

**BOARD POLICY****VIRTUAL LEARNING ACADEMY OF ST. CLAIR COUNTY****SUBJECT: STAFF POLICY PROHIBITING HARASSMENT  
AND DISCRIMINATION****I. STATEMENT OF POLICY**

It is the policy of the Virtual Learning Academy of St. Clair County to comply with state and federal law regarding harassment and discrimination. Accordingly, no individual shall be harassed or discriminated against or intimidated by a staff member on the basis of race, color, national origin, sex, marital status, age, religion, height, weight, handicap or disability. Further, staff members are prohibited from engaging in abusive, harassing or threatening conduct including, but not limited to, insulting words, threats of violence or other intimidating statements. Penalties for violation of this policy shall include censure and/or discipline, up to and including discharge or expulsion.

For the purposes of this policy, "staff members" include employees, volunteers, Board members, as well as independent contractors, their employees and agents. This policy is not intended to create contractual rights and may be modified at any time without notice.

**II. DEFINITIONS AND PROHIBITIONS****A. Harassment Or Discrimination Based Upon Race, Color or National Origin**

Harassment or discrimination based upon race, color or national origin is a violation of state and federal law and it shall therefore be contrary to the policies of the Virtual Learning Academy of St. Clair County. Prohibited harassment or discrimination includes, but is not limited to, the following:

1. Stating or implying that an individual's deficiencies in performance are attributable in whole or in part to the individual's race, color, or national origin.
2. Treating an individual differently on the basis of race, color or national origin.
3. Disciplining an individual more harshly on the basis of race, color or national origin.
4. Segregating individuals on the basis of race, color or national origin.
5. Making decisions on the basis of race, color or national origin.

6. Engaging in any practice that illegally uses race, color or national origin as a limiting criterion.
7. Engaging in conduct based upon race, color or national origin which creates an intimidating, hostile or offensive environment or has the purpose or effect of substantially interfering with an individual's performance. The creation of an intimidating, hostile or offensive work environment may include, but is not limited to, such conduct as:
  - a. The display of degrading, offensive or inappropriate objects, photographs, drawings, cartoons, etc., regarding race, color, or national origin.
  - b. Degrading, offensive or inappropriate jokes, insults or commentary regarding race, color or national origin.

**B. Harassment Or Discrimination Based Upon Sex**

Harassment or discrimination based upon sex is a violation of state and federal law and it shall therefore be contrary to the policies of the Virtual Learning Academy of St. Clair County. For the purpose of this policy, the term "sex" includes gender, pregnancy, and marital status. Prohibited harassment or discrimination includes, but is not limited to, the following:

1. Stating or implying that an individual's deficiencies in performance are attributable in whole or in part to the individual's sex.
2. Treating an individual differently on the basis of sex.
3. Disciplining an individual more harshly on the basis of sex.
4. Segregating individuals on the basis of sex.
5. Making decisions on the basis of sex.
6. Engaging in any practice that illegally uses sex as a limiting criterion.
7. Stating or implying that an individual's advancement or lack of advancement has resulted from the acceptance or refusal of sexual favors or a sexual relationship.
8. Treating an individual differently as a result of submission to, or rejection of, unwelcome sexual advances or requests for sexual favors.
9. Making unwelcome sexual advances or requests for sexual favors.

10. Engaging in conduct based upon sex which creates an intimidating, hostile or offensive environment or has the purpose or effect of substantially interfering with an individual's performance. The creation of an intimidating, hostile or offensive environment may include, but is not limited to, such conduct as:
  - a. The display of degrading, offensive or inappropriate objects, photographs, drawings, cartoons, etc., regarding sex.
  - b. Degrading, offensive or inappropriate jokes, insults or commentary regarding sex or an individual's body.
  - c. Comments regarding an individual's private sexual life.
  - d. Physical contact or exposure of an inappropriate, unnecessary or sexual nature.

