decision.

3. Level III

- a. If a Level III hearing is necessary, the Board shall select among four alternatives:
 - i. the hearing may be conducted by the entire Board;
 - ii. the hearing may be conducted by at least three members of the Board,
 - iii. the Board may delegate hearing authority to an ad hoc hearing panel, or
 - iv. the Board may delegate hearing authority to an individual hearing officer.
- b. The Board shall send written notification of the alternative which it intends to utilize for the hearing to the Designated District Official, the complainant, and the respondent within thirty days of receipt of the complaint. The Designated District Official shall schedule the hearing within five days of receipt of the Board's notification. The complainant and respondent shall be notified in writing of the date, time, and location of the hearing, copies of materials or records which are provided to the

Board which are pertinent to the hearing, and a statement of procedures to be followed at the hearing. The hearing shall be held no sooner than 10 days nor later than 20 days after service of the hearing notice.

- c. Persons present at the Level III hearing shall include the complainant, the respondent, any individual requested by either party to provide assistance relevant to the consideration of the complaint, and the Level III hearing body. The Level III hearing body may request the assistance of the Designated District Official or others. The Level III hearing body shall designate a member of their body to moderate the hearing to ensure compliance with procedures which shall be determined by the body itself.
- d. The Level III hearing body shall issue a Level III written hearing decision which includes statements regarding the validity of the complaint allegation, any necessary corrective action, and the reasons upon which the decision is based. The findings and recommendations of the hearing body shall be determined by majority vote and shall specify the reasons on which the decision was based. Any hearing body member in disagreement with the majority may prepare a dissenting opinion to be included with the hearing decision.
- e. The Level III hearing decision and related materials shall be submitted to the Board. If the Board accepts the Level III hearing decision, it shall so state and issue a final board decision. Copies of the decision shall be delivered to the complainant, the respondent, and the Designated District Official. If the Board rejects the findings and recommendations of the Level III hearing body, it shall issue a detailed decision stating its reasons for such a rejection and at its discretion may issue a final decision or repeat the Level III hearing process beginning with selection among the four alternatives.

G. General Provisions

1. Complainant and Respondent Right to Records

- a. A complainant or respondent may request access to information and records in the possession of the District which bear upon the validity of the grievance. Records must be requested with reasonable specificity.
- b. If obtaining the information requires unreasonable interference with other District duties and responsibilities or unreasonable District expenditure, the District may require that the requesting party pay the District

reasonable fees for actual costs incurred in procuring and duplicating the records.

- c. The District is not required to create a record in response to a request.
- d. Information in requested records about subjects or persons not relevant to the complaint or which is otherwise private, controlled, or protected shall be expunged from the record.

2. Right to Assistance

Both the complainant and the respondent have the right to be assisted by knowledgeable persons, organizations, or groups of their selection at their own expense, at any point during the initiation, filing, or hearing of the complaint. The District shall, upon request, provide assistance to the complainant or respondent in understanding rights and obligations under this policy and other pertinent District, state, or federal regulations, policies, or other related materials.

3. Confidentiality

The District will strive to respect the confidentiality of the complainant and respondent, consistent with the District's legal obligations and the necessity to take appropriate corrective action.

4. Prohibition of Retaliation

Good faith submission of complaints will not adversely affect the complainant's future employment, grades, or work assignments. However, malicious or frivolous complaints may subject a complainant to discipline. The District will discipline any individual who retaliates against any person who files a complaint or who testifies, assists, or participates in a proceeding or hearing relating to a complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

5. Complaint Records

Complaint records shall be kept by the designated District official for a period no less than three years. Records shall include the names and positions of complainants and respondents, dates of filing and resolution, specific allegations and answers, levels of hearings and hearing officers, a statement of final resolution, and details of corrective action. Such records shall be protected under Utah Code 63-2-304.

Any complainant or respondent may, at personal expense, make a voice recording of any hearing. Level II and Level III hearings shall be recorded by the District. Such recordings shall be made available to complainants and respondents at their request. District recordings shall be a part of the complaint record.

6. Financial Responsibility

Except as otherwise provided by this policy, costs involved in the administration of the policy shall be borne by the District.

7. Notice

Subsection B. of this policy identifying the civil rights protected by this policy shall be delivered to each patron of the District annually. It shall also be posted in the front office of each District building and in the Department of Human Resources.

Discrimination Complaint

Name:

Home/Work Phone:

Home Address:

NAME OF AGENCY OR SCHOOL INVOLVED:

Name:

Phone:

Address:

COMPLAINT BASED ON (please circle those that apply):

Disability Gender Race Color National Origin Age

Date of Occurrences: Earliest / / Most Recent / /

EXPLANATION OF THE COMPLAINT:

I declare that the foregoing is true and correct.
Signature and Date