

Section 5000 – Personnel

5035 Discriminatory Harassment of Employees or Applicants

5035

Sexual or discriminatory harassment of School District elected officials, employees, or applicants for employment by Board of Education Members, School District employees, vendors, contractors or other doing business with the School District, students, parents, guardians, invitees, volunteers or guests will not be tolerated.

Discriminatory harassment means any harassment, intimidation, ridicule, disparagement, purposeful embarrassment, or chiding of any person because of their race, color, national origin, age, religion, height, weight, marital status, or handicap/disability.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct relating to an individuals' sex.

Sexual or discriminatory harassment shall not be tolerated by this District when:

- Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, to obtain employment, or
- Submission to, or rejection of, such conduct or communication by an employee/applicant is used as a factor in decisions affecting such employee/applicant's employment, or
- Such conduct or communication has the purpose or effect of substantially interfering with an employee's employment, or creating an intimidating, hostile, or offensive employment environment, or otherwise adversely affects an employee's employment opportunities.

Any employee or applicant who believes that he or she has suffered any form of harassment for any reason shall immediately report the incident(s) to:

Superintendent of Schools
Pellston Public Schools
172 N. Park St.
Pellston, MI 49769
Phone: 231-539-8682

The School District guarantees that an employee or applicant for employment, reporting an incident of sexual or discriminatory harassment will not suffer any form of reprisal.

Pellston Public Schools

Section 5000 – Personnel

5035 Discriminatory Harassment of Employees or Applicants

5035-2

In determining whether the alleged conduct constitutes sexual or discriminatory harassment, the totality of the circumstances, the nature of the harassment and the context in which the alleged incident(s) occurred will be investigated. The Superintendent has the responsibility of investigating complaints of sexual or discriminatory harassment of employees or applicants. In cases where the alleged harassment involves a member of the Board of Education, the School District will appoint outside legal counsel to investigate the complaint. The results of an investigation and any action taken thereon will be communicated to the complaining person.

In the event the complaint is against the Superintendent, the Vice-President of the Board shall be automatically designated as the recipient and investigator for such complaints. The Vice-President of the Board may, at his/her sole discretion, elect to employ District legal counsel or other qualified, independent investigators to assist him/her in the investigation. Results of the Vice-President's investigation will be turned over to the President of the Board.

The School District considers harassment on the basis of religion, race, color, national origin, age, sex, height, weight, marital status, handicap or disability to be a major offense, which will result in disciplinary action of the offender. Disciplinary action against a School District employee may include termination of employment. Disciplinary action against a student may include expulsion. Disciplinary action against a Board of Education member may range from Board of Education public censure to removal of the Board Member from an officer position he/she may hold.

Notification

Notice of this policy will be periodically circulated to all school buildings and departments within the District, and incorporated in teacher, student and parent/guardian handbooks. All new hires of the District will be required to review and sign off on this policy and its related complaint procedure.

Section 5000 – Personnel

5035 Discriminatory Harassment of Employees or Applicants

5035-3

Training sessions on this policy and the prevention of sexual or discriminatory harassment shall be held periodically for all Board members, administrators, teachers and employees of the District. In addition, students will have available as part of their curriculum and instructional program, sessions on this policy and the prevention of student-to-student discriminatory or sexual harassment.

See Appendix A of this section for specific examples of sexual harassment.

Approved: November 9, 2009

LEGAL REF: MCL 37.2101 *et seq.*, (Elliott-Larsen Civil Rights Act); 380.11a; 20 USCA §1681; 34 CFR §106.8; 34 CFR §106.9 (Title IX of the Education Amendments)

Section 5000 – Personnel

5035-R Discriminatory Harassment of Employees or Applicants

5035-R

Federal Title Programs

If any person believes the District or an employee of the District has inadequately applied the principles and/or regulations of a federal Title program or believe they have been discriminated against, that person may make a complaint to the local Title coordinator at the following address:

District Title Coordinator
Pellston Public Schools
172 N. Park St.
Pellston, MI 49769
Phone: 231-539-8682

The person who believes they have a valid basis for the complaint shall discuss the matter informally and verbally with the local Title coordinator, who shall investigate the complaint and answer the complaint within two business days. If this reply is not acceptable to the complainant, the complainant may initiate formal procedures according to the following steps:

Step I:

A written statement of the complaint signed by the complainant shall be submitted to the local Title coordinator within five business days of receipt of answers to the informal complaint. The coordinator shall further investigate the complaint and reply in writing to the complainant within ten school days.

Step II:

If the complainant wishes to appeal the decision of the local Title coordinator, that person may submit a signed appeal to the Superintendent within five business days after receipt of the local coordinator's response. The Superintendent shall meet with all parties involved, attempt to arrive at a solution, and respond in writing to the complainant within five school days.

Section 5000 – Personnel

5035-R Discriminatory Harassment of Employees or Applicants

5035-R-2

Step III:

If the complainant remains unsatisfied, the complainant may appeal in a signed, written statement to the Board within five business days of receipt of the Superintendent's response in Step II. The Board shall meet with the concerned parties and their representatives within 15 days of receipt of the appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten business days of the meeting.

Step IV:

Upon completion of, or at any point in, the grievance process, complainants have the right to file a complaint with the Office for Civil Rights, US Department of Education, Washington, D.C. 20201. The complainant should first be directed to the following address:

Office for Civil Rights
600 Superior Avenue, Suite 750
Cleveland, OH 44114
(216) 522-4970 phone
(216) 522-2573 fax

Sexual Harassment and Intimidation

Any person who alleges sexual harassment by a Board member, staff member or student in this District, may use the procedure detailed in the appropriate current negotiated agreement, faculty handbook, or student handbook, or may complain directly to his/her immediate supervisor, building Principal, school counselor, District Title IX coordinator or grievance officer. Filing a grievance or otherwise reporting sexual harassment will not reflect upon the individual's status, nor will it affect future employment, grades, or work assignments.

