

STUDENT SERVICES

File: JB-R

EQUAL EDUCATIONAL OPPORTUNITIES/NONDISCRIMINATION

1. The School Board promotes equal educational opportunity in all programs and assures that participation requirements do not limit or restrict opportunities because of sex, gender, race, color, national origin, disability, religion, ancestry, age, marital or veteran's status, physical or mental genetic information, sexual orientation, gender identity or expression, or any classification protected by applicable law. Educational programs shall be designed to meet the varying needs of all students.
2. Charlottesville City Schools shall provide facilities, programs and activities that are accessible, usable and available to all students with disabilities. Further, Charlottesville City Schools shall not discriminate against qualified persons with disabilities in the provision of health, welfare and other social services.
3. The following nondiscrimination statement shall be placed on documents designed for students. If any abbreviated form of the statement is used, the location of the complete statement (this regulation) shall be provided.

Charlottesville City Schools does not discriminate on the basis of sex, gender, race, color, national origin, disability, religion, ancestry, age, marital or veteran's status, physical or mental genetic information, sexual orientation, gender identity or expression, or any classification protected by applicable law in its programs or activities.

The Director of Human Resources shall act as the Compliance Officer for discrimination issues regarding employees and the general public under Title IX.

The Director of Student Services shall act as the Compliance Office for discrimination issues regarding students under Title IX and Section 504 of Rehabilitative Act of 1973. Both compliance officers may be contacted at the Administrative Offices of Charlottesville City Schools, 1562 Dairy Road, Charlottesville, VA. 22901. The phone number is 434-245-2400.

4. Compliance Officer and Alternate Compliance Officer
 - A. The Compliance Officer is the Director of Student Services and Achievement, 1562 Dairy Road, Charlottesville, VA 22901. The Alternate Compliance Officer will be the Assistant Superintendent for Administrative Services also located at 1562 Dairy Road, Charlottesville, VA 22901. Both officers may be contacted at 434 245-2400. (Note: The Alternate Compliance Office shall be of the opposite gender of the Compliance Officer.)
 - B. All students will be notified of the name, office address and telephone number of the designee.

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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 employment opportunity, including the authority to protect the alleged victim and others during the investigation.

4. Complaint Procedure

A. File Report

1. Any person who believes he has not received equal educational opportunities should report the alleged discrimination to one of the compliance officers designated in this regulation. Any employee who has knowledge of conduct which may constitute prohibited discrimination shall report such conduct to one of the compliance officers designated in this regulation.
2. The reporting party should use the form, JB-F, to make complaints of discrimination. However, oral reports and other written reports will also be accepted. The complaint must be filed with one of the compliance officers designated in this regulation. Any complaint that involves the compliance officer shall be reported to the Superintendent.
3. The complaint and the identity of the complainant and the person or persons allegedly responsible for the discrimination will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law. A complainant who wishes to remain anonymous will be advised that anonymity may limit the school division's ability to fully respond to the complaint.

B. Investigation

1. Upon receipt of a report of alleged 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.

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2. The investigation shall be completed as soon as practicable, which generally should be not later than 14 calendar days after receipt of the report by the compliance officer.
3. Upon receiving the complaint, the compliance officer will acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the complainant and the Superintendent.
4. If the compliance officer determines that more than 14 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.
5. 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 or the circumstances giving rise to the complaint.
6. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator.
7. The school division shall take necessary steps to protect the complainant and others pending the investigation.
8. Determining if a particular action or incident constitutes a violation of Policy JB or these regulations may require a case by case determination based on all of the facts and circumstances revealed after a complete and thorough investigation.
9. The compliance officer shall issue a written report to the Superintendent upon completion of the investigation.
10. If the complaint alleges the Superintendent has violated this policy, then the report shall be sent to the School Board.
11. The report shall include a determination of whether the allegations are substantiated, whether the policy or regulations were violated and recommendations for corrective action, if any.
12. All employees and students shall cooperate with any investigation of alleged discrimination conducted under the policy, these regulations or by an appropriate state or federal agency.

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C. Action by Superintendent

1. Within 5 calendar days of receiving the compliance officer's report, the Superintendent or designee shall issue a written decision regarding (1) whether this regulation was violated and (2) what action if any should be taken.
2. If the complaint alleges that the Superintendent has violated this regulation, the School Board's standing Equal Educational Opportunity/Nondiscrimination Committee shall make the decision and determine what action should be taken.
3. If the School Board does not have such a standing committee, at its next scheduled meeting it shall appoint a committee consisting of three of its members to handle the matter. The committee shall issue a written decision within 14 calendar days of the time the School Board receives the compliance officer's report or the time a committee is appointed, if there is no standing committee.
4. The written decision shall state (1) whether the policy or regulation was violated and (2) what action, if any, should be taken. The written decision must be mailed to or personally delivered to the complainant within five calendar days of the issuance of the decision.
5. If the Superintendent or committee concludes that prohibited discrimination occurred, the Superintendent or designee 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 of employees or suspension/expulsion of students.

D. Appeal

1. If the Superintendent or committee determines that no prohibited discrimination occurred, the person 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, or with a member of the committee which issued the written decision, who shall forward the record to the School Board.
2. The School Board shall make a decision within 30 calendar days of receiving the record.

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3. The School Board may ask for oral or written argument from the aggrieved party and the Superintendent, or the committee, whichever issued the written decision, and any other individual the School Board deems relevant.

E. Retaliation

1. Retaliation against students who report discrimination or participate in the related proceedings is prohibited.
2. The school division shall take appropriate action against any employee or student who retaliates against any student who reports alleged discrimination or participates in related proceedings.

F. Right to Alternative Complaint Procedure

1. Nothing in this regulation 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.

G. False Charges

1. Students who make false charges of discrimination shall be subject to disciplinary action.

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Revised: January 10, 2011
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Legal References: 20 U.S.C. § 1681-1688
29 U.S.C. § 794.
42 U.S.C. §§ 2000d-2000d-7

Cross References: AC Nondiscrimination
AD Educational Philosophy
GB Equal Employment Opportunity/Nondiscrimination
JB-F Report of Discrimination
JBA Section 504 Nondiscrimination Policy and
Grievance Procedures
JFHA/GBA Prohibition Against Harassment and Retaliation