

EQUAL EMPLOYMENT OPPORTUNITY

I. Policy Statement

The Albemarle County School Board (“Board”) is an equal opportunity employer, committed to nondiscrimination in recruitment, selection, hiring, pay, promotion, retention or other personnel actions affecting employees or candidates for employment. Therefore, discrimination in employment against any person on the basis of any category given protection under Board Policy AC, *Nondiscrimination* is prohibited. Personnel decisions are based on merit and the ability to perform the essential functions of the job, with or without reasonable accommodation.

The Board provides facilities, programs and activities that are accessible, usable and available to qualified persons with disabilities. Further, the Board does not discriminate against qualified persons with disabilities in the provision of health, welfare and other social services.

The statement, “Albemarle County School Board is an equal opportunity employer,” is placed on all employment application forms.

II. Notice of Policy/Prevention

This policy is: (1) posted in prominent areas of each school division building; (2) included in employee handbooks; and (3) provided to any employee or candidate for employment upon request. Training to prevent prohibited discrimination is included in employee in-service training.

III. Complaint Procedure

A. File Report

This procedure is for complaints that are not Title IX complaints. Title IX complaints are addressed in policy, GBA, *Prohibition against Harassment and Retaliation*.

Any person who believes they have not received equal employment opportunities ordinarily should report the alleged prohibited discrimination to the immediate supervisor, department head, or principal for investigation and resolution. The Board supports site-based management and invests authority in school principals and operational department heads to solve problems at their level of the organization. If an employee or applicant is not satisfied that a complaint has been resolved, or if the person feels uncomfortable reporting the alleged discrimination harassment or retaliation to the immediate supervisor, department head or principal, he or she should report the alleged discrimination to one of the Equal Employment Opportunity Officers (“EO Officers”) designated in this policy. The alleged discrimination should be reported as soon as possible, and the report generally should be made within fifteen (15) business days of the occurrence. Any employee who has knowledge of conduct which may constitute prohibited discrimination shall immediately report such conduct to one of the EO Officers designated in this policy.

The reporting party should use the form, Report of Discrimination, GB-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 EO Officers designated in this policy. Any complaint that involves the EO Officer shall be reported to the superintendent.

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 and that such complaint may still make them identifiable even without using a name.

B. Investigation

Upon receipt of a report of alleged discrimination, the EO 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 generally should be not later than fourteen (14) business days after receipt of the report by the EO Officer. Upon receiving the complaint, the EO 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 EO Officer determines that more than fourteen (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 or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the complainant and the person(s) responsible for the alleged discrimination. 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 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 EO Officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint alleges the superintendent has violated this policy, then the report shall be sent to the 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 five (5) business days of receiving the EO Officer's report, the superintendent or superintendent's designee shall issue a written decision regarding: (1) whether this policy was violated; and (2) the action, if any, that should be taken.

If the complaint alleges that the superintendent has violated this policy, the Board's standing Equal Employment Opportunity/Nondiscrimination Committee shall make the decision and determine what action should be taken. 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 fourteen (14) calendar days of the time the Board receives the EO Officer's report or the time a committee is appointed, if there is no standing committee. The written decision shall state: (1) whether this policy was violated; and (2) the action, if any, that should be taken.

The written decision must be mailed to or personally delivered to the complainant within five (5) calendar days of the issuance of the decision. If the superintendent, superintendent's designee or committee concludes that prohibited discrimination occurred, the Albemarle County Public Schools 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.

D. Appeal

If the superintendent, superintendent's designee or committee determines that no prohibited discrimination occurred, the person who was allegedly subjected to discrimination may appeal this finding to the Board within five (5) business 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 Board. The Board shall make a decision within thirty (30) calendar days of receiving the record. The Board may ask for oral or written argument from the aggrieved party and the superintendent, superintendent's designee or the committee, whichever issued the written decision, and any other individual the Board deems relevant. Written notice of the Board's decision will be given to the complainant.

Employees may choose to pursue their complaints arising under this policy through the relevant employee grievance procedure instead of the complaint procedure in this policy.

E. Equal Employment Opportunity (EO) Officers

The Board has designated

Director of Special Education and Student Services, Albemarle County Public

Schools, 401 McIntire Road, Charlottesville, VA 22902, 434-296-5885

as the EO Officer responsible for identifying, investigating, preventing and remedying prohibited discrimination for students. Complaints of discrimination by employees or applicants may be made to

Director of Human Resources, 401 McIntire Road, Charlottesville, VA 22902, 434-296-5827

The EO Officer shall

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

IV. Retaliation

Retaliation against employees who report discrimination or participate in the related proceedings is prohibited. The school division shall take appropriate action against any employee who retaliates against another employee or candidate for employment who reports alleged discrimination or participates in related proceedings. The EO Officer will inform persons who make complaints, who are the subject of complaints, and who participate in investigations of how to report any subsequent problems.

V. Right to Alternative Complaint Procedure

Nothing in this policy denies 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.

VI. Prevention and Notice of Policy

Training to prevent discrimination is included in employee orientations and in-service training.

This policy is (1) displayed in prominent areas of each division building in a location accessible to school personnel, and (2) included in employee handbooks. All employees are notified annually of the names and contact information of the EO Officers.

VII. False Charges

Employees who knowingly make false charges of discrimination are subject to disciplinary action.

Adopted: July 1, 1993

Amended: December 8, 199, May 27, 2004; April 25, 2013; January 8, 2015;
September 24, 2020

Equity Review: September 24, 2020

Legal Ref.: 20 U.S.C. § 1681 et seq.

29 U.S.C. § 701

42 U.S.C. §§ 6101 et seq., 2000e-2 et seq., 2000ff-1(a) and 12101 et seq.

Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902, 2.2-3905.1, 22.1-23.3, 22.1-295.2, 22.1-306.

Cross Ref.: *AC, Non-discrimination*
AD, Educational Philosophy
GBA, Prohibition Against Harassment and Retaliation
GBCA, Employee Discipline
GBM, Licensed Teaching Staff Grievances
GBMA, Classified Staff Grievances

REPORT OF DISCRIMINATION

Name of Complainant: _____

For Employees, Position: _____

For Applicants, Position Applied For: _____

Address, Phone Number
and Email Address: _____

Date(s) of Alleged Discrimination: _____

Name(s) of person(s) you believe discriminated against you or others: _____

Please describe in detail the incident(s) of alleged discrimination, including where and when the incident(s) occurred. Please name any witnesses that may have observed the incident(s). Please include a description of any past incidents that may be related to this complaint. Attach additional pages and evidence if applicable.

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: _____
EO Officer Date