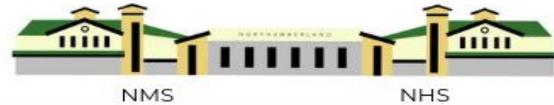


NORTHUMBERLAND COUNTY PUBLIC SCHOOLS



Northumberland County Public Schools Title IX Public Notice of Policy

Policy **GB** includes the timelines and procedures for an investigation under policy **GBA/JFHA**. A Report of Harassment Form is at the end of this document. For any questions regarding Title IX policies and procedures, please contact Mr. Adam Letizia.

Title IX Coordinator:

Mr. Adam Letizia, Director of Instruction & Student Support Services

aletizia@nucps.net PO Box 730, Heathsville, VA 22473

(804) 529-6134 x2005

File: GB

EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION

I. Policy Statement

The Northumberland County School Board is an equal opportunity employer, committed to non-discrimination in recruitment, selection, hiring, pay, promotion, retention or other personnel action affecting employees or candidates for employment. Therefore, discrimination in employment against any person on the basis of race, color, religion, national origin, ancestry, political affiliation, sex, gender, gender identity, age, marital status, genetic information or disability 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 Northumberland County School Board provides facilities, programs and activities that are accessible, usable and available to qualified disabled persons. Further, the Northumberland County School Board does not discriminate against qualified disabled persons in the provision of health, welfare and other social services.

The statement, "Northumberland 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.

Any person who believes he has not received equal employment opportunities should report the alleged discrimination to one of the compliance 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) school 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 compliance officers designated in this policy.

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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 compliance officers designated in this policy. Any complaint that involves the compliance officer shall be reported to the superintendent.

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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.

B. Investigation

Upon receipt of a report of alleged discrimination, the compliance 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 14 school days after receipt of the report by the compliance officer. Upon receiving the complaint, the compliance 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 compliance officer determines that more than 14 school 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 compliance 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 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 an appropriate state or federal agency.

C. Action by Superintendent

Within 5 school days of receiving the Compliance Officer's report, the superintendent or superintendent's designee shall issue a written decision regarding (1) whether this policy was

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violated and (2) what action if any should be take

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If the complaint alleges that the superintendent has violated this policy, the School Board's standing Equal Employment Opportunity/Non-Discrimination 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 14 calendar days of the time the School Board receives the compliance 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) what action, if any, should be taken. The written decision must be mailed to or personally delivered to the complainant within 5 calendar days of the issuance of the decision. If the superintendent, superintendent's designee or committee concludes that prohibited

discrimination occurred, the Northumberland County School Division 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 School Board within 5 school 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 School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School 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 School Board deems relevant. Written notice of the School 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. Compliance Officer and Alternate Compliance Officer

The Northumberland County School Board has designated Mr. Adam Letizia, Director of Special Education & 504 Plans, Northumberland County School Board, 2172 Northumberland Highway, Lottsburg, Virginia 22511, (804) 529-6134, as the Compliance Officer responsible for identifying, investigating, preventing and remedying prohibited discrimination. Complaints of discrimination may also be made to the Alternate Compliance Officer, Mrs. Sophronia Smith, Director of Federal, State & local Programs & School Improvement, 2172 Northumberland Highway, Lottsburg, VA 22511, (804) 529-6134.

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The Compliance Officer shall:

receive reports or complaints of discrimination;

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conduct or oversee the investigation of any alleged discrimination;
assess the training needs of the school division in connection with this policy;
arrange necessary training to achieve compliance with this policy; and
ensure 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 Compliance 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 shall deny 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 Compliance Officers.

VII. False Charges

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

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File: GBA/JFHA PROHIBITION AGAINST HARASSMENT AND RETALIATION

I. Policy Statement The Northumberland County School Board is committed to maintaining an educational environment and workplace that is free from harassment. In accordance with law, the Board prohibits harassment against students, employees, or others on the basis of sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity. The Northumberland County School Board is an equal opportunity employer. It is a violation of this policy for any student or school personnel to harass a student or school personnel based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity. Further, it is a violation of this policy for any school personnel to tolerate harassment based on a student's or employee's sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status or genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity, by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities. For the purpose of this policy, school personnel means, school board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the School Division. The school division promptly investigates all complaints, written or verbal, of harassment based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity; promptly takes appropriate action to stop any harassment; takes appropriate action against any student or school personnel who violates this policy; and takes any other action reasonably calculated to end and prevent further harassment of school personnel or students.

