

PROCEDURES FOR COMPLAINTS OF DISCRIMINATION

(Search: JB-R/JFHA-R)

The Alexandria City School Board does not discriminate against individuals on the basis of race, color, national origin, sexual orientation, gender, ethnicity, religion, disability or marital or parental status. It is the intent of the school division to be in compliance with all federal, state and local laws regarding equal opportunity and nondiscrimination, and to resolve all complaints of discrimination or harassment in a prompt and equitable manner. These procedures may be utilized to report any complaints of discrimination or harassment based on any of the listed factors, and specifically includes any alleged violations of the Americans with Disabilities Act of 1990; Title VII of the Civil Rights act of 1964; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973.

Where a student believes that he or she has been subjected to discrimination or harassment on the basis of any of the above factors, the student or the student's parent should report the alleged discrimination or harassment to the school principal or one of the Compliance Officers designated in this regulation. Any other ACPS employee who receives a report of alleged discrimination or harassment, or who has knowledge of conduct which they reasonably believe constitutes prohibited discrimination or harassment in violation of ACPS policy shall also immediately report such conduct to the school principal or one of the designated Compliance Officers.

When a report of any incident that could reasonably be seen to target a person or community based on gender, sexual orientation, or gender identity and expression is received by any member of the school staff, that information will be forwarded to a member of the site administrative team who will begin the process of conducting an investigation into the alleged act. At the conclusion of the investigation at the school site, the administrator will forward the Incident Report Form (see attached) to the Compliance Officer in the Office of Equity and Cultural Competence.

COMPLAINT PROCEDURES

1. Informal Resolution

In addition to the formal complaint procedures provided below, students (and their parents) are encouraged to address any concerns regarding alleged discriminatory or harassing conduct with the School Principal immediately so that any necessary action can be taken to stop the alleged conduct and prevent recurrence at the school building level. If the student or parents are not satisfied with the actions taken by the Principal or if they prefer to proceed directly to a formal complaint, a written complaint can be filed in accordance with the below procedures and should be submitted as soon as possible following the alleged incident.

Once a formal written complaint is filed, if the complainant and the person(s) allegedly responsible for the discrimination agree, the Compliance Officer may arrange for them to

resolve the complaint informally with the assistance of the School Principal, a counselor, or other school or School Division staff. If the complainant and the person(s) allegedly responsible for the discrimination agree to attempt to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the above formal procedures.

If the complaint is resolved informally, the School Principal (or other ACPS staff assigned to assist with the resolution process) shall notify the complainant, the persons allegedly responsible for the discrimination, and the Compliance Officer in writing that the complaint has been resolved informally.

Staff members are expected to cooperate fully in the investigation. In determining whether alleged conduct constitutes discrimination, harassment or retaliation, the School Division will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident constitutes sexual harassment in violation of Division policies requires a determination based on all of the facts and surrounding circumstances. If, after investigation, school officials determine that it is more likely than not that discrimination, harassment or other prohibited behavior has occurred, the Division will take corrective action.

2. Filing a Formal Complaint of Discrimination

Any student who believes he or she has been the victim of discrimination or harassment on the basis of any of the above factors should submit a complaint alleging discrimination as soon as possible after he/she becomes aware of the alleged discriminatory or harassing conduct. While ACPS encourages students to file formal complaints within 15 school days of the alleged discrimination, it recognizes that the federal Office of Civil Rights within the U.S. Department of Education requires that complaints be filed with them within 180 days of the alleged incident.

The complainant should use the Incident Report Form (attached to this Regulation) to make a complaint of discrimination. However, oral complaints and complaints in other written form shall also be accepted provided the same information is included. School division staff receiving a complaint of discrimination shall forward it to the School Principal who shall immediately forward the complaint of discrimination to the Compliance Officer. If the complaint involves the School Principal it should be forwarded directly to the Compliance Officer by school staff. Any complaint that involves the Compliance Officer shall be reported to the Alternate Compliance Officer or to the Superintendent. When submitting a complaint, or within five school days thereafter, the complainant should provide any available documents or other information that support the allegations, including the names and available contact information of any known witnesses.

The complaint and the identity of the complainant, the individual who reported the alleged discrimination (if other than the complainant), and the persons allegedly responsible for the discrimination will only be disclosed to the extent necessary to investigate the complaint fully,

or as required by law or policy, or as authorized by the complainant. ACPS cannot guarantee the anonymity of the complainant if it will interfere with its ability to investigate the complaint fully.

3. Investigation

Upon receipt of a report or complaint of discrimination by the Compliance Officer, he/she shall authorize or undertake an investigation. The investigation may be conducted by the Compliance Officer, other school staff or a third party designated by the School Division. Upon receiving the complaint, the Compliance Officer shall send written notice that the complaint has been received to the complainant and the Superintendent. This notice will include a copy of these regulations explaining the investigation process and, for complaints alleging disability discrimination, a copy of regulation JBA-R regarding 504 Hearing procedures. If the person allegedly responsible for the discrimination is an ACPS employee, the Compliance Officer shall also provide this individual with notice of the allegations and an opportunity to respond.

