



Title IX Discrimination and Harassment Policy

Merit Preparatory Academy
1440 W Center St. Springville, UT 84663

EXPLANATION OF POLICY

It is the commitment of Merit Preparatory Academy to strive to maintain all learning and working environments where students and employees can be safe and successful. This policy is written to follow Federal and Utah State Law mandating and provide authority to the school to prohibit unlawful discrimination or harassment. This policy also provides guidance for requesting accommodations as appropriate under the law and procedures for reporting a complaint for persons who believe themselves to have been the object of discrimination or harassment. The school will follow the outlined procedures in investigating and resolving complaints.

1. AUTHORITY AND DESIGNATION OF SCHOOL OFFICIALS

1.1. Federal statutes both mandate and provide authority to the school to prohibit discrimination, harassment, and retaliation in its programs, activities, or employment practices on the basis of race, color, age, religion, national origin, gender, sexual orientation or any other classification protected by law. All student civil rights issues may be directed to the Assistant Director at (801) 491-7600 ext. 102; and issues related to staff may be directed to the Director at (801) 491-7600 ext. 101. School officials are designated to administer, enforce, or provide information and answer questions regarding this policy and the legal protections against discrimination or harassment. Some examples are identified below, but not limited to:

1.1.1. Discrimination/Harassment on the basis of Disability:

1.1.1.1. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and its implementing regulations (34 C.F.R Part 104).

- 1.1.1.2. Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131 - 12134) and its implementing regulations (28 C.F.R. Part 35).
- 1.1.2. Discrimination/Harassment 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).
- 1.1.3. Discrimination/Harassment 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).
- 1.1.4. Discrimination/Harassment 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).
- 1.1.5. Employment Discrimination/Harassment: Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000(e)).

DEFINITIONS

1. "Complainant" refers to the individual(s) making the allegation.
2. "Designated School Official" refers to the person responsible at the school level for resolving complaints involving this policy and relevant laws or regulations. This is the Assistant Director.
3. "Discrimination" refers to conduct which adversely affects another's environment or results in disparate treatment or impact, which is substantially based upon immutable characteristics such as sex, race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability.
4. "Harassment" refers to unwelcome conduct targeted at an individual or group of individuals, that is derisive, demeaning, or disparaging in nature and is based in whole or in part on the individual's age, race, color, sex, pregnancy, religion, national origin, marital status, disability, sexual orientation, or gender identity, or because an individual conforms or fails to conform with a real or perceived stereotype.
5. "Interim Supportive Measures" refers to services, adjustments, or other assistance temporarily put in place to protect any party during the investigation process, including appeals.
6. "Investigation Team" refers to a team consisting of the Designated School Official and appropriate Administrator.
7. "Respondent" refers to individual(s) against whom the allegation is made.

8. "Retaliation" refers to any form of intimidation, reprisal, or harassment of individuals associated, in any way, with the filing of a complaint or its subsequent investigation.
9. "Witness" refers to the individual(s) with direct knowledge of or information about the allegations.

PROCEDURES

1. EXTERNAL REPORTING

1.1 Complaints by parents, guardians, and patrons who believe they have been subject to discrimination or harassment may report a complaint. School officials will work collaboratively with the complainant to understand what occurred and respond appropriately.

1.2 At any time, a more formal complaint may be submitted to the Administration using this [form](#) ([Spanish](#)).

1.3 Nothing in this policy shall prohibit a person from filing an education discrimination or harassment claim with the Office for Civil Rights, Region VIII, US Department of Education, Federal Building, Suite 310, 1244 Speer Boulevard, Denver, CO 80204.

2. INTERNAL REPORTING FOR STUDENTS OR EMPLOYEES

2.1 Reporting a Complaint

2.1.1 Any employee or student who believes that he or she has been discriminated against or harassed may personally, or through a representative, report a complaint. An initial complaint can be made orally or in writing.

2.1.2 The following reporting options are available:

2.1.2.1 The Designated School Official (Assistant Director) is the person responsible for receiving complaints of discrimination or harassment at the school level. The school official will notify and work with the Director.

2.1.2.2 If the complaint involves the Designated School Official, or the complainant is otherwise unwilling to notify the Designated School Official, the complaint may be reported directly to the Director.

2.1.2.3 If the complaint involves the Director, the complaint shall be reported to the Board Chair.

2.2 Formal Complaint Information

2.2.1 Complaints reported to a Designated School Official shall be in writing. A complainant may request assistance in the preparation or reporting of a complaint in providing the following information:

2.2.1.1 A description of the events in question and the dates of the occurrence.

2.2.1.2 The name(s) of the individual(s) involved, including person(s) responsible and witnesses.

2.2.1.3 Relevant background information.

2.2.2 The complaint may also include a statement of requested relief or corrective action. The [form \(Spanish\)](#) attached to this policy may be used for this purpose.

2.3 Time Limits

2.3.1 A complaint must be reported within 90 calendar days of the occurrence of the alleged discriminatory or harassing action. The Designated School Official, upon a finding that the circumstances of a complaint warrant an extension, may extend this time limit or other time limitations of this policy.

3. INVESTIGATION AND REMEDIATION PROCESS

3.1 Upon receiving a formal complaint, an investigation team will review the complaint, implement any appropriate interim supportive measures (such as counseling, schedule modifications, increased supervision, etc.), warn all parties

against retaliation, and initiate an investigation into the alleged violation of school policy.

