Aligns with Policy # 2001

NORTHVILLE PUBLIC SCHOOLS

NORTHVILLE, MICHIGAN

ADMINISTRATIVE PROCEDURE

STUDENT DISCRIMINATION AND HARASSMENT

(EXCLUDING TITLE IX – SEPARATE GRIEVANCE PROCEDURE)

The Board of Education has adopted a Discrimination and Harassment policy, which prohibits illegal harassment and other forms of illegal discrimination within the Northville Public Schools programs and activities. The Board of Education's policy prohibits illegal harassment and discrimination by, among others, board members, school district employees and students.

"Discrimination", for purposes of this Administrative Procedure, means an action based in whole or in part on a student's race, color, national origin, religion, sex (including sexual orientation and gender identity), age, religion, height, weight, marital or family status, pregnancy status, military status, genetic information, disability, or any other legal protected category in its programs and activities. In order to be a subject of redress under this Procedure, the action must be found to be so severe or pervasive that it:

affects the student's ability to benefit from an educational program or activity;

creates an intimidating, threatening or hostile educational environment;

has the effect of substantially or unreasonably interfering with a student's academic performance; or

otherwise adversely affects that student's educational opportunities.

"Harassment", for purposes of this Administrative Procedure, refers to verbal acts, written statements or other conduct that is threatening, harmful or humiliating that is sufficiently severe, pervasive, or persistent so that it:

affects the student's ability to benefit from an educational program or activity;

creates an intimidating, threatening or hostile educational environment;

has the effect of substantially or unreasonably interfering with a student's academic performance; or

otherwise adversely affects that student's educational opportunities.

Any student 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 individuals named below to serve as the School District's Compliance Officer with respect to all student claims of harassment, other than complaints under Title IX:

Rebecca Pek
Assistant Superintendent of Human Resources & Development
District Phone: 248-344-3537
Email: pekre@northvilleschools.org

Brian Sumner
Director of Human Resources and Employee Relations
District Phone: 248-344-3537
Email: sumnerbr@northvilleschools.org

Informal Complaint Procedure

The informal complaint procedure is provided as a less formal option for a student who believes s/he has been discriminated against or harassed. This informal procedure is not required before filing a formal complaint. Moreover, a student 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 though the District's Title IX Grievance Procedure. All complaints of illegal discrimination or harassment by a School District employee or any other adult member of the School District community will also be addressed only through the formal complaint process.

Step 1

A student who believes s/he has been illegally discriminated against or harassed may make an informal complaint, either orally or in writing, to (1) a teacher or building administrator in the school the student attends; (2) the Superintendent; and/or (3) a Compliance Officer.

All informal complaints received by a staff member must be reported to a 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.

Step 2

The School District's informal complaint procedure is designed to provide students 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 student claiming discrimination or harassment, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the student about how to communicate the unwelcome nature of the behavior to the other person.

B. 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.

C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the student 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 or when the Respondent is a school employee or an adult member of the school district community.

Step 3

The Compliance Officer will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal 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 in accordance with the Board of Education's records retention policy and/or Student Records policy.

Formal Complaint Procedure

Step 1

A student who believes s/he has been subjected to discrimination or harassment may file a formal complaint, either orally or in writing, with a teacher, principal, a Compliance Officer, or the Superintendent. The employee with whom a complaint is filed must report such information to the Compliance Officer or designee within two (2) school days.

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

A. the name and protected class of the alleged victim and, if different, the name and protected class of the person reporting the allegation;

B. the nature of the allegation, a description of the incident(s), and the date(s) and time(s) (if known);

C. the name(s) and protected classes of all persons alleged to have committed the alleged harassment or discrimination, if known, or a description/identifying information available if the name is not known; and

D. the name(s) or description/identifying information 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 (a Compliance Officer or designee) will initiate a formal investigation to determine whether the Complainant has been subjected to discrimination or harassment. A Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

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 schedule for the Complainant and/or the Respondent. In making such a determination, the person conducting the investigation should consult the Complainant and Respondent. If the Complainant or Respondent is unwilling to consent to the proposed change, the person conducting the investigation may, nevertheless, take whatever actions are deemed appropriate and non-retaliatory 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 Respondent will be informed about the nature of the allegations and provided with a copy of any relevant Board policy, administrative guidelines or Code of Conduct. The Respondent 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 shall keep the parties reasonably 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:

A. interviews with both parties;

B. obtaining and reviewing any written statements of the reporter, the victim (if different from the reporter), the accused student(s), and any known witnesses;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. 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 Compliance Officer or the designee shall, within fifteen (15) business 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, including the ages and maturity levels of those involved. Disciplinary recommendations, if appropriate, should be reasonably calculated to prevent recurrence of illegal discrimination or harassment. Disciplinary recommendations may range from: counseling to permanent expulsion, in the case of a student; counseling to discharge, in the case of an employee; and, recommendation for censure or a complaint to the Governor in the case of a board member.

Step 4

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officer 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 must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

Filing a Complaint the with Office for Civil Rights

A Student alleging discrimination or harassment, may, at any time, file a complaint with the United States Department of Education Office for Civil Rights at:

U.S. Department of Education
Office for Civil Rights
Cleveland Office
1350 Euclid Avenue, Suite 325
Cleveland, Ohio 44115
(216) 522-4970

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

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 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 Compliance Officers in accordance with the Board of Education's records retention policy and/or Student Records policy.

Approved: October 2015
Revised: August 2020
Revised: January 2023
Revised: August 2024