The site administrative team will investigate sexual harassment incidents as soon as reasonably possible. The School Division expects to initiate each investigation within two weeks of the initial incident report, and will complete the investigation within 60 days of the report. If the individual charged with investigating the complaint anticipates that the investigation will not be completed within 60 days, the investigator will provide to the parents of the alleged victim a written explanation stating the reasons for the delay and the date by which the investigation will be completed. Both the complainant and the alleged perpetrator will have the opportunity to present witnesses and other evidence.

The School Division will notify the alleged victim of his or her options to avoid contact with the alleged perpetrator and provide the option to change academic situations when possible. For example, the School Division may prohibit the alleged perpetrator from having any contact with the alleged victim pending the results of the school's investigation or may remove alleged perpetrators from classes shared with the alleged victim during the course of the investigation. The Division will take prompt and effective responsive action reasonably designed to end a hostile environment if one has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on affected student(s).

The investigation may consist of personal interviews with the complainant, the person(s) allegedly responsible for the discrimination, and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigator will meet with the person(s) allegedly responsible for the discrimination to explain the allegations against him/her and provide the individual with an opportunity to respond and present documents, witnesses, or other information that is relevant to resolution of the complaint. Each person interviewed may submit documentation to the investigator that he/she believes is relevant to the investigation of the complaint, as well as identifying any other witnesses who they believe may have relevant information. The investigation may also include the inspection of any documents or information deemed relevant by the investigator. All ACPS employees, vendors, volunteers, and students shall cooperate with any investigation

of alleged discrimination conducted pursuant to this regulation or conducted by an appropriate state or federal agency.

In determining whether alleged conduct constitutes discrimination, harassment or retaliation, ACPS will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident constitutes sexual harassment in violation of ACPS policies requires a determination based on all of the facts and surrounding circumstances. If, after investigation, school officials determine that it is more likely than not (the preponderance of the evidence standard) that discrimination, harassment or other prohibited behavior has occurred, the appropriate school administrator, and/or the Compliance Officer, will take corrective action.

4. Decision by Compliance Officer

The Compliance Officer shall issue a written decision to the complainant and the Superintendent upon completion of the investigation. The person allegedly responsible for the discrimination will also be notified of the decision. If the complaint involves the Superintendent, then the report shall be sent to the School Board. The decision shall include a determination of whether the allegations are substantiated, whether Policy JB or Policy JFHA was violated, and recommendations for corrective action, if any. The Compliance Officer will maintain a complete copy of the investigative file along with a copy of the decision. If the Compliance Officer determines that Policy JB or Policy JFHA was violated, the Superintendent will take prompt, appropriate action to address and remedy the harm and prevent any recurrence. Such action may include discipline up to and including recommending that a student be expelled or that an employee be discharged.

Where, after investigation, a report of sexual harassment is founded, remedies will attempt to minimize the burden on the victim. Such remedies may include, but are not limited to: providing additional resources such as counseling, providing access to community services, assisting the victim in filing criminal charges when applicable, moving the perpetrator to a different class or school, providing an escort between classes, or allowing the victim to retake or withdraw from a class.

5. Appeal to Superintendent

If the Compliance Officer determines that no discrimination occurred, the complainant or the person who was allegedly subjected to discrimination or harassment may appeal this determination to the Superintendent within five calendar days of receiving the decision. Written notice of appeal must be filed with the Superintendent, and must include any written information or documentation that the appellant wishes for the Superintendent to consider in deciding the appeal. If the Superintendent receives an appeal, the Compliance Officer shall forward to the Superintendent any documentation or information used in making the decision that no discrimination occurred. Together the information received from the Compliance Officer and from the appellant make up the complaint file.

Within 21 business days of receiving the complete complaint file (or within 21 business days of receiving all additional information if any such information is requested in accordance with the process below), the Superintendent shall issue a written decision regarding: (1) whether this policy was violated and, if so (2) what action, if any, will be taken. The decision will be provided to the appellant and the Compliance Officer. The Superintendent may decide the appeal based solely on the complaint file. If the Superintendent determines that more information is needed to reach a decision, the appellant and the Compliance Officer will be notified of the need for additional information. The Superintendent may request that the appellant and/or Compliance Officer submit additional documentation or written statements within a set period of time. The Superintendent may also request an in-person meeting with the appellant (or other individual, including but not limited to the person allegedly responsible for the discrimination or other witnesses or individuals with knowledge of the allegations) to collect additional information. If the Superintendent determines that more than 21 business days will be required to decide the appeal, the appellant will be notified of the reason for the extension and the expected date by which a decision will be made.

