

**Scott County Public Schools**  
**Policy and Procedures**  
**Nondiscrimination and/or Harassment**

**SECTION V. NON-DISCRIMINATION**  
**EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION POLICY**

The Scott 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, political affiliation, gender, age, marital status or disability is prohibited. Personnel decisions shall be based on merit and the ability to perform the essential functions of the job, with or without reasonable accommodation.

The Scott County School Board shall provide facilities, programs and activities that are accessible, usable and available to qualified disabled persons. Further, the Scott County School Board shall not discriminate against qualified disabled persons in the provision of health, welfare and other social services.

**EQUAL EDUCATIONAL OPPORTUNITIES/NONDISCRIMINATION POLICY**

In compliance with the Executive Order 11246; Title II of the Education Amendments of 1976; Title VI of the Civil Rights Act of 1972; Title IX Regulation 1964 and Implementing Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; and all other Federal, State, School rules, laws, regulations, and policies, Scott County Public Schools shall not discriminate on the basis of race, color, religion, national origin, political affiliation, gender/sex (including pregnant and parenting students), age, marital status or disability in any educational program including vocational education for career and technical students, daily activities or extra-curricular activities, or the admission to such programs or activities, and provides equal access to the Boy Scouts and other designated youth groups.

En cumplimiento de la Orden Ejecutiva 11246; Título II de las enmiendas de Educación de 1976; Título VI de la ley de derechos civiles de 1972; Título IX Reglamento 1964 y aplicación de las enmiendas de Educación de 1972; Sección 504 de la Rehabilitation Act de 1973; y todos otros Federal, estado, escuela normas, leyes, reglamentos y políticas, las escuelas públicas del Condado de Scott no discriminarán en base a raza, color, religión, origen nacional, afiliación política, género/sexo (Incluyendo mujeres embarazadas y padres de alumnos), edad, estado civil o discapacidad en cualquier programa educativo incluyendo la educación vocacional para la carrera y los estudiantes técnicos, actividades diarias o actividades extracurriculares o la admisión a dichos programas o actividades y proporciona un acceso igualitario a los Boy Scouts y otros grupos juveniles designados.

It is the intent of the Scott County Public Schools to comply with both the letter and spirit of the law in making certain that discrimination does not exist in its policies, regulations, and operations. Grievance procedures, for Title IX and Section 504, have been established for students, their parents, and employees who feel discrimination/harassment have been shown by the school division.

Inquiries to recipients concerning the application of Title IX and its implementing regulations may be referred to a Title IX Compliance Officer or to Office For Civil Rights (OCR).

Specific complaints of alleged discrimination under Title IX (gender) and Section 504 (disability) should be referred to:

Title IX/504 Supervisor  
**Brenda Robinette**  
Supervisor of Special Education  
Scott County School Board  
340 East Jackson Street  
Gate City, VA 24251  
276-386-6118

Assistant Title IX/504 Coordinator  
**Jason Smith**  
Personnel Supervisor  
Scott County School Board  
340 East Jackson Street  
Gate City, VA 24251  
276-386-6118

Office for Civil Rights (OCR):  
Office for Civil Rights, District of Columbia Office  
US Department of Education  
P.O. Box 14620  
Washington, DC 20044-4620  
Telephone: 202-208-2545  
Fax: 202-208-7797

Assistant Title IX/504 Coordinator  
**Jennifer Frazier**  
Supervisor of Secondary Education  
Scott County School Board  
340 East Jackson Street  
Gate City, VA 24251  
276-386-6118

Cualquier persona que necesita la información educacional debe llamar este número (276) 386-6118.

**\*See attachments for reporting discrimination and/or harassment.** For further information on notice of non-discrimination, visit <http://wdcrocolp01.ed.gov/CFAPPS/OCR/contactus.cfm> for the address and phone number of the office that serves your area, or call 1-800-421-3481.

**PREVENTION OF SEXUAL MISCONDUCT AND ABUSE/SEXUAL HARASSMENT**

The Scott County School Board demonstrates its commitment to protecting students from sexual misconduct and abuse which includes: sexual violence; sexual harassment; or harassment based on race, national origin, disability or religion all of which fall under TITLE IX. This is accomplished through:

1. Compliance with all state and local laws and regulations related to the screening of prospective employees for the conviction of barrier crimes and founded cases of child abuse and neglect;
2. Compliance with all state laws related to the reporting of suspected child abuse and neglect;
3. Compliance with all state laws and regulations related to reporting to the Virginia Department of Education of resignations and dismissals of licensed employees related to convictions of barrier crimes and founded cases of abuse and neglect;
4. The development, effective implementation and enforcement of clear and reasonable policies governing the interactions of students and school board employees and volunteers;
5. The establishment of channels for reporting by students and parents of suspected misconduct and abuse, and the prompt notification of law enforcement when criminal activity is alleged or suspected; and
6. Disclosure of formal reprimands and dismissals for violating school board policies on sexual misconduct and abuse prevention to school divisions seeking references.

For the purpose of this policy, school personnel include school board members, superintendent, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the School Division.

**I. Policy Statement**

Scott County Public Schools is committed to maintaining a learning/working environment prohibiting sexual misconduct including: sexual violence; sexual

harassment (including harassment/discrimination against pregnant or parenting students); or harassment based on race, color, religion, national origin, political affiliation, gender/sex, age, marital status or disability of any student or school personnel at school or any school sponsored activity.

