

PERSONNEL

Grievance Procedure for Employee Complaints of Discrimination or Harassment bBased Race, Color, Religion, National Origin, Sex, Sexual Orientation/Gender Identity, Pregnancy, Childbirth or Related Medical Conditions, Age, Marital Status, Disability, Genetic Information or Veteran Status on Membership in a Protected Class

A. Application to employees Purpose

This Regulation provides for the appropriate resolution of employee complaints involving School Board employees who are not subject to Regulation 4-3 Procedures for Adjusting Grievances may seek resolutions of grievances resulting from alleged discrimination or harassment on the basis of race, color, religion, national origin, sex, sexual orientation/gender identity, pregnancy, childbirth or related medical conditions, age, marital status, disability, genetic information or veteran status in accordance with this Regulation. Employees who are subject to Regulation 4-3 shall proceed with the grievance procedures outlined therein for Part Hstate and federal laws.

B. Procedures

1. Employees may seek remedy to harassmentThe complainant shall by filing file a writtenDiscrimination Complaint Form complaint with the Chief Human Resources Officer or designeeTitle IX/Section 504/ ADA Coordinator (hereinafter "Coordinator") no later than fifteen (15) business days from the date of the alleged discrimination. The Complaint must be completed in its entirety. The CoordinatorChief Human Resources Officer or designee will assign a specialist to investigate the complaint. The specialist will investigate by interviewing the complainant and relevant parties as well as reviewing any relevant documentation and submit an investigation report with findings to the Chief Human Resources Officer or designee.any persons suggested by the complainant. The Coordinator will review relevant evidence, attempt to adjust the grievance and will provide a written investigation report to the complainant within fifteen (15) business days of the filing of the written complaint. If good cause exists, the time period for investigating and providing the written investigation report may be extended upon notice to the complainant and other parties. The time period to respond will not be longer than thirty (30) business days after notice of the continuance. The written investigation report will consider:
 - a. the facts and evidence as presented by the complainant;
 - b. the facts and evidence presented by other parties;
 - c. applicable policy, regulation, law or procedure;

- d. efforts by the complainant or other parties to remediate or resolve the issues;
- e. whether the alleged discrimination was on-going, or a one time event;
- f. the effect of the discrimination on the complainant's ability to work or the effect on the work environment for other employees; and
- g. other relevant information.

2. ~~If the complainant is not satisfied with the resolution, the complainant may file an appeal with the Superintendent within fifteen (15) business days of receipt of the written investigation report of the Coordinator. The Superintendent or designee (who has not previously been involved with the complaint issues) will review the investigation report and supporting evidence and may meet with the complainant or other parties as deemed necessary. The Superintendent or designee will render a written decision within thirty (30) business days of receipt of the appeal. A letter regarding the findings will be sent to the complainant within fifteen (15) thirty (30) business days of filing of the written complaint. If good cause exists, the time period for investigating and providing the written investigation report response may be extended up to sixty (60) days, upon notice to the complainant and other parties. The time period to respond will not be longer than thirty (30) business days after notice of continuance.~~ If the complainant is not satisfied with the resolution, the complainant may file an appeal with the Superintendent within fifteen (15) business days of receipt of the letter written investigation report of the Coordinator. The Superintendent or designee (who has not previously been involved with the complaint issues) will review the investigation report and supporting evidence and may meet with the complainant or other parties as deemed necessary. The Superintendent or designee will render provide a written ~~decision~~ response within thirty (30) business days of receipt of the appeal.
3. ~~If the complainant is not satisfied with the decision of the Superintendent or designee, the complainant may file an appeal to the School Board within fifteen (15) business days of receiving the Superintendent or designee's decision. The School Board will review the evidence and may request that further evidence be provided before making a determination on the matter. The School Board will make a written decision on the complaint within forty five (45) business days of receipt of the complaint. At the School Board's sole discretion, a hearing may be set before the School Board or a hearing officer appointed by the School Board for the purpose of taking additional evidence or argument. The School Board will set the terms and conditions for any hearing. Employees disciplined for violations of the Regulation may appeal such discipline by utilizing the applicable grievance procedures.~~

C. Right to Alternative Remedies

1. In lieu of filing a complaint using the procedures outlined in this Regulation, School Board employees who are subject to Regulation 4-3.1, *Grievance*

Procedure – Teachers, may instead use the grievance procedure, as outlined in Part II of that Regulation.

2. Nothing in this Regulation precludes the complainant from seeking other legal remedies including filing complaints with other agencies or pursuing civil or criminal remedies. The right of a person to a prompt and equitable resolution of the complaint filed herein shall not be impaired by the person's pursuit of other remedies such as the filing of the complaint other appropriate federal, state, or local agencies or the filing of a lawsuit in state or federal court. Use of this procedure is not a prerequisite to the pursuit of other remedies.

D. Retaliation or ~~f~~False ~~a~~Accusations ~~p~~Prohibited

Persons who use this procedure for good faith complaints will not be retaliated against by the School Board or School Division staff. The School Board directs that appropriate action be taken against any person who retaliates against another person for reporting alleged discrimination or participating in related proceedings. Persons who knowingly file false discrimination complaints and any person who gives false statements or evidence in a related proceeding shall be subject to discipline or other appropriate action.

E. Maintenance of ~~f~~Files

The ~~Coordinator~~Department of Human Resources shall maintain the files and records of the School Board relating to the complaints filed pursuant to this Regulation for a period of three years after the resolution or as otherwise required by applicable law or regulation. All documentation submitted or collected pursuant to this Regulation will be held in the strictest of confidence and kept separate from personnel records. Documentation and reports from medical exams will be used solely to assist the School Division in making an informed decision about the employee's request for an accommodation.

Legal Reference

Americans with Disabilities Act of 1990, 42 U.S.C. §_12101, *et seq.*, as amended.

Title IX of the Education Amendments of 1972, 20 U.S.C. §§_1681-88, as amended.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §_794, 34 C.F.R. Section 104.7 (a) and (b), as amended.

Virginia Human Rights Act, Virginia Code § 2.2-3900, as amended.

Pregnancy Discrimination Act of 1978, P.L. 95-555, 92 Stat: 2076, as amended.

Equal Pay Act of 1963, 29 U.S.C. §_201, *et seq.*, as amended.

Civil Rights Act of 1964 (Title VII), P.L. 88-352, as amended.

| Age Discrimination in Employment Act of 1976, P.L. 90-202, 42 U.S.C. §_621, *et seq.*, as amended.

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