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Statement of.....

Policy and Responsibility

SUBJECT: ANTI-DISCRIMINATION GRIEVANCE PROCESS

I. Authority and Purpose:

A. The Murray City School District defines and publishes these complaint procedures that provide for the prompt and equitable resolution of complaints filed in accordance with any of the following:

1. Title VI of the Civil Rights Act of 1964 and 45 CFR Part 80. This act states that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
2. Section 504 of the Rehabilitation Act of 1973. This act states that no otherwise qualified individual with a disability in the United States (as defined) shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
3. Title II of the Americans with Disabilities Act (ADA), and 28 CFR Part 35, This title of the ADA defines and clarifies categories and general prohibitions against discrimination.
4. Title IX of the Education Amendments of 1972. This act states that no person shall, on the basis of sex, be excluded from participation in, be denied, the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. (Title 20 U.S.C. Sections 1981-1688)
5. Age Discrimination in Employment Act of 1967. This act prohibits age discrimination in employment.

II. Definitions

- A. The Personnel Director of Murray City School District is considered the:
1. The Civil Rights Coordinator

2. The Title IX Coordinator 34 CFR 106.8(a)
- B. The Director of Teaching and Learning is considered the Section 504 Coordinator.
 - C. The “Murray City School District ADA Coordinating Committee” is a committee designated by the superintendent and will include:
 1. The District Business Administrator
 2. The District Personnel Director
 3. The District Risk Manager
 4. A District Program Manager
 5. The District’s Legal Consultant
 - D. In general “Disability” means, with respect to an individual with a disability,
 1. a physical or mental impairment that substantially limits one or more of the major life activities of such an individual;
 2. a record of such an impairment; or
 3. being regarded as having such an impairment. other terms as defined are located in 29 CFR 1630.2
 4. exceptions to this term are located in 29 CFR 1630.3
 - E. “Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
 - F. “Qualified individual with a disability” (ADA) means:
 - (1) With respect to other services and activities, an individual with a disability who with or without reasonable modification to rules, policies or practices, the removal of architectural, communication or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or participation in programs or activities provided by a public entity.
- III. Procedure to file a complaint:
- A. Anyone can file a complaint.
 - B. Complaints are filed either:
 1. With the principal at any school in the district or,
 2. With the Civil Rights Coordinator at the district office.
 3. in person, or by mail:
Murray City School District
147 East 5065 South
Murray, UT 84107
 - C. If the complaint is filed with the school, and the school cannot resolve the issue within five working days, then the complaint is automatically forwarded to the Civil Rights Coordinator at the district office.
 - D. Complaints must be in writing. If the complaint is offered orally, then the Civil Rights Coordinator will take necessary steps to prepare the formal complaint in writing.
 - E. The complaint should include the following information:

1. Complainant's name and address
 2. The nature and extent of the individual's disability
 3. The school or district's alleged discrimination in full detail
 4. Date of alleged violation
 5. The action and accommodation desired, and
 6. The signature of the complainant
- F. Complaints filed on behalf of classes or third parties shall describe or identify by name, if possible, the alleged victims of discrimination.
- G. With or without exhausting Murray City School District procedures, complainants may also file complaints alleging discrimination in employment and in the delivery or services with:

The Utah Anti-Discrimination Division
160 East 300 South
Salt Lake City, Utah 84111
Phone: 801-530-6887

Educational Equity Coordinator
Utah State Office of Education
250 East 500 South
Salt Lake City, UT 84111
Phone: 801-538-7500

Denver Office of Civil Rights
999 18th Street Suite 417
Denver, CO 80202
Phone: 303-844-2024

IV. Investigation of Complaints and Issuance of Decisions:

- A. The CRC will conduct an investigation of each complaint received and within 15 working days of receipt of the complaint, a written decision will be issued.
 1. Assistance from other district officers and district legal counsel may be requested in determine what action, if any, should be taken on the complaint.
 2. The CRC will consult with the ADA Coordinating Committee before making any decision that would involve:
 - a. an expenditure of funds;
 - b. a facility modification;
- B. If more time is needed to resolve the issue, the complainant will be notified with an explanation of delay and a new deadline date.

V. Appeals

- A. The complainant may appeal the decision of the CRC by filing a written appeal within five working days from the receipt of the decision.

- B. File the appeal directly with the superintendent of Murray City School District.
 - 1. The filing of an appeal shall be considered as authorization by the individual to allow review of all information, including information classified as private or controlled, by the Superintendent.
 - 2. The appeal shall describe in sufficient detail why the Civil Rights Coordinator's decision is in error, is incomplete or ambiguous, is not supported by the evidence, or is otherwise improper.
- C. The Superintendent will review the factual findings of the investigation and the individual's statement regarding the inappropriateness of the Civil Rights Coordinator's decision and arrive at an independent conclusion and recommendation. Additional investigations may be conducted, if necessary, to clarify questions of fact before making any decision.
- D. The decision on the appeal will be issued within 15 working days after receiving the appeal and shall be in writing.
- E. If more time is needed to answer the appeal, the complainant will be notified with an explanation of delay and a new deadline date.

VI. Relationship to Other Laws

This policy does not prohibit or limit the use of remedies available to individuals under the State Anti-discrimination Complaint Procedures Section (67-19-32), the Federal ADA Complaint Procedures (28 CFR), the Federal Rehabilitation Act Procedures (29 U.S.C. Section 794) or any other Utah State or Federal law that provides equal or greater protection for the rights of individuals with disabilities.