The right to confidentiality, for both the accuser and the accused, will be respected consistent with the District's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

Section 5000 – Personnel

5035-R Discriminatory Harassment of Employees or Applicants

5035-R-3

Grievance Procedure

Upon completion of, or at any point in, the grievance process, complainants have the right to file a complaint with the Office for Civil Rights, US Department of Education, Washington, D.C. 20201. The complainant should first be directed to the following address:

Office for Civil Rights
600 Superior Avenue, Suite 750
Cleveland, OH 44114
(216) 522-4970 phone
(216) 522-2573 fax

Any Board member, employee, or student in the District who believes that he/she has been subjected to discriminatory and/or sexual harassment shall report the incident(s), in the case of an employee, to the Superintendent, immediate supervisor, Title IX coordinator, or grievance officer; in the case of a student, to the building Principal, guidance counselor, Title IX coordinator or grievance officer; in the case of a Board member, to the Superintendent, Title IX coordinator, or grievance officer.

Should a building or central office administrator be the subject of the immediate complaint or have an apparent conflict of interest in relation to it, he or she will not participate in any way in the investigation of or the decision regarding the complaint.

Upon the filing of a complaint, the grievance officer shall conduct a prompt and complete investigation. The officer shall attempt to resolve the problem through the following steps:

1. Interview the complainant and document the interview.
 - a. Request that the complaint be put in writing, if possible.
 - b. Obtain the names of witnesses who can be contacted to substantiate the charges being made and secure permission of the complainant to interview them.
2. Interview the accused and document the interview.

Section 5000 – Personnel

5035-R Discriminatory Harassment of Employees or Applicants

5035-R-4

- a. Re-emphasize the Board's policy regarding insult, intimidation, and harassment without making judgments at this stage.
 - b. Keep the identity of the complainant confidential, if possible.
3. Interview all witnesses identified by the parties and document the interview.
 4. Review the personnel files or student records/files of the complainant and the accused for any history of problems.
 5. Make a determination on the merits of the complaint.
- **If the investigation shows that the complaint is without merit, the following action will be taken:**
1. The investigation will be closed.
 2. The grievance officer's findings and reasons for them will be discussed with the complainant.
 3. Consideration will be given to disseminating the results of the investigation to employees or students who have knowledge of it.
 4. All references to the complaint will be removed from the accused party's personnel file.
 5. The Board's policy regarding discriminatory and/or harassment and the mechanism for complaint resolution will be reiterated to all employees or students involved in the investigation.
 6. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file in the event that litigation is commenced or a charge is filed with the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights.
- **If the investigation shows that the complaint has merit, the following action will be taken:**
1. The investigation will be closed.

Section 5000 – Personnel

5035-R Discriminatory Harassment of Employees or Applicants

5035-R-5

2. The grievance officer will confer with the Board and Superintendent to determine what action is necessary to resolve the complaint and prevent recurrence.
 - a. The complainant should be made whole: in the case of an employee, for any lost earnings, employment opportunities, personnel records should be corrected; in the case of a student, lost educational opportunities, extracurricular opportunities, student records updated; in the case of a Board member; lost opportunities of public service, such as chair of special committees, appointments or professional development opportunities.
 - b. The potential for continuing problems should be alleviated by reassignment where possible.
3. The parties will be advised of the results of the investigation and the actions to be taken.
4. Appropriate discipline will be imposed, as required by the strength of the evidence, the severity of the incident, and the position and prior record of the offender.
5. All actions will be documented and a record placed in the offender's permanent personnel file or student discipline records.
6. The Board's policy regarding discriminatory and/or sexual harassment and the mechanism for complaint resolution will be reiterated to all Board members, employees, or students involved in the investigation.
7. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file in the event that litigation is commenced or a charge is filed with the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights.

All complaints, interviews, and investigations will be treated with the strictest confidentiality and utmost discretion. Only those Board members, employees, or students whose participation in the investigation of a complaint was essential to its resolution will be informed of it.

Section 5000 – Personnel

5035-R Discriminatory Harassment of Employees or Applicants

5035-R-6

The Board reserves the right to contact outside investigators for sensitive and/or extensive complaints of harassment.

Sanctions

- a. A substantiated charge against a staff member in the District shall subject that staff member to disciplinary action, up to and including discharge.
- b. A substantiated charge against a student in the District shall subject that student to disciplinary action, which may include suspension or expulsion, consistent with the student discipline code.
- c. A substantiated charge against a Board member in the District shall subject that Board member to any legal and disciplinary action allowed under current law.

Section 5000 – Personnel

5040 Retaliation and Whistle-Blowing

5040

Employees are encouraged to report suspected illegal activity to appropriate School District administrators, or the Board of Education. The Board of Education will not tolerate any form of reprisal, retaliation, or discrimination against:

- Any employee, or applicant for employment, because he/she opposed any practice that he/she reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex, race, color, national origin, age, religion, height, weight, marital status, handicap or disability,
- Any employee, or applicant for employment, because he/she filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, race, color, national origin, age, religion, height, weight, marital status, handicap or disability or because he/she reported a suspected violation of such laws according to this policy, or
- Any employee or applicant because he/she reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because he/she was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

An employee or applicant for employment who believes that he/she has suffered reprisal, retaliation, or discrimination in violation of this policy shall report the incident(s) to the Administrator in Charge of Personnel and Employee Relations. The Board of Education guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation, or discrimination for making the report.