

Discrimination and Harassment

Any employee who believes that s/he has been the victim of illegal discrimination or harassment may seek resolution of his/her complaint through either the informal or formal procedures described below. The Board of Education has designated the individual named below to serve as the School District's Title IX Coordinator for matters involving alleged discrimination on the basis of sex. He or she also serves as Compliance Officer with respect to all employee claims of harassment: Director of Human Resources.

Definitions: "Discrimination," for purposes of this Administrative Regulation, means an action based in whole or in part on an employee's race, color, national origin, religion, sex, marital status, genetic information, age, height, weight or disability. In order to be a subject of redress under this Regulation, the action must be found, on the basis of membership in a protected class, to:

- Create an intimidating, hostile or offensive environment;
- Substantially or unreasonably interfere with the person's work performance, opportunities, or benefits;
- Otherwise adversely affect the person's employment; and
- Has been brought to the attention of the School District's Title IX Coordinator or to the attention of other School District personnel with authority to address and redress the discrimination. "Harassment," for purposes of this Administrative Regulation, refers to verbal acts, written statements or other conduct that is threatening, harmful or humiliating and that:

- Creates an intimidating, hostile or offensive environment;
- Substantially or unreasonably interfere with the person's work performance, opportunities, or benefits;
- Otherwise adversely affect the person's employment; and
- Has been brought to the attention of the School District's Title IX Coordinator or to the attention of other School District personnel with authority to address and redress the harassment.

Informal Complaint Procedure

The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been discriminated against or harassed. This informal procedure is not required before filing a formal complaint. Moreover, an employee who seeks resolution through the informal process may request, at any time, that the matter be moved to the formal complaint process. A complaint alleging sexual violence will be addressed only through the formal complaint process.

Step 1. An employee who believes s/he has been illegally discriminated against or

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harassed may make an informal complaint, either orally or in writing, to: (1) the building administrator in the building to which the employee is assigned; (2) the Superintendent or other School District-level employee; and/or (3) the Compliance Officer (Title IX Coordinator for claims of sex discrimination). All informal complaints received by a staff member must be reported to the Compliance Officer within two (2) school days. The Compliance Officer will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution. This reporting requirement applies to all complaints made by or on behalf of an employee, regardless of where the conduct is alleged to have occurred. Complaints alleging illegal discrimination or harassment based on sex should be similarly processed but directed to the above-named Title IX Coordinator.

Step 2. The School District's informal complaint procedure is designed to provide employees who believe they are being discriminated against or harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the employee claiming discrimination or harassment, informal resolution may involve, but not be limited to, one or more of the following:

- Advising the employee about how to communicate the unwelcome nature of the behavior to the other person.
- Distributing a copy of the nondiscrimination and/or anti-harassment policies as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- If both parties agree, the Compliance Officer (or Title IX Coordinator) may arrange and facilitate a meeting between the employee claiming discrimination or harassment and the other individual to work out a mutual resolution. Such a meeting is not to be held in circumstances where sexual violence has been alleged.

Step 3. The Compliance Officer or Title IX Coordinator will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. All materials generated as part of the informal complaint process will be retained in a single location under the control of the Compliance Officer (including where acting as a Title IX Coordinator) in accordance with the Board of Education's records retention policy.

Formal Complaint Procedure

Step 1. An employee who believes s/he has been subjected to discrimination or

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harassment may file a formal complaint, either orally or in writing, with the building administrator of the building to which the employee is assigned, the Compliance Officer/Title IX Coordinator, or the Superintendent. The employee with whom a complaint is filed must report such information to the Compliance Officer/Title IX Coordinator or designee within two (2) business days. This reporting requirement applies to all complaints made by or on behalf of an employee, regardless of where the conduct is alleged to have occurred.

