

**Note:** As part of ACPS' ongoing commitment to website accessibility, blue text reflects the revisions already presented to the School Board at its June 8, 2017 Board Meeting. Orange text reflects new revisions based on Board Member feedback from that meeting.

## **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:

**Human Resources – Compliance Officer**

Alexandria City Public Schools

1340 Braddock Place, 5th Floor

Alexandria, VA 22314

Phone: 703-619-8010

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. In addition, the Compliance Officer will submit a report of all anonymous complaints received to the Superintendent annually.

**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 shall authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the ~~compliance~~ Compliance 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. Upon receiving the complaint, the ~~compliance~~ 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. If the ~~compliance~~ Compliance 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 against employees other than the Superintendent or School Board members, the Compliance Officer's decision is final. For complaints against the Superintendent or Board Members, the decision of the School Board 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 School 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 complainant 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. § 621, 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](#)

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