**C. Harassment Or Discrimination Based Upon Age**

Harassment or discrimination based upon age is a violation of state and federal law and it shall therefore be contrary to the policies of the Virtual Learning Academy of St. Clair County. Prohibited harassment or discrimination includes, but is not limited to, the following:

1. Stating or implying that an individual's deficiencies in performance are attributable in whole or in part to the individual's age.
2. Treating an individual differently on the basis of age.
3. Disciplining an individual more harshly on the basis of age.
4. Segregating individuals on the basis of age.
5. Making decisions on the basis of age except where age may legally be a factor.
6. Engaging in any practice that illegally uses age as a limiting criterion.
7. Engaging in conduct based upon age which creates an intimidating, hostile or offensive environment or has the purpose or effect of substantially interfering with an individual's performance. The creation of an intimidating, hostile or offensive environment may include, but is not limited to, such conduct as:
  - a. The display of degrading, offensive or inappropriate objects, photographs, drawings, cartoons, etc., regarding age.
  - b. Degrading, offensive or inappropriate jokes, insults or commentary

regarding age.

**D. Harassment Or Discrimination Based Upon Religion**

Harassment or discrimination based upon religion is a violation of state and federal law and it shall therefore be contrary to the policies of the Virtual Learning Academy of St. Clair County. For the purpose of this policy, the term "religion" includes all aspects of religious observance and practice, as well as belief. Prohibited harassment or discrimination includes, but is not limited to, the following:

1. Stating or implying that an individual's deficiencies are attributable in whole or in part to the individual's religion.
2. Treating an individual differently on the basis of religion except when such treatment is pursuant to an accommodation.
3. Disciplining an individual more harshly on the basis of religion.
4. Segregating individuals on the basis of religion.
5. Making decisions on the basis of religion.
6. Engaging in any practice that illegally uses religion as a limiting criterion.
7. Failing to accommodate an individual's religion except where an employer demonstrates that it is unable to do so without undue hardship.
8. Stating or implying that an individual's advances or lack of advances have resulted from the individual's participation or lack of participation in a particular religion or particular religious practice.
9. Engaging in conduct based upon religion which creates an intimidating, hostile or offensive environment or has the purpose or effect of substantially interfering with an individual's performance. The creation of an intimidating, hostile or offensive environment may include, but is not limited to, such conduct as:
  - a. The display of degrading, offensive or inappropriate objects, photographs, drawings, cartoons, etc., regarding religion.
  - b. Degrading, offensive or inappropriate jokes, insults or commentary regarding religion.

- c. Implicit or explicit pressures to participate in religious activities or services.

**E. Harassment Or Discrimination Based Upon Height or Weight**

Harassment or discrimination based upon height or weight is a violation of state and federal law and it shall therefore be contrary to the policies of the Virtual Learning Academy of St. Clair County. Prohibited harassment or discrimination includes, but is not limited to, the following:

1. Stating or implying that an individual's deficiencies are attributable in whole or in part to the individual's height or weight.
2. Treating an individual differently on the basis of height or weight.
3. Disciplining an individual more harshly on the basis of height or weight.
4. Segregating individuals on the basis of height or weight.
5. Making decisions on the basis of height or weight.
6. Engaging in any practice that illegally uses height or weight as a limiting criterion.
7. Engaging in conduct based upon height or weight which creates an intimidating, hostile or offensive environment or has the purpose or effect of substantially interfering with an individual's performance. The creation of an intimidating, hostile or offensive environment may include, but is not limited to, such conduct as:
  - a. The display of degrading, offensive or inappropriate objects, photographs, drawings, cartoons, etc., regarding height or weight.
  - b. Degrading, offensive or inappropriate jokes, insults or commentary regarding height or weight.

**F. Harassment or Discrimination Based Upon Handicap or Disability**

Harassment or discrimination based upon handicap or disability is a violation of state and federal law and it shall therefore be contrary to the policies of the Virtual Learning Academy of St. Clair County. Prohibited harassment or discrimination includes, but is not limited to, the following:

1. Stating or implying that an individual's deficiencies are attributable in whole or in part to the individual's handicap or disability.
2. Treating an individual differently on the basis of handicap or disability except when such treatment is pursuant to an accommodation.

3. Disciplining a handicapped or disabled individual more harshly on the basis of handicap or disability.
4. Segregating individuals on the basis of handicap or disability except as permitted by state and federal law.
5. Making decisions on the basis of handicap or disability except as permitted by state and federal law.
6. Engaging in any practice that illegally uses handicap or disability as a limiting criterion.
7. Failing to accommodate an individual's handicap or disability to the extent required by law.
8. Making any adverse employment decision on the basis of an individual's handicap or disability when such handicap or disability is unrelated to the individual's ability to perform the essential functions of his or her job.
9. Engaging in conduct based upon handicap or disability which creates an intimidating, hostile or offensive environment or has the purpose or effect of substantially interfering with an individual's performance. The creation of an intimidating, hostile or offensive environment may include, but is not limited to, such conduct as:
  - a. The display of degrading, offensive or inappropriate objects, photographs, drawings, cartoons, etc., regarding handicaps or disabilities.
  - b. Degrading, offensive or inappropriate jokes, insults or commentary regarding handicaps or disabilities.

