

**PROCEDURES FOR INVESTIGATING COMPLAINTS OF DISCRIMINATION,
~~AND HARASSMENT~~, BULLYING, AND HOSTILE WORK ENVIRONMENT**

I. Student Complaint Reporting Procedures

As outlined in Regulation JB-R, any student who believes he/she has been subjected to discrimination, harassment as defined in Policy GBA/JFHA, or bullying should report the alleged conduct to:

Compliance Officer: Director of Alternative Programs and Equity
Alternate Compliance Officer: Executive Director of Student Services

Any student filing such a report should follow the procedures outlined in Policy JB.

II. Employee Complaint Reporting Procedures

A. ~~I.~~ File Report

Any person who believes he/she has not received equal employment opportunities or has been subjected to ~~sexual~~ harassment as defined in Policy GBA/JFHA, bullying, a hostile work environment or unethical conduct should report the alleged discrimination to one of the following staff members designated by the Superintendent: ~~one of the compliance officers designated in Policy GB.~~

Compliance Officer: Chief Human Resource Officer
Alternate Compliance Officer: Director of Employee Relations

Any employee who has knowledge of conduct which may constitute prohibited discrimination or ~~sexual~~ harassment shall report such conduct to one of the compliance officers designated in Policy GB listed above. If the complaint is against the ~~compliance Compliance officer-Officer~~ the complaint can be made to the ~~alternate-Alternate compliance-Compliance officer-Officer~~ as designated in Policy GB.

The reporting party should use form GB-F, posted on the Human Resources website, to make complaints of discrimination, harassment bullying, a hostile work environment or unethical conduct. However, oral reports and other written reports will also be accepted. The complaint must be filed with one of the compliance officers designated in Policy GB above. Any complaint that involves the ~~compliance-Compliance officer-Officer~~ shall be reported to the Superintendent.

The complaint and identity of the complainant and the person or persons allegedly responsible for the discrimination, harassment, bullying, hostile work environment or unethical conduct will be disclosed only to the extent necessary to fully investigate the complaint

and only when such disclosure is required or permitted by law. ACPS cannot guarantee the anonymity of the complainant if it will interfere with its ability to fully investigate the complaint.

For cases regarding a hostile work environment or unethical conduct, anonymous reports may be made to the Compliance Officer through the Department of Human Resources. In such cases, the Compliance Officer shall review the complaint and determine if an investigation is warranted and, if so, issue a written report to the Superintendent upon completion of the investigation.

A.B. Investigation

Upon receipt of a written, attributed (not anonymous) report of alleged discrimination, ~~or~~ harassment, bullying, a hostile work environment or unethical conduct the ~~compliance~~ Compliance officer—Officer shall authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the ~~compliance—Compliance officer~~Officer. The investigation shall be completed as soon as practicable, which generally should be not later than 14 business days after receipt of the report by the ~~compliance—Compliance officer~~Officer. Upon receiving the complaint, the ~~compliance—Compliance officer—Officer will acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the complainant and the Superintendent. If the ~~compliance—Compliance officer—Officer~~ determines that more than 14 business days will be required to investigate the complaint, the complainant and the Superintendent will be notified of the reason for the extended investigation and the date by which the investigation will be concluded.~~

The investigation may consist of personal interviews with the complainant, the person(s) alleged to have violated the policy and any others who may have knowledge of the alleged discrimination, harassment, bullying, hostile work environment or unethical conduct, or the circumstances giving rise to the complaint. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator.

Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed after a complete investigation.

A.C. Decision of Compliance Officer

The ~~compliance—Compliance officer—Officer~~ shall issue a written decision to the complainant and ~~superintendent—Superintendent~~ upon completion of the investigation. If the complaint alleges the ~~superintendent—Superintendent~~ has violated this policy, then the decision shall be sent to the ~~school—School board~~Board. The decision shall include a determination of whether the allegations are substantiated, whether Policy GB or, GBA/JFHA ~~or JFHA~~ was violated and recommendations for corrective action, if any.

All employees shall cooperate with any investigation of alleged discrimination conducted under this policy or by an appropriate state or federal agency. For complaints regarding bullying, a hostile work environment or unethical conduct, the Compliance Officer's decision is final.

