




**GWINNETT
COUNTY
PUBLIC
SCHOOLS**

Gwinnett County Board of Education

Level: Procedure J-Students	Accompanying Policy: JCE 	Descriptor Code: P.JCE	Rescinds July 12, 1994
Descriptor Term: Student Complaints and Grievances		Effective Date: May 22, 2002	

The Board is committed to providing an environment free of sexual harassment and all forms of discrimination on the basis of race, color, religion, gender, age, national origin or handicap.

Students/parents are entitled to express concern or dissatisfaction regarding discrimination because of race, color, national origin, sex, religion or handicap.

The purpose of this procedure is to describe a process that can be used to resolve such complaints.

The Gwinnett County Schools will act to investigate all complaints of sexual harassment and/or discrimination and discipline any student or employee who violates the rights of a student of our system.

STEP I:

LOCAL SCHOOL REPORTING, INVESTIGATIONS, AND RESOLUTION OF A COMPLAINT

If a student/parent has a complaint of discrimination or unfair treatment, he/she should report concerns to the principal or to the local school's Title IX Coordinator in person, by telephone, or in writing of the incident(s) giving rise to the complaint.

Each school has designated a Title IX Coordinator who is the individual responsible for handling complaints of discrimination. Working with the principal, this person is responsible for receiving, investigating, and resolving complaints of sexual harassment or discrimination at his/her respective school. If the complaint involves the building Title IX Coordinator, the complaint should be reported to the principal or district Title IX Coordinator.

Students who believe that decisions made by staff members are discriminatory may present complaints to teachers, counselors, or school administrators, who shall make themselves available or schedule appointments to hear these complaints. Any student or parent who believes that conduct, either by an individual or by a group, creates a hostile environment that limits a student's ability to participate in or benefit from the educational program is encouraged to notify the school principal. Following a founded report of inappropriate conduct, the principal shall take immediate action to end the mistreatment, and he/she may take appropriate disciplinary action as required.

Every written complaint of discrimination or harassment will be investigated. Upon receiving a complaint, the principal and/or local school Title IX Coordinator shall confer with the person

making the complaint to obtain an understanding of a statement of the facts. An investigation will be conducted that includes record reviews and interviews with witnesses. The complainant will be asked to provide names of persons who can verify important aspects of the complaint. The person whom the allegation is against will also be given the opportunity to provide information and witnesses. Persons viewed as likely to contribute relevant information to the investigation will also be interviewed. The complaint will 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 alleged to respond, take remedial action, or answer a governmental or court inquiry.

Upon completion of the investigation, the local school Title IX Coordinator shall make a recommendation to the building principal for appropriate discipline. If deemed necessary, a referral should be made to the district Title IX Coordinator.

If a student is not satisfied that a complaint previously presented to a member of the school staff has been resolved satisfactorily, the student or his/her parent may request a meeting of the student, the parent, and the principal. Following the meeting, the principal will inform the parent in writing of his/her decision on the complaint.

A report of sexual harassment involving an employee must immediately be reported to the district Title IX Coordinator. The principal shall also notify, in writing, the district Title IX Coordinator of complaints alleging discrimination.

Any incident may be referred to the district Title IX Coordinator. However, any student involved in a second incident of sexual harassment, or incidence of such gravity that results in out-of-school suspension or referral to a disciplinary panel, must be immediately reported to the district Title IX Coordinator.

STEP II:

APPEALS

If after meeting with the school principal, the student is still not satisfied with the principal's decision, an appeal may be submitted by the student, his/her parent to the School Improvement Team member for that school. The appeal must be in writing, giving specific reasons for reconsideration and stating precisely the reasons for dissatisfaction with the principal's decision, and shall be limited to the matter under review. Such written appeals should be made within ten (10) working days of receipt of the decision at the previous level.

Upon receipt of a written complaint, the School Improvement Team member or his/her designee shall promptly review the complaint, provide an opportunity for explanation of the written appeal, and inform the parent or student in writing of his/her decision. The School Improvement Team member may at his/her discretion include a meeting with the principal and the parent as part of his/her review of the complaint and shall notify the district Title IX Coordinator and Associate Superintendent of Educational Leadership of complaints alleging discrimination on the basis of race, religion, national origin, disability, or intellectual ability. The School Improvement Team member shall discuss the decision made to the complaint with the Associate Superintendent of Educational Leadership. The decision of the School Improvement Team member and the Associate Superintendent shall be final.

Every effort will be made to answer appeals within five (5) working days of receipt. Time limits may be extended upon mutual consent of both parties or due to extenuating circumstances.

STEP III:

DISTRICT REPORTING

The district Title IX Coordinator is designated to receive all reports or complaints of sexual harassment from individuals or complaints from individuals who believe they have been discriminated against or harassed, or who are not satisfied with the decision of the appeal.

Once a complaint has been referred to the district Title IX Coordinator, it will take approximately thirty to forty-five working days for the complaint to be fully investigated. Upon completion, the complainant and the person whom the complaint is against will receive a written letter with results of the investigation.

To file a complaint of discrimination or harassment with the GCPS Title IX Coordinator, send a letter detailing the complaint. The letter should be signed and mailed to the Office of Title IX Coordinator, Gwinnett County Public Schools, 437 Old Peachtree Road, Suwanee, GA 30024. **Please do not send the letter by e-mail or fax.** Be advised that while GCPS does not have a time limit for filing a complaint, the federal Office of Civil Rights in the U. S. Department of Education requires that you file within 180 days of the alleged incident.

RETALIATION

On all levels in the complaint process, reprisal or retaliation against a person or persons filing a discrimination or sexual harassment complaint or any person(s) participating in the investigation or resolution of the complaint is prohibited. Any employee or student who retaliates against such individual(s) as a result of participating in the complaint process shall be subject to disciplinary action.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any one of the following conditions is present:

1. Submission to such conduct is explicitly or implicitly made either a term or a condition of an individual's participation in an educational program or activity.
2. Submission to or rejection of such conduct by an individual is used as the basis of educational decisions affecting such an individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's educational opportunity or creating an intimidating, hostile, or offensive educational environment.

Examples of conduct that can contribute to sexual harassment include unwelcome touching, persistent requests for dates or other social/sexual activities; vulgar and/or abusive comments; sexual jokes, comments, and stories; and comments about other's bodies or sexual lives. Sexual harassment does not refer to occasional compliments of a socially acceptable nature or academic or other professional discussion of these issues. It refers to conduct that is not welcome and is intimidating, offensive, or inhibiting to performance and effectiveness.