

## **EQUAL EDUCATIONAL OPPORTUNITIES/ NON-DISCRIMINATION**

### **I. Policy Statement**

Equal educational opportunities shall be available for all students, without regard to race, national origin, gender, ethnicity, religion, disability or marital or parental status. Educational programs shall be designated to meet the varying needs of all students.

No student, on the basis of gender, shall be denied equal access to programs, activities, services or benefits or be limited in the exercise of any right, privilege, advantage or denied equal access to educational and extracurricular programs and activities.

The School Board shall:

- provide facilities, programs and activities that are accessible, usable and available to qualified disabled persons;
- provide a free, appropriate education, including non-academic and extracurricular services to qualified disabled persons;
- not exclude qualified disabled persons, solely on the basis of their disabilities, from any preschool, daycare, adult education or career and technical education programs; and
- not discriminate against qualified disabled persons in the provision of health, welfare or social services.

### **II. Complaint Procedure**

#### **A. File Report**

Any student who believes he or she has been the victim of prohibited discrimination should report the alleged discrimination as soon as possible to one of the compliance officers designated in this policy or to any other school personnel. The alleged discrimination should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited discrimination should report such conduct to one of the compliance officers designated in this policy or to any school personnel. Any employee who has knowledge of conduct which may constitute prohibited discrimination shall immediately report such conduct to one of the compliance officers designated in this policy.

The reporting party should use the form, Report of Discrimination, JB-F, to make complaints of discrimination. However, oral reports shall also be accepted. The complaint should be filed with either the building principal or one of the compliance officers designated in this policy. The principal shall immediately forward any report of alleged prohibited discrimination to the compliance officer. Any complaint that involves the compliance officer shall be reported to the superintendent.

The complaint, and identity of the complainant and of the person or persons allegedly responsible for the discrimination will not be disclosed except as required by law or policy, as necessary to fully investigate the complaint or as authorized by the complainant. A complainant who wishes to remain anonymous will be advised that such confidentiality may limit the school division's ability to fully respond to the complaint.

#### B. Investigation

Upon receipt of a report of alleged prohibited discrimination, the compliance officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which should generally be not later than 14 calendar days after receipt of the report by the compliance officer. Upon receiving the complaint, the compliance officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of discrimination and the person or persons allegedly responsible for the discrimination. Also upon receiving the complaint, the compliance officer shall determine whether interim measures should be taken pending the outcome of the investigation. If the compliance officer determines that more than 14 days will be required to investigate the complaint, the complainant and the person or persons allegedly responsible for the discrimination will be notified of the reason for the extended investigation and of the date by which the investigation will be concluded .

The investigation may consist of personal interviews with the complainant, the person or persons 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 investigation may also include the inspection of any documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the complainant and others pending the completion of the investigation.

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 by a complete and thorough investigation.

The compliance officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy 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.

C. Action by Superintendent

Within 5 calendar days of receiving the compliance officer's report, the superintendent or designee shall issue a decision regarding (1) whether this policy was violated and (2) what action, if any, should be taken. This decision must be provided in writing to the complainant. If the superintendent determines that prohibited discrimination occurred, the Nelson County School Division 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 expulsion or discharge.

D. Appeal

If the superintendent or designee determines that no prohibited discrimination occurred, the student who was allegedly subjected to discrimination may appeal this finding to the School Board within 5 calendar days of receiving the decision. Notice of appeal must be filed with the superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party and the superintendent and any other individual the School Board deems relevant.

If the Superintendent or designee determines that prohibited discrimination occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed.

E. Compliance Officer and Alternate Compliance Officer

The Nelson County School Board has designated Ms. Shannon T. Irvin, Assistant Superintendent of Finance/Personnel, at the Nelson County School Board Office, 84 Courthouse Square, P.O. Box 276, Lovingson, Virginia 22949, (434) 263-7100, as the Compliance Officer responsible for identifying, preventing and remedying prohibited discrimination. Complaints of discrimination may also be made to the Alternate Compliance Officer Dr. Roger D. Collins, Division Superintendent, at 84 Courthouse Square, P.O. Box 276, Lovingson, Virginia 22949, (434) 263-7100. The Compliance Officer shall:

- receive reports or complaints of discrimination;
- oversee the investigation of any alleged discrimination;
- assess the training needs of the school division in connection with this policy;
- arrange necessary training to achieve compliance with this policy;
- insure that any discrimination investigation is conducted by an impartial investigator who is trained in the requirements of equal education opportunity, and has the authority to protect the alleged victim and others during the investigation.

### III. Retaliation

Retaliation against students or school personnel who report discrimination or participate in the related proceedings is prohibited. 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.

### IV. Right to Alternative Complaint Procedure

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited discrimination including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

### V. Prevention and Notice of Policy

Training to prevent discrimination should be included in employee and student orientations as well as employee in-service training.

This policy shall be (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel, (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. All students and their parent/guardian shall be notified annually of the names and contact information of the compliance officers.

### VI. False Charges

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

Adopted: April 13, 1995

Revised: October 9, 1997; August 30, 2001; April 22, 2004

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Legal Refs: 20 U.S.C. sections 1681-1688.  
29 U.S.C. sections 794.  
42 U.S.C. sections 2000d-2000d-7.  
34 CFR part 106.

Cross Refs: AC Nondiscrimination  
JFHA/GBA Sexual Harassment/Harassment Based on Race, National Origin,  
Disability and Religion