

**EQUAL EMPLOYMENT OPPORTUNITY/
NONDISCRIMINATION – EMPLOYEE**

I. Policy Statement

The Maggie L. Walker Governor’s School Regional School 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 race, color, religion, national origin, ancestry, political affiliation, sex, sexual orientation, gender, gender identity, age, marital status, genetic information or disability, or any other characteristic protected by law 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 Maggie L. Walker Governor’s School Regional School Board provides facilities, programs and activities that are accessible, usable and available to qualified disabled persons. Further, the Maggie L. Walker Governor’s School Regional School Board does not discriminate against qualified disabled persons in the provision of health, welfare and other social services.

The statement, “Maggie L. Walker Governor’s School Regional 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 the school 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/she 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.

The reporting party should use the form, Report of Discrimination, Form 5012-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 Director.

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'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. 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 Director. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the complainant and the Director 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 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 Director upon completion of the investigation. If the complaint alleges the Director has violated this policy, then the report shall be sent to the Chairman of the Superintendent's Steering Committee. 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 Director

Within 5 school days of receiving the Compliance Officer's report, the director or director's designee shall issue a written decision regarding (1) whether this policy was violated and (2) what action, if any, should be taken.

If the complaint alleges that the Director has violated this policy, the Chairman of the Superintendent's Steering Committee shall make the decision and determine what action should be taken and shall make recommendation to the Regional School Board. The Chairman of the Superintendent's Steering Committee shall issue a written decision within 14 school days of the time the Regional School Board receives the Compliance Officer's report. 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 school days of the issuance of the decision. If it is determined that prohibited discrimination occurred, Maggie L. Walker Governor's School 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 it is determined that no prohibited discrimination occurred, the person who was allegedly subjected to discrimination may appeal this finding to the Regional School Board within 5 school days of receiving the decision. Notice of appeal must be filed with the Director, or the Clerk of the Regional School Board who shall forward the record to the Regional School Board. The Regional School Board shall make a decision within 30 school days of receiving the record.

The Regional School Board may ask for oral or written argument from the aggrieved party and the director, director's designee or the Chairman of the Superintendent's Steering Committee, whichever issued the written decision, and any other individual the Regional School Board deems relevant. Written notice of the Regional 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 Maggie L. Walker Governor's School Regional School Board has designated

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1000 N. Lombardy Street, Room 212
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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

**Michael ‘Max’ Smith, Assistant Director
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The Compliance Officer shall

- receive reports or complaints of discrimination;
- 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. Maggie L. Walker Governor’s School 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 the building in a location accessible to school personnel, and (2) included in the employee handbook. 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 shall be subject to disciplinary action.

Adopted: May 16, 2013

Amended: September 15, 2016

Amended: September 14, 2017

Amended: October 18, 2018

Legal Refs.: 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.

Cross Refs: Pol 8001 Nondiscrimination
Pol 0012 Educational Philosophy
Pol 5011 Prohibition Against Harassment & Retaliation
Form 5011-F/8000-F Report of Harassment
Pol 5021 Professional Staff Grievances
Pol 5023 Classified Employees Staff Grievances
Pol 8001 Equal Educational Opportunities/Nondiscrimination
Pol 8002 Student Conduct
Pol 8002.1 Standards of Student Conduct
Pol 5020 Professional Staff Discipline
Pol 4012 Child Abuse and Neglect Reporting
Pol 2045 Service Animals in Public Schools
Pol 8000 Prohibition Against Harassment and Retaliation