

STUDENTS

Complaint Procedures for Student Claims of Discrimination or Harassment

Prince William County Public Schools (PWCS) does not discriminate against its students in the provision of educational services or activities on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, veteran status, disability, or any other basis prohibited by law (protected categories). It is the intent of the School Division to resolve all complaints of discrimination and harassment quickly, fairly, and at the most immediate administrative level, with a minimum of conflict and disruption to the operation of the schools.

Accordingly, the Prince William County School Board has adopted this internal complaint procedure providing for the prompt and equitable resolution of complaints alleging any action prohibited by federal and state anti-discrimination laws and their implementing regulations.

I. Discrimination and Harassment Defined

- A. Discrimination occurs when a person is not given fair consideration, is not given the same opportunity as others similarly situated, or is subjected to harassment on the basis of race, color, religion, national origin, sex, pregnancy, disability, age, or membership in any other protected category. This complaint procedure applies to discrimination and harassment of students carried out by employees, students, or third parties under the control of PWCS.
- B. Harassment based on protected categories may include the use of cell phones, social media, the Internet, or other electronic forms of communication, or other conduct which
 - Creates an intimidating, hostile, or offensive educational environment;
 - Substantially or unreasonably interferes with an individual's education; or
 - Otherwise is sufficiently serious to limit a student's ability to participate in or benefit from an education program.

Conduct which may constitute harassment, based on the preceding definition, may include:

- Graffiti containing offensive language;
- Offensive name calling, jokes, or rumors;
- Physical acts of aggression or assault against a person or his/her property;
- Written, electronic, or graphic material distributed to others, on or off school property; or
- Other hostile acts based on a person's membership in a protected category.

- C. Discrimination or harassment based on sex is prohibited by Title IX, as defined and prohibited by Regulation 738-3, "Harassment of Students."

II. Complaint Procedure

- A. The student, or a parent filing a complaint on behalf of a student, should discuss the complaint with the principal or his/her designee, as soon as he/she becomes aware of the alleged discrimination or harassing conduct. The student, or parent, may formalize his/her complaint by completing Attachment II to this regulation. The complaint must be reported as soon as possible and within 30 school days of occurrence, unless exigent circumstances cause a delay.
- B. It is the responsibility of the principal to advise the appropriate Level Associate Superintendent of the complaint within three school days of filing, unless exigent circumstances cause a delay. If the complaint involves harassment based on sex, the principal shall also report the complaint and provide a copy of any written complaint to the Division's Title IX Coordinator. If the complaint involves discrimination or harassment based upon disability, the principal shall also report the complaint and provide a copy of any written complaint to the Division's Section 504 Coordinator. Upon consultation with the Level Associate Superintendent and the Title IX or Section 504 Coordinator (if applicable), the principal shall investigate the complaint within 10 school days of filing. If the principal determines that more than 10 school days will be required to investigate the complaint, the complainant and the accused shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

If the complaint is directed against an employee of PWCS, the Level Associate Superintendent shall immediately notify the Associate Superintendent for Human Resources and the Director of Risk Management and Security Services, and the complaint shall be immediately referred and investigated under the procedures set forth in Regulation 507-1, "Complaint Procedures for Claims of Discrimination in Employment."

- C. An investigation by the principal shall include interviews with witnesses and the review of any records or other documentary evidence. The student, or parent, will be asked to provide names of persons who can verify significant aspects of the case. The person who is the subject of the complaint will also be given the opportunity to respond and to provide witnesses. The case may be discussed with various administrators as necessary. Information from the investigation is kept confidential, except to the extent that limited disclosure may be necessary in order to conduct a full and fair investigation, allow the accused to respond, take disciplinary or other remedial action, or answer a governmental or court inquiry. The person who is the subject of the complaint shall be informed of the

allegations against him/her and be given an opportunity to respond. If that person is a student, notice shall also be given to the student's parent(s)/guardian(s).

Within 10 school days of completing his or her investigation, the principal shall notify the parties in writing as to whether a PWCS School Board policy or regulation has been violated and whether remedial action has or will be taken. The Level Associate Superintendent and Title IX or Section 504 Coordinator (if applicable) shall also receive a copy of this written notification.

- D. A substantiated complaint against a student who has engaged in discrimination or harassing conduct shall subject such student to disciplinary action in accordance with established disciplinary procedures. Such disciplinary action may range from admonition and counseling to suspension or expulsion, depending on the seriousness of the incident and the need to protect other students from future discrimination or harassing conduct. The principal or any Level Associate Superintendent may take such measures as are necessary to protect the victim and/or prevent reoccurrence of the conduct, including but not limited to, a school or program transfer for either the victim or the offender. The principal shall forward to the Level Associate Superintendent any recommendation for disciplinary action involving the student responsible for the discrimination/harassment and shall take measures to prevent any further discrimination/harassment of the victim and to address the effects of the discrimination. Within 10 school days of the Level Associate Superintendent receiving the principal's disciplinary recommendation, the parties to the complaint shall each be notified in writing, subject to the confidentiality provisions of the Family Educational Rights and Privacy Act, whether the Level Associate Superintendent supports that recommendation and/or recommends any additional or different disciplinary action, any measures intended to prevent a recurrence of the discrimination/harassment, and/or any measures to address the effects of the discrimination/harassment.

