

Grievance Procedures for Complaints of Discrimination Against Students

A. Formal Procedure

1. Filing a Complaint

Any student who believes he or she has been the victim of discrimination on the basis of race, color, national origin, gender, disability or age should submit a complaint alleging discrimination as soon as possible to the compliance office designated in this policy or to any school or Bedford County Public Schools staff. The complaint should be submitted as soon as possible, and generally within 30 school days of the alleged discrimination. Further, any student who has knowledge of conduct which may constitute discrimination should report such conduct to the Compliance Officer or to any school or Bedford County Public Schools staff. Any employee who has knowledge of conduct which may constitute discrimination shall immediately report such conduct to the Compliance Officer.

The complainant should use the "Complaint of Discrimination" form included with these regulations to make a complaint of discrimination. However, oral complaints shall also be accepted. The complaint should be filed with either the school principal or the Compliance Officer. The school principal shall immediately forward any report or complaint of alleged discrimination to the Compliance Officer. Any complaint that involves the Compliance Officer shall be reported to the Superintendent.

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 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 wished to remain anonymous will be advised that such confidentiality may limit the school division's ability to fully respond to the complaint.

2. Investigation

Upon receipt of a report or complaint of alleged discrimination, the Compliance Officer shall immediately authorize or undertake the investigation. The investigation may be conducted by school staff or a third party designated by the school division. The investigation shall be completed as soon as practicable, which should generally be not more than fourteen (14) calendar days after receipt of the complaint of alleged discrimination by the Compliance Officer. Within three (3) school days of receiving the complaint, the Compliance Officer shall send written notice that the complaint has been received to the complainant 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 fourteen (14) calendar days will be required to investigate the complaint, he or she will notify the complainant and the person or persons allegedly responsible for the discrimination of the reasons 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 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 the 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 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, 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 any appropriate state or federal agency.

3. Action by the Superintendent

Within five (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, if so, (2) what action, if any, will be taken. This decision must be provided in writing to the complainant. If the Superintendent 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 expulsion or discharge.

4. Appeal

If the Superintendent or designee determines that no discrimination occurred, the complainant may appeal this decision to the School Board within five (5) calendar days of receiving the decision. Notice of the appeal must be filed with the Superintendent, who shall forward the record to the School Board. The School Board shall make a decision within thirty (30) calendar days of receiving the record. The School Board may require oral or written argument from the complainant, the Superintendent and any other individual it deems appropriate.

If the Superintendent or designee determines that discrimination has 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.

5. Compliance Officer and Alternate Compliance Officer

The School Board has designated Sara Staton, Director for Special Services (540-586-1045 ext. 231; 310 South Bridge Street, Bedford, VA 24523) as the Compliance Officer responsible for identifying, preventing and remedying discrimination against students. If the Compliance Officer is unable to receive the complaint, complaints of the discrimination may also be made to Dr. Mac Duis, Director for Instruction, as the Alternate Compliance Officer (540-586-1045 ext. 246; 310 South Bridge Street, Bedford, VA 24523) . The Compliance Officer shall:

- a. receive reports and complaints of discrimination;
- b. 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;
- e. 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 complainant and others during the investigation.

B. Informal Procedure

If the complainant and the person allegedly responsible for the discrimination agree, the school principal or designee may arrange for them to resolve the complaint informally with the assistance of a counselor, teacher, or other school division staff.

If the complainant and the persons allegedly responsible for the discrimination agree 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.

C. Retaliation

Retaliation against students, school staff or school division staff 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.

D. Right to Alternative Complaint Procedures

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

E. Notice of Grievance Procedures

These procedures shall be: (1) displayed in a prominent area of each school division building in a location accessible to students, parents and school staff, (2) included in the

student and employee handbooks and (3) published and provided to parents/guardians of enrolled students within thirty (30) of the start of each school year. All students and their parents/guardians shall be notified annually of the names and contact information for the compliance officers.

F. False Charges

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

COMPLAINT OF DISCRIMINATION

Name of Complainant:

Address:

Phone:

Student or Staff's School:

Dates of Alleged Discrimination:

Names of persons you believe discriminated against you or others:

Please describe in detail the incidents of alleged discrimination, including where and when the incidents occurred. Please name any witnesses that may have information regarding the alleged discrimination. Attach additional pages if necessary.

Please describe any past incidents that may be related to the complaint.

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: _____
Compliance Officer

Date