6. Compliance Officer and Alternate Compliance Officer

The Director of the Office of Equity and Cultural Competence is the designated Compliance Officer responsible for identifying, preventing and remedying discrimination. Reports of discrimination can be sent to this individual at 2000 N. Beauregard Street, Alexandria, Virginia 22311. This individual can also be reached by phone at 703 824 6616. Complaints of discrimination may also be made to the Deputy Superintendent for Student Support and Institutional Advancement, as the Alternate Compliance Officer. If an individual elects to file a report of discrimination with the Alternate Compliance Officer, the complaint may be sent to the same address or the alternate compliance officer may be reached by phone at 703 845 5615. The Compliance Officer's (and Alternate Compliance Officer's) duties include the following:

- a. receive reports and complaints of discrimination;
- b. conduct or oversee the investigation of any alleged discrimination;
- c. assess the training needs of the School Division in connection with this policy;
- d. arrange necessary training to achieve compliance with this policy;

7. Alternative Procedure for Complaints against the Superintendent

If the Superintendent is the individual who is allegedly responsible for the discrimination, then the appeal shall be made to the School Board. Such appeal shall be in writing and delivered to the Clerk of the School Board within five calendar days of receipt of the Compliance Officer's decision. The School Board shall issue a written decision within 30 calendar days of the date the School Board receives the complete complaint file. The School Board may also determine that additional information and/or an extension of the time for decision are required. If such determination is made, the appellant will be notified in writing. Absent unforeseen or extenuating circumstances, the written decision of the School Board should be sent by certified mail or personally delivered to the appellant within five calendar days of issuance by the School Board.

8. Final Decision

The decision of the Superintendent, or the School Board if the complaint is against the Superintendent, is final. If the Superintendent (or School Board) determines that discrimination occurred, the School Division shall take prompt, appropriate action to address and remedy the harm and prevent any recurrence. Such action may include discipline up to and including recommending that a student be expelled or that an employee be discharged.

If the Superintendent determines that discrimination occurred and discipline is imposed, the disciplined person (i.e., student or employee) may appeal the disciplinary sanction in accordance with existing School Board policies and regulations.

If the Complainant believes that the corrective action is not implemented or if the discrimination recurs, he/she shall report any concerns to the Compliance Officer, Alternate Compliance Officer or School Principal.

9. Database Collection

Upon the completion of the investigation the results of said investigation will be entered into a Division database for related incidents. Included in this database will be the following:

- 1) Name of the individual who reported the incident (unless reported anonymously);
- 2) Identification of the alleged of the alleged victim;
- 3) Identification of the alleged perpetrator;
- 4) The name and title of the Division investigator(s);
- 5) The nature of the Complaint allegations; and
- 6) The disposition of the Complaint.

RETALIATION

Retaliation against students or school personnel who report discrimination or participate in the related proceedings is prohibited. Any individual who believes he/she has been retaliated against in violation of Policy JB shall report such information to the Compliance Officer, Alternate Compliance Officer or School Principal. The School Division shall take appropriate action against any student or employee who retaliates against another student or employee who reports alleged discrimination or participates in related proceedings.

FALSE CHARGES

Students or ACPS personnel who make false charges of discrimination shall be subject to disciplinary action.

INCIDENT REPORT FORM

Administrative Investigator: _____

Personal Information (Complainant)

*NAME	*GRADE	*CONTACT INFORMATION

Personal Information (Additional Witnesses (if any))

*NAME	*GRADE	*CONTACT INFORMATION

Personal Information (Alleged Victim)

*NAME	*GRADE	*CONTACT INFORMATION

Personal Information (Alleged Perpetrator)

*NAME	*GRADE	*CONTACT INFORMATION

Anonymous Submission: * (provide as much information as possible)

Incident Information

*DATE OF REPORTED INCIDENT	*TIME OF REPORTED INCIDENT	*LOCATION	* PERSONS THAT MAY HAVE INFORMATION REGARDING THE INCIDENT	*REPORTING PERSON (SITE ADMINISTRATOR)

Describe the reported incident:

Results of the investigation (attach report, correspondence, picture, or other document where applicable):

ADMINISTRATIVE ACTION:

Where, after investigation, a report of sexual harassment is founded, remedies will attempt to minimize the burden on the victim. Such remedies may include, but are not limited to: providing additional resources such as counseling, providing access to community services, assisting the victim in filing criminal charges when applicable, moving the perpetrator to a different class or school, providing an escort between classes, or allowing the victim to retake or withdraw from a class.

(Where applicable) actions taken by administrator (check all that apply)

- Conference with victim:
Date _____
Resolution _____
- Mediation with victim and perpetrator:
Date _____
Resolution _____
- Interim Measures taken:
- Corrective Action taken::
- Strategies used:
- Other

Once this document is complete, it is to be forwarded to Victor Martin- Compliance Officer, Office of Equity and Cultural Competence.