

STUDENTS

Complaint Procedures for Student Claims of Discrimination or Harassment

The 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, national origin, sex, pregnancy, religion, or disability. 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.

The Prince William County School Board has adopted an 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, national origin, sex, pregnancy, religion, disability or age. These complaint procedures apply to harassment of students carried out by employees, students, or third parties.
- B. Harassment Based on Sex

Harassment based on sex consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature, which may include use of cell phones or the internet when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining education;
2. Submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's education; or;
3. That conduct or communication substantially or unreasonably interferes with an individual's education, or creates an intimidating, hostile or offensive educational environment (i.e., the conduct is sufficiently serious to limit a student's ability to participate in or benefit from the educational program).

Examples of conduct which may constitute harassment based on sex if it meets the immediately preceding definition include:

1. Unwelcome sexual physical contact;
2. Unwelcome ongoing or repeated sexual flirtation or propositions, or remarks;
3. Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions;
4. Graphic comments about an individual's body;
5. Sexual jokes, notes, stories, drawings, gestures, or pictures;
6. Spreading sexual rumors;
7. Touching an individual's body or clothes in a sexual way;
8. Displaying sexual objects, pictures, cartoons, or posters;
9. Impeding or blocking movement in a sexually intimidating manner;
10. Sexual violence;
11. Display of written materials, pictures, or electronic images; and
12. Unwelcome acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex stereotyping.

Complaints of sexual harassment will be investigated under this regulation, consistent with Policy 738, "Non-Discrimination and Harassment of Students," and Regulation 738-3, "Harassment of Students."

C. Harassment Based on Race, Color, National Origin, Disability or Religion

Harassment based on race, national origin, disability or religion consists of physical or verbal conduct, which may include use of cell phones or the internet, relating to an individual's race, national origin, disability or religion when the conduct:

1. Creates an intimidating, hostile or offensive educational environment;
2. Substantially or unreasonably interferes with an individual's education; or
3. Otherwise is sufficiently serious to limit a student's ability to participate in or benefit from the education program.

Examples of conduct which may constitute harassment based on race, national origin, disability or religion if it meets the immediately preceding definition include:

1. Graffiti containing racially offensive language;
2. Name calling, jokes, or rumors;
3. Physical acts of aggression against a person or his property because of that person's race, national origin, disability, or religion;

4. Hostile acts which are based on another's race, national origin, religion, or disability;
5. Written or graphic material which is posted or circulated and which intimidates or threatens individuals based on their race, national origin, disability, or religion.

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 thirty (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 (3) school days of filing, unless exigent circumstances cause a delay. Upon consultation with the Level Associate Superintendent, the principal shall investigate the complaint within ten (10) school days of filing. If the principal determines that more than ten (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 thereafter be investigated under the procedures set forth in Regulation 507-1, "Complaint Procedures for Claims of Discrimination Involving Employees."

- C. An investigation by the principal will 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 the complaint was founded or unfounded. The Level Associate Superintendent 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 shall forward to the Level Associate Superintendent a 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. 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 as to whether the complaint was founded or unfounded.

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 (5) school days of receipt of the determination of the principal, using the Complaint Form attached to this regulation as Attachment III.

The Level Associate Superintendent shall conduct whatever further investigation he/she deems appropriate, including consulting with the Deputy Superintendent and/or the PWCS Section 504 Coordinator, and shall provide the student with a written decision within ten (10) school days of receipt of the appeal or completion of any further investigation. If the Level Associate Superintendent determines that more than ten (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 shall be handled in consultation with the PWCS Section 504 Coordinator.

IV. General Information

- A. Retaliation against the student, or parent, for filing 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 of Schools 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 of Schools, 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 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 the PWCS Section 504 coordinator, Office of Special Education, at 703.791.8515.

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

The Associate Superintendent for Student Learning and Accountability (or designee) is responsible for reviewing this regulation in 2019.

Attachment I
Regulation 738-1

Instructions for Students, or Parents/Guardians,
For Appealing a Complaint of Discrimination or Harassment
With the Prince William County Public Schools

It is the intent of the Prince William County Public Schools (PWCS) to comply with federal, state, and local laws regarding equal opportunity, and nondiscrimination in all educational programs and services. The School Division is committed to the elimination of bias, prejudice, and discrimination based on race, color, national origin, sex, pregnancy, religion, and disability involving students.

If you, or your parent(s)/guardian(s), believe that you have been discriminated against or harassed, you may report such concerns to your principal under the procedures set forth in Regulation 738-1, "Complaint Procedures for Student Claims of Discrimination or Harassment."

If your complaint is not resolved to your satisfaction by the principal, you, or your parent(s)/guardian(s), may file a formal appeal under the procedures set forth in Regulation 738-1, using Attachment III.

Retaliation against anyone lodging a complaint is strictly prohibited.

Complaint of Harassment or Discrimination

The Prince William County Public Schools “Code of Behavior” states, “Words, gestures, symbols, actions, or physical contact which offend, intimidate, threaten, or persecute others will not be tolerated.” The principal and staff of this school are committed to enforcement of the “Code of Behavior” and will respond promptly and appropriately to complaints of harassment or discrimination. Any student can file a complaint by talking to an administrator and/or completing this form and returning it to an assistant principal or principal.

PLEASE PRINT

Name of Student or Parent completing this form: _____

School: _____

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

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

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.

Appeal Form for Complaints
of Discrimination or Harassment

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

PART I: COMPLAINANT

Name _____

Student's Race _____ Student's Sex _____ Grade Level _____

Address _____

Parent(s)/Guardian(s) Name _____

Parent(s)/Guardian(s) Address, if different from student's _____

Telephone _____
Parent's Work Home

School _____

Teacher or Administrator's Name _____

PART II: EQUITY AND DIVERSITY JURISDICTION

Check all that apply

Basis of Complaint:

- | | |
|--|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Color | <input type="checkbox"/> Marital Status |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Pregnancy | <input type="checkbox"/> Other |
| <input type="checkbox"/> Sexual Harassment | |

(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 policy.

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 the factors (i.e., race, sex, religion, national origin, etc.) you indicated in Part II of this form?

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

4. 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.

Student Signature

Date

Parent's signature

Date

Mail or fax to:

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