All formal complaints must include the following information to the extent it is available:

- The name and protected class of the alleged victim and, if different, the name and protected class of the person reporting the allegation;
- The nature of the allegation, a description of the incident(s), and the date(s) and time(s) (if known);
- The name(s) and protected classes of all persons alleged to have committed the alleged harassment, if known, or a description/identifying information available if the name is not known; and
- The name(s) or description/identifying information and protected classes of all known witnesses to the alleged incident.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Step 2. Within two (2) school days of receiving the formal complaint, the person who will conduct the investigation will initiate a formal investigation to determine whether the Complainant has been subjected to discrimination or harassment.

NOTE: Upon receiving a formal complaint, the person who will be conducting the investigation shall consider whether any action should be taken during the investigatory phase to protect the Complainant from further discrimination or harassment, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the accused person. In making such a determination, the person conducting the investigation should consult the Complainant to assess his/her agreement with the proposed action. If the Complainant is unwilling to consent to the proposed change, the person conducting the investigation may, nevertheless, take whatever actions are

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deemed appropriate for the protection of all persons, following consultation with the Superintendent.

The person conducting the investigation will inform the individual alleged to have engaged in discrimination or harassment that a complaint has been received. The accused person will be informed about the nature of the allegations and provided with a copy of any relevant Board policy or administrative guidelines. The accused will also be informed of the opportunity to submit a written response to the complaint within five (5) business days. Throughout the course of the process, the Compliance Officer/Title IX Coordinator shall keep the parties informed of the status of the investigation and the decision-making process. Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of discrimination or harassment within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- Interviews with both parties;
- Obtaining and reviewing any written statements of the reporter, the victim (if different from the reporter), the accused person, and any known witnesses;
- Interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- Consideration of any documentation or other information presented by the parties, or any other witness that is reasonably believed to be relevant to the allegations.

Step 3. At the conclusion of the investigation, the Coordinator or the designee shall, within fifteen (15) school days of receiving the formal complaint, prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation, the response of School personnel, and, if applicable, the date any incident was reported to the police. The report shall provide recommendations based on the evidence. A preponderance of the evidence standard will be followed. The investigating person's recommendations should consider the totality of the circumstances. Disciplinary recommendations, if appropriate, should be reasonably calculated to prevent recurrence of illegal discrimination or harassment. Disciplinary recommendations may range from: counseling to discharge, in the case of an employee; and censure to a complaint to the Governor in the case of a Board member.

Step 4. Absent extenuating circumstances, within ten (10) school days of receiving the report of the Coordinator or the designee, the Superintendent will either issue a final decision regarding whether the complaint has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both parties. If the Superintendent requests additional investigation, the Superintendent

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must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) school days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above. Filing a Discrimination or Harassment Complaint with State or Federal Agencies An employee alleging discrimination on the basis of sex, or harassment, may, at any time, file a complaint with the United States Department of Education Office for Civil Rights at:

United States Department of Education

Office for Civil Rights

Cleveland Office

[1350 Euclid Avenue, Suite 325](#)

[Cleveland, Ohio 44115](#)

(216) 522-4970

FAX: (216) 522-2573

TDD: (216) 522-4944

E-mail: OCR.Cleveland@ed.gov

Web: <http://www.ed.gov/ocr>

A complaint may also, or instead, be filed with:

United States Department of Labor

Equal Employment Opportunity Commission

Detroit Field Office

[477 Michigan Avenue, Room 865](#)

[Detroit, Michigan 48226](#)

or

State of Michigan

Department of Civil Rights

Cadillac Place, Suite 3-600

[3054 West Grand Boulevard](#)

[Detroit, Michigan 48202](#)

Cooperation with Law Enforcement Agencies In certain instances, an allegation of harassment may also be investigated as a criminal matter. To the extent permitted by law, the School District will comply with law enforcement requests for cooperation. Retaliation against a person who files a complaint alleging discrimination or harassment, or participates as a witness in an investigation, is strictly prohibited. Upon a finding that

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a person has engaged in retaliation, appropriate disciplinary action will be taken.
Maintenance of Records All materials generated as a part of the formal complaint process will be retained in a single location under the control of one of the Coordinators (including where acting as a Title IX Coordinator) in accordance with the Board of Education's records retention policy.