II. Definitions A. 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, which may include use of cell phones or the internet, of a sexual nature when: submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education; © 5/15 VSBA
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GBA/JFHA submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently severe, persistent or pervasive to limit a student's or employee's ability to participate in or benefit from the educational program or work environment). Examples of conduct which may constitute harassment based on sex if it meets the immediately preceding definition include: unwelcome sexually physical contact unwelcome ongoing or repeated sexual flirtation or propositions, or remarks sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually

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degrading descriptions graphic verbal comments about an individual's body sexual jokes, notes, stories, drawings, gestures or pictures spreading sexual rumors touching an individual's body or clothes in a sexual way displaying sexually objects, pictures, cartoons or posters impeding or blocking movement in a sexually intimidating manner sexual violence display of written materials, pictures, or electronic images unwelcome acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex stereotyping B. Harassment Based on Race, 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: creates an intimidating, hostile or offensive working or educational environment; substantially or unreasonably interfering with an individual's work or educational performance; or otherwise is sufficiently serious to limit an individual's employment opportunities or 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 include: graffiti containing racially offensive language. name calling, jokes or rumors. physical acts of aggression against a person or his property because of that person's race, national origin, disability or religion. hostile acts which are based on another's race, national origin, religion or disability. written or graphic material which is posted or circulated and which intimidates or threatens individuals based on their race, national origin, disability or religion. © 5/15 VSBA

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C. Additional Prohibited Behavior Behavior that is not unlawful may nevertheless be unacceptable for the educational environment or the workplace. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics including, but not limited to, socioeconomic level, sexual orientation, or perceived sexual orientation or gender identity. III. Complaint Procedure A. Formal Procedure 1. File Report Any student or school personnel who believes he or she has been the victim of harassment prohibited by law or by this policy by a student, school personnel or a third party should report the alleged harassment as soon as possible to one of the Compliance Officers designated in this policy or to any school personnel. The alleged harassment should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited harassment should report such conduct to one of the compliance officers designated in the policy. Any school personnel who has notice that a student or other school personnel may have been a victim of prohibited harassment shall immediately report the alleged harassment to one of the compliance officers designated in this policy. The reporting party should use the form, Report of Harassment, GBA-F/JFHA-F, to make complaints of harassment. However, oral reports are also accepted. The complaint must be filed with either the building principal or one of the compliance officers designated in this policy. The principal shall immediately forward any report of alleged prohibited harassment to the compliance officer. Any complaint that involves the compliance officer shall be reported to the superintendent. The complaint, and identity of the complainant and alleged harasser shall not be disclosed except as required by law or policy, as necessary to fully investigate the complaint or as authorized by the complainant. 2. Investigation Upon receipt of a report of alleged prohibited harassment, the compliance officer shall immediately authorize or

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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, but not later than 14 school days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of harassment. Also upon receiving the complaint, the © 5/15 VSBA NORTHUMBERLAND COUNTY SCHOOLS

File: GBA/JFHA Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the complainant and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified. If the compliance Officer determines that more than 14 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 conclude. If the alleged harassment may also constitute child abuse, then it must be reported to the Department of Social Service in accordance with Policy JHG, Child Abuse and Neglect Reporting. The investigation may consist of personal interviews with the complainant, the alleged harasser, and any others who may have knowledge of the alleged harassment or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the alleged harasser and the person allegedly harassed. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the complainant and others pending the completion of the investigation. In determining whether alleged conduct constitutes a violation of this policy, the division shall consider, at a minimum: (1) the surrounding circumstances; (2) the nature of the behavior; (3) past incidents or past or continuing patterns of behavior; (4) the relationship between the parties; (5) how often the conduct occurred; (6) the identity of the alleged perpetrator in relation to the alleged victim (i.e. whether the alleged perpetrator was in a position of power over the alleged victim); (7) the location of the alleged harassment; (8) the ages of the parties and (9) the context in which the alleged incidents occurred. 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 after 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, then 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 harassment conducted under this policy or by an appropriate state or federal agency. 3. Action by Superintendent Within 5 school days of receiving the compliance officer's report, the Superintendent shall issue a decision regarding (1) whether this policy was violated and (2) what action if any should be taken. This decision must be provided in writing to the complainant and the alleged perpetrator. If the superintendent or superintendent's designee determines that it is more likely than not that prohibited harassment occurred, the NORTHUMBERLAND COUNTY School Division shall take prompt, appropriate action to address and remedy the

