

8007.2-AR - Discrimination and Harassment - Employees

Generally Any employee who believes that s/he has been the victim of illegal discrimination or harassment, other than sexual harassment, may notify the School District's Compliance Officer and Title IX Coordinator and seek resolution of the matter through the informal or formal procedures described below.

Definitions for 8007.2-AR

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

"Respondent" means the person who has 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, age, height, weight or disability that is sufficiently severe and pervasive that it:

- Creates an intimidating, hostile, or offensive environment;
- Substantially or unreasonably interferes with Complainant's work performance, opportunities, or benefits; or,
- Otherwise adversely affects Complainant's employment;

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

- Creates an intimidating, hostile, or offensive environment;
- Substantially or unreasonably interferes with Complainant's work performance, opportunities, or benefits; or,
- Otherwise adversely affects Complainant's employment.

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 alleging violence.

Step 1. The Complainant may make an informal complaint, orally or in writing, to: the building administrator of the building to which the employee is assigned; the Superintendent or other central-office administrator; or the Compliance Officer and Title IX Coordinator.

All informal complaints must be reported to the Compliance Officer and Title IX Coordinator within two (2) days. The Compliance Officer and Title IX Coordinator will facilitate an informal resolution, as described below, or appoint another individual 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:

- Advising Complainant how to effectively communicate the unwelcome nature of the behavior to Respondent.

- Distributing a copy of the anti-discrimination and anti-harassment policy and this Administrative Regulation 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 the Respondent to work out a mutual resolution. However, such a meeting will not be held where sexual violence has been alleged.

Step 3. The Compliance Officer and Title IX Coordinator will endeavor to complete the informal complaint resolution procedure within fifteen (15) days of receiving the informal complaint. If Complainant or Respondent is dissatisfied with the results of the informal complaint resolution process, 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 the Title IX Coordinator in accordance with the Board of Education's records retention policy.

Formal Complaint Resolution Procedure

Step 1. Complainant may file a formal complaint with: the building administrator of the building to which s/he is assigned; the Superintendent or other central-office administrator; or, the Compliance Officer and Title IX Coordinator. The person with whom a complaint is filed must report it 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:

- Complainant's name 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 details in an interview. Thereafter, the Compliance Officer and Title IX Coordinator will prepare a written summary of the interview, and Complainant will be asked to verify 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 change of work assignment or schedule for Complainant or Respondent. In making such a determination, the Investigator will consult Complainant to assess his/her reaction to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Investigator may nevertheless, after consulting with the Superintendent, take whatever actions he/she deems appropriate for the protection of Complainant, Respondent, and the integrity of the investigation.

The Investigator 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 informed of the 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 the 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 Complaint, Respondent, and any other witnesses;
- Interviews with any other witnesses;
- Relevant documents and other information presented by Complainant, Respondent, or any 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 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 will provide recommendations based on the evidence. The 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) days of receiving the report, 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) days. At the conclusion of the additional investigation, the Superintendent will issue a final written decision as described above.

Filing a Discrimination or Harassment Complaint with State or Federal Agencies An employee alleging discrimination 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 discrimination or 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 Officer and Title IX Coordinator in accordance with the Board of Education's records retention policy.