3.1.1 The investigation team will practice objectivity and proceed with the presumption of innocence. Any finding of responsibility can only come at the end of the investigation process.

3.2 Notification of Respondent

3.2.1 A member of the investigation team shall promptly notify the respondent in writing of the complaint. The notice shall include a copy of this policy and advise the respondent of the opportunity to submit an answer to the complaint.

3.3 The respondent may provide a written answer within ten (10) working days and may include:

3.3.1 affirmation or denial of each allegation in the complaint

3.3.2 an indication as to the extent to which the complaint has merit

3.3.3 an acceptance or rejection of relief or action requested in the complaint if any, and

3.3.4 other relevant information

4.0 INVESTIGATION FINDINGS, CONCLUSIONS, AND RESPONSE

4.1 An investigation shall be completed as quickly as practicable, but within thirty (30) working days of receipt of the complaint, unless extenuating circumstances require a longer period. All parties shall be notified of the extension of time.

4.2 After gathering relevant information, the investigation team shall weigh and analyze the information using the "preponderance of evidence" standard to draw conclusions about whether, and to what extent, the alleged conduct occurred.

4.3 Within ten (10) working days of the conclusion of the investigation, the Investigation Team shall provide all parties with a written disposition of the complaint.

4.3.1 The disposition will explain the position of the School and offer options for substantive resolutions of the complaint.

5. GENERAL PROVISIONS

5.1 Complaint and Respondent Right to Records

5.1.1 A complainant or respondent may request access to information and records in the possession of the School which bears upon the validity of the complaint. Records must be requested with reasonable specificity.

5.1.2 If obtaining the information requires unreasonable interference with other school duties and responsibilities or unreasonable school expenditure, the School may require that the requesting party pay the school reasonable fees for actual costs incurred in procuring and duplicating the records.

5.1.3 The School is not required to create a record in response to the request.

5.1.4 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.

5.2 Right to Assistance

5.2.1 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, reporting, or investigation of the complaint.

5.3 Confidentiality

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

5.4. Prohibition of Retaliation

5.4.1 Good faith submission of complaints will not adversely affect the complainant's future employment, grades, or work assignments. The school will discipline any individual who retaliates against any person who reports 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.

5.5 False Claim

5.5.1 Malicious or frivolous complaints may subject a complainant to discipline or legal action.

5.6 Records

5.6.1 Records shall be kept by the Designated School Official for a period of no less than three years. Records shall include the names and positions of complainants and respondents, dates of report and resolution, specific allegations, findings and conclusions, a statement of the final resolution, and details of corrective action. Such records shall be protected under [Utah Code 63G-2-304](#). Recordings shall be a part of the School record.

5.7 Notice

5.7.1 A summary of this policy and a reference to the full policy shall be delivered to each patron of the School annually and shall appear on the School website, school websites, and in other conspicuous locations.

6. APPEAL PROCESS

6.1 Complainants or respondents that are unsatisfied with the determination of the investigation findings, may make a written appeal of the decision to the Director within ten (10) workdays of receiving the decision. The request should include a rationale for the appeal.

6.2 Within ten (10) work days of receiving the appeal, the Director and Director's designee, shall review the case and render a decision that serves as the final administrative action.

7. REQUESTING ACCOMMODATIONS FOR SCHOOL FUNCTIONS OR EVENTS

7.1 Requests by individuals with a disability or other individuals entitled to receive an accommodation for access to school facilities, school programming, and school-sponsored functions or events shall be made in writing to the school Director.

7.2 Many accommodations and auxiliary aids can be offered without prior planning when requested. The Director of Operations will make every effort to accommodate needs as they arise. However, because some requests for accommodations may require additional planning (and may include competing needs), students, parents, guardians, and patrons are encouraged to make written requests for accommodations, particularly auxiliary aids, in advance of the date of the scheduled function or event. Such requests shall include:

7.2.1 The individual's name and a description of the school or work functions for which the auxiliary aid is being requested.

7.2.2 An affirmation that the accommodation is required because of disability;
and

7.2.3 A detailed description of the accommodation being requested.

7.3 School Director and Administrative officials shall work collaboratively with students, parents, guardians, and patrons to determine what reasonable accommodations are available at no cost to the requester to achieve equal access to school events and functions. Primary consideration will be given to the accommodation choices of the individual making the request unless other equally effective means of accommodating an individual's need is available or if accommodation choices would

fundamentally alter the school service, program, or activity or cause an undue financial or administrative burden.

7.4 Examples of accommodation(s) requests include, but are not limited to:

7.4.1 Auxiliary aids for communication, where available, such as; interpreters, readers and note-takers, audio enhancement devices, computer-aided communication devices, closed captioning, written materials, additional lighting, preferential seating, and audio recordings.

7.4.2 Physical accommodations such as manual assistance from staff, access to elevators and lifts, and reasonable access to handicapped parking, walkways, and ramps.

7.4.3 Use of service animals (see School Service Animal Policy).

7.4.4 Modifications to existing practices or procedures.

8.0 TRAINING

8.1 All new employees shall receive information about the procedures and the corresponding policy at contract signing.

8.2 Site administrators shall be responsible for making available a summary of complaint procedures in their facility and for training all staff annually on this Nondiscrimination/Harassment Policy.

8.3 Administrators who have specific responsibilities for investigating and resolving complaints of discrimination and harassment shall receive training on a regular basis on this policy.

Revised: 11/15/20

Board Approved: 12/16/20