III. Appeal Procedure

- A. If there is disagreement with the resolution of the complaint, an appeal of the principal's decision may be submitted to the appropriate Level Associate Superintendent within five school days of receipt of the determination of the principal, using the Complaint Form attached to this regulation as Attachment II.

The Level Associate Superintendent shall conduct whatever further investigation he/she deems appropriate in consultation with the Deputy Superintendent and the Title IX or Section 504 Coordinator (if applicable), and shall provide the parties with a written decision within 10 school days of receipt of the appeal or completion of any further investigation. If the Level Associate Superintendent determines that more than 10 school days will be required to investigate the complaint, the complainant and the accused shall be notified of the reason for the

extended investigation and of the date by which the investigation will be concluded.

- B. In the case of an appeal of disability discrimination prohibited by Section 504, the appeal and any further investigation shall be handled in consultation with the Section 504 Coordinator. In the case of an appeal of harassment or discrimination based on sex, the appeal and any further investigation shall be handled in consultation with the Title IX Coordinator.

IV. General Information

- A. Retaliation against any individual for filing or participating in the investigation of a discrimination complaint is strictly prohibited. Students shall be disciplined for retaliatory conduct separate and apart from the discipline imposed for the original discriminatory or harassing conduct.
- B. If a complaint is made against the Level Associate Superintendent or the Deputy Superintendent, then the Superintendent shall appoint an alternate to act in the administrator's place until a resolution of the complaint is reached. If a complaint is made against the Superintendent, the complaint shall be referred to the School Board's Division Counsel for investigation.
- C. The direct contact at the Office of Student Services for all student discrimination and harassment complaints is the Supervisor of Student Assistance and Prevention Programs, who may be contacted at 703.791.7436. The direct contact for claims of discrimination or harassment based on disability is PWCS Section 504 Coordinator, Office of Special Education, at 703.791.8515. The direct contact for claims of discrimination or harassment based on sex is the PWCS Title IX Coordinator, who may be contacted at 703.791.7436.

The Associate Superintendent for Student Learning and Accountability (or designee) is responsible for implementing and monitoring this regulation.

This regulation and related policy shall be reviewed at least every five years and revised as needed.

(If more space is required for any of the following items, please add additional paper and attach to this form. Do not write on the back or in the margins.)

PART III: ALLEGED DISCRIMINATION OR HARASSMENT

1. List the name(s) of person(s) you are accusing of violating the School Division's nondiscrimination and harassment policies.

Name	School or Location	Position
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. Describe what happened – include date, time, and location for each incident whenever possible.

If additional space is needed, please add additional paper and attach to form.

3. What actions, comments, etc., led you to believe that the discrimination or harassment occurred because of your membership in a protected category as you indicated in Part II of this form?

If additional space is needed, please add additional paper and attach to form.

4. If applicable, please provide the name(s) or any similarly situated student(s) or employee(s) who you believe behaved in the same manner as you, but received different treatment.

If additional space is needed, please add additional pages and attach to this form.

5. List all witnesses or people who can verify your charges.

Name	School or Location	Position	Phone
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If additional space is needed, please add additional pages and attach to this form.

PART IV: RESOLUTION OF COMPLAINT

What actions do you think should be taken to resolve your complaint?

I attest that the information in this complaint is true and accurate to the best of my recollection. I agree to fully comply with the investigative process.

_____ Student Signature	_____ Date
_____ Parent's Signature	_____ Date

Mail, email, or fax to the appropriate Level Associate Superintendent:

c/o Office of the Superintendent
Prince William County Public Schools
P.O. Box 389
Manassas, Virginia 20108
Facsimile 703.791.7309

Appeal Form for Complaints of Harassment or Discrimination

Level Associate Superintendent
Prince William County Public Schools
P.O. Box 389
Manassas, Virginia 20108

PLEASE PRINT

Name of Student or Parent filing this appeal: _____

School: _____

Name(s) of Person(s) accused of harassment or discrimination: _____

Description of Complaint (use specific dates, times, witness names, etc. if possible):

Initial Resolution/Remedy of the Complaint:

Basis of Appeal:

Requested Relief:

Signature of Student or Parent completing this form: _____

Date: _____

NOTE: All complaints will be followed by an investigation. Those accused, as well as the parents of students involved, will be informed of complaints, witnesses will be interviewed, and all information will remain confidential except for that which must be shared as part of the investigation or as otherwise provided by law.