

Discriminatory harassment of students by School District elected officials, employees, vendors, contractors or others doing business with the School District, students, parent(s)/guardian(s), invitees, volunteers or guests will not be tolerated. Similarly, student-on-student discriminatory harassment is prohibited, equally, and will not be tolerated.

Discriminatory harassment includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct relating to an individual's gender, race, color, national origin, genetic information (GINA), religion, height, weight, marital status, handicap, age, or disability when:

- Submission to such conduct or communication is made either an explicit or implicit condition of utilizing or benefiting from the services, activities, or programs of the School District,
- Submission to, or rejection of, the conduct or communication is used as the basis for a decision to exclude, expel or limit the harassed student in the terms, conditions or privileges of the School District, or
- The harassment substantially interferes with the student's education, creates an intimidating, hostile, or offensive environment, or otherwise adversely affects the student's educational opportunities.

Any student who believes that he or she has suffered harassment shall immediately report the incident(s) to his/her school Principal, or an Assistant Principal. If it relates to the Principal or Assistant Principal, the complaint should be filed with the Assistant Superintendent of Instruction or the Assistant Superintendent of Business:

East Grand Rapids Public Schools
2915 Hall Street SE
Grand Rapids, MI 49506
Phone: 616-235-3535

Should the complaint be against the Superintendent, the incident shall be reported to:

Vice-President of the Board of Education
East Grand Rapids Public Schools
2915 Hall Street SE
Grand Rapids, MI 49506
Phone: 616-235-3535

The School District guarantees that a student reporting an incident(s) of discriminatory harassment will not suffer any form of reprisal.

In determining whether the alleged conduct constitutes discrimination or 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 building Civil Rights Coordinator, or his/her designee, has the responsibility of investigating complaints of discriminatory harassment of students. 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.

The School District considers discriminatory harassment based on gender, race, color, national origin, genetic information (GINA), religion, height, weight, marital status, handicap, age, 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.

Sexual harassment, may include, but is not limited to:

- Unwelcome conduct of a sexual nature

Examples:

- Unwelcome sexual advances
- Requests for sexual favors

- Other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence

(OCR Dear Colleague Letter – April 4, 2011)

In addition, any form of retaliation against the complainant or witness is in itself a form of sexual harassment.

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

Approved: June 9, 2003
Revised: February 22, 2016

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)

(hereinafter referred to as the "Respondent") 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 policies and/or administrative guidelines, including Policy 5035 and 8330 - Discriminatory Harassment. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- 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 Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provide the recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

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 five (5) days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the Complainant alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant may be represented, at his/her own cost, at any of the above described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a Complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Address of Witness: _____

Phone Number(s): _____

Date of Testimony/Interview: _____

Description of Instance Witnessed:

Additional Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____ Supt Office

8/2000

SEXUAL HARASSMENT COMPLAINT FORM

Name of Complainant: _____

Address of Complainant: _____

Phone Number(s): _____

Date of Complaint: _____

Name of Alleged Harasser: _____

Date and Place of Incident or Incidents: _____

Description of Misconduct (Use back, if needed): _____

Names(s) of Witness, if any: _____

Evidence of Harassment (i.e., letters, photos) _____

Additional Information:

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____