

**EQUAL OPPORTUNITY
DISCRIMINATORY COMPLAINTS
PROCEDURE**

Date: April 13, 2015

The Lee County School District does not discriminate on the basis of race, color, religion, national origin, age, disability, or sex in its employment practices, student programs and dealings with the public. It is the policy of the Board of Education to comply fully with the requirements of Title VI, Title IX, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and all accompanying regulations.

Any employee, student, applicant for employment, parent or other person who believes he or she has been discriminated against or harassed in violation of this policy must make a complaint in accordance with the procedures outlined below.

COMPLAINTS PROCEDURE

Complaints made to the Lee County Schools regarding alleged discrimination or harassment on the basis of race, color or national origin in violation of Title VI, on the basis of sex in violation of Title IX or on the basis of disability in violation of Section 504 of the Rehabilitation Act of 1973 or the Americans With Disabilities Act will be processed in accordance with the following procedure:

1. Any student, employee, applicant for employment, parent or other person with a complaint alleging a violation as described above shall promptly notify, in writing or orally, either the principal for his/her school or the appropriate coordinator designated from time to time by the Board of Education. Complaints may also be reported to a school counselor or administrator. If the complaint is oral, the coordinator, school counselor or administrator to whom the complaint is made shall promptly prepare a memorandum or written statement of the complaint as made to him or her by the complainant and shall have the complainant read and sign the memorandum or statement if it accurately reflects the complaint made. If the complaint is made to a school principal or counselor, he or she shall be responsible for notifying the appropriate coordinator of the complaint.

2. If the alleged offending individual is the coordinator/administrator designated by the Board of Education, the complaint shall either be made by the complainant to the Superintendent or, if the complaint is initially made to the school principal, reported by the principal to the Superintendent.

3. The coordinator or his or her designee shall have fifteen work days to gather all information relevant to the complaint made, review the information, determine the facts relating to the complaint, including but not limited to an opportunity for the complainant and the alleged perpetrator to present witnesses and evidence, review the action requested by the complainant, and attempt to resolve the complaint with the complainant and any other persons involved. The coordinator or designee shall prepare a written response to the complaint detailing any action

recommended to be taken in response to the complaint and the time frame in which such action should be taken and copies of this response shall be furnished to the complainant, the appropriate coordinator and the Superintendent or his or her designee.

4. If the complaint is not resolved at the conclusion of this fifteen-day period or if the complainant is not satisfied with the resolution of the complaint, the complainant shall have the right, within five work days of receiving a copy of the written response, to have the complaint referred to the Superintendent of Schools. If the alleged offending individual is the Superintendent, the complainant may have the complaint referred to the Board of Education, rather than the Superintendent.

5. The Superintendent shall have fifteen work days to review the complaint and the response of the coordinator or designee and attempt to resolve the complaint. The Superintendent shall furnish to the complainant a written response setting forth either his or her approval of the action recommended by the coordinator or designee or the action to be taken by the system in response to the complaint in lieu of that recommended by the coordinator or designee and the time frame in which such action shall be taken.

6. If the complainant is dissatisfied with the response of the Superintendent, then the complainant shall have the right, within fifteen work days of the receipt of the written response of the Superintendent, to have the complaint referred to the Board of Education. In order to have the Board review the Superintendent's decision, the complainant must file with the Superintendent a written statement setting forth the reasons he or she disagrees with the response of the Superintendent and the action the complainant is requesting the system to take. The complainant shall also include in the written response a request that his or her complaint be referred to the Board of Education.

7. Within thirty work days of receipt of the written request of the complainant, the Superintendent shall present the matter to the Board of Education at its regular meeting or at a special meeting called for that purpose. The Board shall review the original complaint, the response of the coordinator or designee, the response of the Superintendent, and the response of the complainant. In addition, the Board may, but is not required to, hear directly from any individuals with knowledge of any relevant facts relating to the complaint.

8. The Board of Education will either uphold the recommendation of the Superintendent or require the system to take some other action in response to the complaint. A copy of the action of the Board will be furnished to the complainant, either as a part of the minutes of the Board of Education or as a separate written statement. The Board shall be the final reviewing authority within the system.

9. This policy is not intended to deprive any employee of any right they may have to file a grievance pursuant to any other policy of the local Board of Education, specifically the policy designed to implement Official Code of Georgia Annotated § 20-2-989.5, where appropriate. This policy is not intended to provide an alternative process for resolving evaluation and employment disputes where there already exists a due process procedure mandated by state law or State Department of Education regulations, specifically including, but not limited to, hearings

to be conducted pursuant to the Fair Dismissal Act of Georgia. The complainant retains at all times the right to contact the Office of Civil Rights or the Equal Employment Opportunity Commission with regard to any allegations that the system has violated the statutes described above.

10. The school system shall be responsible for distributing and disseminating information relevant to this policy and procedure to students, applicants for employment and employees through appropriate procedures.

11. No reprisal shall occur as a result of reporting unlawful harassment under this policy, and any attempt to retaliate against a complainant shall be disciplined as is appropriate.

12. The confidentiality of any individual making a complaint or report in accordance with this policy, to the extent it is reasonably possible, shall be protected, although the discovery of the truth and the elimination of unlawful harassment shall be the overriding considerations.

13. In the event of an ultimate finding of unlawful discriminatory conduct or the existence of an unlawful hostile environment, the school system shall take appropriate measures designed to prevent recurrences of the unlawful conduct or to remediate the hostile environment. In addition, the school system shall take actions to remediate insofar as is reasonably practicable the adverse effects of the unlawful conduct on the complainant and others directly and adversely impacted by the conduct.