

## 8007.1-AR - Discrimination and Harassment - Students

**Generally** Any student, or any other person, may report that a student has been the victim of illegal discrimination or harassment, other than sexual harassment, to the School District's Compliance Officer and Title IX Coordinator and seek resolution of the matter through the informal or formal procedures described in this Administrative Regulation.

### **Definitions for 8007.1-AR**

**"Complainant"** means the student who is the alleged victim of discrimination or harassment; other than sexual harassment, which is addressed by [8007.3-AR](#).

**"Respondent"** means the person who allegedly discriminated against or harassed Complainant.

**"Investigator"** means the person investigating a formal complaint of discrimination or harassment.

**"Discrimination"** means behavior based, in whole or in part, on Complainant's race, color, national origin, religion, sex, marital status, genetic information, or disability. The behavior must be sufficiently severe and pervasive that it:

- Affects Complainant's ability to benefit from the School District's educational programs or activities;
- Creates an intimidating, threatening, or hostile educational environment;
- Has the effect of substantially or unreasonably interfering with Complainant's academic performance; or,
- Otherwise adversely affects Complainant's educational opportunities.

**"Harassment"** means behavior that is threatening, harmful, or humiliating and so severe, pervasive, or persistent that it:

- Affects Complainant's ability to benefit from the School District's educational programs or activities;
- Creates an intimidating, threatening, or hostile educational environment;
- Has the effect of substantially or unreasonably interfering with Complainant's academic performance; or,
- Otherwise adversely affects Complainant's educational opportunities.

**Informal Complaint Resolution Procedure** The informal complaint resolution procedure is a less formal option for a Complainant who believes s/he was the victim of discrimination or harassment. Resorting to the informal procedure is not required before filing a formal complaint. Moreover, at any time during the informal complaint resolution procedure, Complainant may request that the matter be moved to the formal complaint process. The informal complaint resolution procedure will not be used for complaints against District employees and other District-affiliated adults.

**Step 1.** A student, or any other person, may report discrimination or harassment to: a School District employee or building administrator; the Superintendent or other central-office administrator; or, the Compliance Officer and Title IX Coordinator.

All informal complaints received by School District employees must be reported to the Compliance Officer and Title IX Coordinator within two (2) days. The Compliance Officer and Title IX Coordinator will either facilitate an informal resolution, as described below, or appoint another person to facilitate an informal resolution.

**Step 2.** Depending upon the facts, circumstances, and wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

- Counseling Complainant how to effectively communicate the unwelcome nature of the behavior to Respondent.
- Distributing a copy of the School District's anti-discrimination and anti-harassment policy and this Administrative Regulation as a reminder to Respondent and other individuals.
- If both parties agree, the Compliance Officer and Title IX Coordinator may arrange and facilitate a meeting between the Complainant and Respondent to work out a mutual resolution. Such a meeting may include some or all of the features of the restorative practices process described in the Revised School Code, MCL [380.1310c](#).

**Step 3.** The Compliance Officer and Title IX Coordinator will endeavor to complete the informal complaint resolution procedure within ten (10) days of receiving the informal complaint. If Complainant or Respondent is dissatisfied with the result, s/he may file a formal complaint.

All materials generated as part of the informal complaint resolution procedure will be retained in a single location under the control of the Compliance Officer and Title IX Coordinator in accordance with the Board of Education's records retention and/or Student Records policies.

### **Formal Complaint Resolution Procedure**

**Step 1.** A student, or any other person, may file a formal complaint with: a School District employee; the Superintendent or other central-office administrator; or, the Compliance Officer and Title IX Coordinator. All such complaints must be forwarded to the Compliance Officer and Title IX Coordinator within two (2) days.

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

- The name of Complainant and, if different, the name of the person reporting the allegation;
- The allegation, including a description of relevant incident(s), date(s), and time(s) (if known);
- The name(s) of all persons alleged to have committed discrimination or harassment, if known, or a description/identifying information if the name is not known; and,
- The name(s) or description/identifying information of all known witnesses.

If Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer and Title IX Coordinator will ask for the information in an interview. Thereafter, the Compliance Officer and Title IX Coordinator will prepare a written summary of the interview and ask Complainant to verify the accuracy of the summary by signing it.

**Step 2.** Within two (2) days of receiving the formal complaint, the Compliance Officer and Title IX Coordinator, or designee (the Investigator), will initiate a formal investigation to determine whether Complainant has been subjected to discrimination or harassment.

NOTE: Upon receiving a formal complaint, the Investigator will consider whether any action should be taken during the investigation to protect Complainant from further discrimination or harassment, including, but not limited to, a no-contact order or a change of schedule for Complainant or Respondent. In making such a determination, the Compliance Officer and Title IX Coordinator will consult Complainant to assess his/her reaction to the proposed action. If Complainant disagrees with the proposed change, the Investigator may nevertheless, following consultation with the Superintendent, take whatever actions s/he deems appropriate and in the best interests of Complainant, Respondent, and the integrity of the investigation.

The Compliance Officer and Title IX Coordinator will inform Respondent that a complaint has been received. Respondent will be informed of the nature of the allegations and provided with a copy of

the Board's anti-discrimination and anti-harassment policy and this Administrative Regulation. Respondent will also be provided an opportunity to submit a written response to the complaint within five (5) days. Throughout the course of the process, the Compliance Officer and Title IX Coordinator will keep both parties informed of the status of the investigation and the decision-making process.

Although certain cases may require additional time, the Investigator will endeavor to complete the investigation within fifteen (15) days of receiving the formal complaint. The investigation will include:

- Interviews with Complainant and Respondent;
- Obtaining and reviewing any written statements of Complainant, Respondent, and any other witnesses;
- Interviews with other witnesses who may have information relevant to the allegations; and,
- Consideration of any relevant documents or other information presented by Complainant, Respondent, or other witnesses.

**Step 3.** At the conclusion of the investigation, the Compliance Officer and Title IX Coordinator will, within fifteen (15) days of receiving the formal complaint, prepare and deliver a written report to the Superintendent summarizing the information gathered during the investigation and, if applicable, the date of any report to the police. The report will also provide recommendations based on the evidence. A preponderance of the evidence standard will be followed. The Compliance Officer and Title IX Coordinator'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 the recurrence of 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) days of receiving the Compliance Officer and Title IX Coordinator's report, the Superintendent will issue a final decision 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 will specify the additional information that is to be gathered, and the additional investigation will be completed within ten (10) days. At the conclusion of the additional investigation, the Superintendent will issue a final written decision as described above.

**Filing a Complaint with the Office for Civil Rights** Complainant, or any other person, 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, allegation of discrimination and harassment may be investigated as a criminal matter. To the extent permitted by law, the 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 the Compliance Officer and Title IX Coordinator in accordance with the Board of Education's records retention and/or Student Records policy.