D. IV.—Appeal to Superintendent

If the ~~compliance~~ Compliance officer ~~Officer~~ determines that no prohibited discrimination or harassment occurred, the person who was allegedly subjected to discrimination or sexual harassment may appeal this finding to the Superintendent. Written notice of appeal must be filed with the Superintendent within 5 calendar days of receiving the ~~compliance~~ Compliance officer's ~~Officer's~~ decision. If the Superintendent receives an appeal, the ~~compliance~~ Compliance officer ~~Officer~~ will forward to the Superintendent a copy of the investigation report and any other related documents or information used in making the decision that no discrimination occurred. Together the information received from the ~~compliance~~ Compliance officer ~~Officer~~ and the information received from the appellant make up the complaint file.

Within 14 business days of receiving the complete complaint file, the Superintendent shall issue a written decision regarding (1) whether ACPS policy was violated and (2) what action if any should be taken. 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 complainant and the ~~compliance~~ Compliance officer ~~Officer~~ will be notified of the need for additional information. The Superintendent may request the complainant and/or the ~~compliance~~ Compliance officer ~~Officer~~ to submit additional documentation or written statements within a set period of time. The Superintendent may also request that the complainant meet in person to provide additional information. If the Superintendent determines that more than 14 business days will be required to decide the appeal, the complainant will be notified of the reason for the extension and the date by which a decision will be made.

A.E. Alternative Procedure for Complaints Against Superintendent

If the complaint alleges that the Superintendent has violated this policy, the School Board's ~~standing Human Resources and Administrative Services Committee shall appoint a committee of Board Members to investigate the matter.~~ The committee shall make the decision and determine what action should be taken. The committee shall issue a written decision within 30 calendar days of the time the School Board receives the complaint file or the time a committee is appointed, if there is no standing committee. The committee may also determine that additional information and/or an extension of the time for decision are required. If such determination is made the committee will notify the complaint of this in writing. The written decision must be sent by certified mail or personally delivered to the complainant within five calendar days of the issuance of the decision by the committee.

F. VI. Final Decision

The decision of the Superintendent, or the Board committee if the complaint is against the Superintendent, is final. If the Superintendent or Board committee concludes that prohibited discrimination occurred, ~~the Alexandria City School Division~~ ACPS shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including dismissal.

Established:

Revised:

Legal Refs.: Americans with Disabilities Act of 1990
Title VII of the Civil Rights Act of 1964
Title IX of the Education Amendments of 1972
Section 504 of the Rehabilitation Act of 1973
Office of Civil Rights; Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties
20 U.S.C. §§ 1681-1688
29 U.S.C. § 794
42 U.S.C. §§ 2000d-2000d-7
42 U.S.C. §§2000d-2000d-17
34 CFR Part 106

Cross Refs.: AC Non Discrimination
AD Education Philosophy
GB Equal Employment Opportunity/Non-Discrimination
GCPD Professional Staff Members, Contract Status and Discipline
GDPD Support Staff Members; Contract Status and Discipline
JB Equal Education Opportunities/Non-Discrimination
JFC Student Conduct
JFC-R Standards of Student Conduct
JFHA-R Procedures for Complaints of Discrimination
JHG Child Abuse and Neglect Reporting
KKA Service Animals in Public Schools

REPORT OF DISCRIMINATION/HARASSMENT

Name of Complainant:

For Students, School Attending:

For Employees, Position and Location:

Address, Phone Number

Email Address:

Date(s) of Alleged Incident(s) of Discrimination/Harassment:

Name of person(s) you believe discriminated against/harassed you or others:

If the alleged discrimination/harassment was toward another, please identify that person:

Please describe in detail the incident(s) of alleged harassment, including where and when the incident(s) occurred. Please note any witnesses that may have observed the incident(s). Please include a description of any past incidents that may be related to this complaint. Attach additional pages if necessary.

Multiple horizontal lines provided for writing the details of the incident.

I certify that the information provided in this report is true, correct and complete to the best of my knowledge:

Signature of Complainant _____ Date _____

Complaint Received By: _____
(Principal or Compliance Officer) Date _____