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violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge. Whether or not the superintendent or © 5/15 VSBA

NORTHUMBERLAND COUNTY SCHOOLS File: GBA/JFHA superintendent's designee determines that prohibited harassment occurred, the superintendent or superintendent's designee may determine that school-wide or divisionwide training be conducted or that the complainant receives counseling. 4. Appeal If the superintendent or superintendent's designee determines that no prohibited harassment occurred, the employee or student who was allegedly subjected to harassment may appeal this finding to the School Board within 5 school days of receiving the decision. Notice of appeal must be filed with the superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party, the superintendent and any other individual the School Board deems relevant. Written notice of the School Board's decision will be given to both the alleged harasser and the person allegedly harassed and the person allegedly harassed. If the Superintendent or superintendent's designee determines that prohibited harassment 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. Employees may choose to pursue their complaints under this policy through the relevant employee grievance procedure instead of the complaint procedure in this policy. 5. Compliance Officer and Alternate Compliance Officer The Northumberland County School Board has Mr. Adam Letizia, Director of Special Education, Northumberland County School Board Office, 2172 Northumberland Highway, Lottsburg, Virginia 22511, (804) 529-6134 Ext. 2006, as the Compliance Officer responsible for identifying, investigating, preventing and remedying prohibited discrimination. Complaints of discrimination may also be made to the Alternate Compliance Officer, Mrs. Amy Lamb, Director of Instruction, Northumberland County School Board Office, 2172 Northumberland Highway, Lottsburg, VA 22511, (804) 529- 6134 Ext. 2005. The Compliance Officer shall: 1. receive reports or complaints of harassment; 2. conduct or oversee the investigation of any alleged harassment; 3. assess the training needs of the school division in connection with this policy; 4. arrange necessary training to achieve compliance with this policy; and 5. ensure that any harassment investigation is conducted by an impartial investigator who is trained in the requirements of equal employment/education opportunity, and has the authority to protect the alleged victim and others during the investigation. B. Informal Procedure If the complainant and the person accused of harassment agree, the student's principal or principal's designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, or administrator. © 5/15 VSBA NORTHUMBERLAND COUNTY SCHOOLS

File: GBA/JFHA If the complainant and the person accused of harassment 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 Formal Procedures set forth herein. The principal or principal's designee shall notify the complainant and the person accused of harassment in writing when the complaint has been resolved. The written notice shall state whether prohibited harassment occurred. IV. Retaliation Retaliation against students or school personnel who report harassment or participate in any related proceedings is

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prohibited. The School division shall take appropriate action against students or school personnel who retaliate against any student or school personnel who reports alleged harassment or participates in related proceedings. The Compliance 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 shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited harassment 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 harassment prohibited by law or by this policy is included in employee and student orientations as well as employee in-service training. This policy is (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel, (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students, and their parents/guardians, and employees are notified annually of the names and contact information of the compliance officers. VII. False Charges Students or school personnel who knowingly make false charges of harassment shall be subject to disciplinary action as well as any civil or criminal legal proceedings.

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REPORT OF HARASSMENT

Name of Complainant:

For Students, School Attending:

For Employees, Position and Location:

Address, Phone Number and Email Address:

Date(s) of Alleged Incident(s) of Harassment:

Name of person(s) you believe harassed you or others:

If the alleged harassment was toward another, please identify that person:

Please describe in detail the incident(s) of alleged harassment, including where and when the incident(s) occurred. Please note 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 if necessary.

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
or Principal

Date