It shall be a violation of this policy for any student or school personnel to harass a student or school personnel sexually, or based on race, national origin, disability, or religion. Further, it shall be a violation of this policy for any school personnel to tolerate sexual misconduct; sexual violence; sexual harassment (including harassment of pregnant or parenting students); or harassment of color, religion, national origin, political affiliation, gender/sex, age, marital status, or disability by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

Scott County Public Schools shall: (1) promptly conduct a prompt, thorough, and impartial investigation separate from any legal investigation, written or verbal, involving sexual misconduct, sexual violence, sexual harassment (including pregnant or parenting students) and harassment based on color, religion, national origin, political affiliation, gender/sex, age, marital status, race, national origin, or disability; (2) promptly take appropriate action to stop any harassment and (3) take appropriate action against any student or school personnel who violates this policy and take any other action reasonable calculated to end and prevent further harassment of school personnel or students. Scott County Public Schools will use a "preponderance of the evidence" standard of proof when addressing sexual violence. Therefore, if it is more likely than not that sexual violence or harassment occurred, even if there is the slightest likelihood of occurrence, Scott County Public Schools will respond by enacting Title IX.

## 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;
- 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 substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious 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 sexual physical contact
- unwelcome ongoing or repeated sexual flirtation or propositions, or remarks
- sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
- graphic 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 sexual 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 interferes with an individual's work or education; 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 if it meets the immediately preceding definition 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

### 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, perceived sexual orientation or gender identity.

## 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 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 this policy or to any school personnel. 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 and other written reports are also accepted. The complaint should 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 or principal shall be reported to the superintendent.

The complaint, and identity of the complainant and alleged harasser, will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law. Additionally, a complainant who wishes to remain anonymous shall be advised that such confidentiality may limit the School Division's ability to fully respond to the complaint.

## 2. Investigation

Upon receipt of a report of alleged prohibited harassment, 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 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 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 concluded. 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 or superintendent's designee shall issue a decision regarding whether this policy was violated. 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 Scott 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 expulsion or discharge. Whether or not the superintendent or superintendent's designee determines that prohibited harassment occurred, the superintendent or superintendent's designee may determine that school-wide or division-wide 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.

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 Scott County School Board has designated **Brenda Robinette**, [brenda.robinette@scottschools.com](mailto:brenda.robinette@scottschools.com), 340 East Jackson Street, Gate City, VA 24251, 276-386-6118, as the Compliance Officer responsible for identifying, investigating, preventing and remedying prohibited harassment. Complaints of harassment may also be made to the Alternate Compliance Office **Jason Smith**, [jason.smith@scottschools.com](mailto:jason.smith@scottschools.com), or **Jennifer Frazier**, [jennifer.frazier@scottschools.com](mailto:jennifer.frazier@scottschools.com), 340 East Jackson Street, Gate City, VA 24251, 276-386-6118.

The Compliance Officer shall

- receive reports or complaints of harassment;
- conduct or oversee the investigation of any alleged harassment;
- 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 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.

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.

#### **Retaliation**

Retaliation against students or school personnel who report harassment or participate in any related proceedings is 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.

#### **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.

#### **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.

#### **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.

**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 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

\_\_\_\_\_  
Date

**NONDISCRIMINATION POLICY**

In compliance with the Executive Order 11246; Title II of the Education Amendments of 1976; Title VI of the Civil Rights Act of 1972; Title IX Regulation 1964 and Implementing Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Genetic Information Nondiscrimination Act (GINA) of 2008 and all other Federal, State, School rules, laws, regulations, and policies, Scott County Public Schools shall not discriminate on the basis of race, color, religion, national origin, political affiliation, gender/sex (including pregnant and parenting students), age, marital status, disability, or genetic information in any educational program including vocational education for career and technical students, daily activities or extra-curricular activities, or the admission to such programs or activities, and provides equal access to the Boy Scouts and other designated youth groups. Contact Brenda Robinette Nondiscrimination Compliance Officer, Jason Smith, or Jennifer Frazier at 276-386-6118, Scott County School Board Office for further information pertaining to nondiscrimination or to file a complaint.

**POLÍTICA DE NO DISCRIMINACIÓN**

En cumplimiento con la Orden Ejecutiva 11246; Título II de las Enmiendas a la Educación de 1976; Título VI de la Ley de Derechos Civiles de 1972; Título IX del Reglamento 1964 e Implementación de Enmiendas a la Educación de 1972; Sección 504 de la Ley de Rehabilitación de 1973; La Ley de No Discriminación de la Información Genética (GINA, por sus siglas en inglés) de 2008 y todas las demás reglas, leyes, reglamentos y políticas de la Federación, el Estado y la Escuela, las Escuelas Públicas del Condado de Scott no discriminan por raza, color, religión, Género / sexo (incluyendo estudiantes embarazadas y de padres), edad, estado civil, discapacidad o información genética en cualquier programa educativo incluyendo educación vocacional para estudiantes de carreras y técnicos, actividades diarias o extracurriculares o admisión a dichos programas o actividades, Y proporciona igualdad de acceso a los Boy Scouts y otros grupos juveniles designados. Contacto Brenda Robinette Oficial de la conformidad de la no discriminación, Jason Smith, o Jennifer Frazier en 276-386-6118, oficina del consejo escolar del condado de Scott para la información adicional que pertenece a la no discriminación o para archivar una queja.

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: \_\_\_\_\_  
(Principal or Compliance Officer)

\_\_\_\_\_  
Date

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