**G. Harassment And Discrimination Generally**

Serving the Virtual Learning Academy of St. Clair County requires us to work together in a cooperative manner. Accordingly, staff members are prohibited from engaging in any abusive or harassing conduct regardless of the reason. Conduct prohibited by this policy includes, but is not limited to:

1. Name calling or making mocking, belittling, or cruel remarks to another individual.
2. Intentionally failing to work cooperatively with another individual or refusing to assist or provide services for an individual in the performance of the individual's duties.

3. Practical jokes which have the intent or effect of humiliating or embarrassing another individual.
4. Insulting or fighting words, including, but not limited to, slurs of another person's character, family, physical appearance, sexual preference or intellectual ability.
5. Threatening or intimidating another individual, either verbally or physically.
6. Ignoring or refusing to speak to an individual when spoken to.

### **III. NON-RETALIATION**

The policy of Virtual Learning Academy of St. Clair County not only prohibits harassment and discrimination but also strictly prohibits retaliation against an individual who, in good faith, has registered a complaint under this procedure. A staff member who has been determined to have retaliated against another individual for utilizing the complaint procedure will be subject to appropriate discipline up to and including discharge, expulsion, etc. If an individual believes he or she has been retaliated against for exercising rights under this policy, the individual should use the complaint procedure set forth below.

### **IV. COMPLAINT PROCEDURE**

#### **A. Notice**

An individual who believes he or she has been subjected to harassment or discrimination by a staff member shall immediately report the incident in writing to the Director of the Virtual Learning Academy of St. Clair County. In the event that the Director is alleged to be personally involved in the facts forming the basis of the complaint, the individual shall report the incident to the Superintendent of the St. Clair County Regional Educational Service Agency. Individuals are encouraged to immediately report violations of this policy. However, if an individual is unable to do so, such reports must be made within thirty (30) days. A copy of the complaint form is attached to this Policy. Additional copies of the complaint form may be obtained from the Personnel Office.

#### **B. Procedure**

Upon the receipt of a complaint, the Director will designate an individual to promptly conduct an investigation as follows:

1. Review the complaint, interview the complainant and document the interview.

- \* Obtain the names of witnesses who can substantiate the complainant's version of the events, interview the witnesses and document the interviews.
2. Interview the accused and document the interview.
- \* Review Schools' Policy Prohibiting Harassment and Discrimination with the accused without making any judgment at this stage.
  - \* Obtain the names of witnesses who can substantiate the accused's version of events, interview the witnesses and document the interviews.
  - \* Review the records of the complainant and the accused for any history of problems.
  - \* Make a determination of the merits of the complaint.
3. If it is determined that the complaint is without merit, the following action will be taken:
- \* Document the findings and conclusions.
  - \* The findings and conclusions will be discussed individually with the complainant and the accused. In addition, individuals who need to know (in the opinion of the employer) will be advised of the findings and conclusions.
  - \* All references to the complaint will be removed from the personnel files of the accused and the complainant.
  - \* All documentation regarding the complaint and investigation will be maintained in a separate file in the event that litigation is commenced or that a charge is filed with the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights. This file may be discarded by the employer three (3) years after the date of the findings and conclusions.
4. If the investigation shows that the complaint has merit, the following action will be taken:
- \* Document the findings and conclusions.
  - \* A determination will be made as to what action is necessary to



resolve the complaint and prevent recurrence.

- \* The offender and complainant will be advised of the findings and conclusions of the investigation and the action to be taken.
- \* Appropriate discipline will be imposed based upon the severity of the incident and the prior record of the offender. In the event that the penalty imposed is less than discharge or expulsion, the Virtual Learning Academy of St. Clair County's Policy Prohibiting Discrimination and Harassment will be reviewed with the offender.
- \* The findings and conclusions as well as the documented disciplinary action will be placed in the offender's personnel file.
- \* All documentation regarding the complaint and investigation will be maintained in a separate file in the event that litigation is commenced or that a charge is filed with the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights. This file may be discarded by the employer three (3) years after the date of the findings and conclusions.

Board Approved.

Date: \_\_\_\_\_

