

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" is prohibited and is defined as: unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct or communication of intimidating, hostile or offensive sexual nature.

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

- Submission to such conduct or communication is made either explicitly or implicitly a term or condition to obtain employment, or
- Submission to or rejection of such conduct or communication by an employee/applicant is used, explicitly or implicitly, as a basis for decisions affecting such employee/applicant's employment, or
- Such conduct or communication has the purpose or effect of unreasonably 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
Battle Creek Public Schools
3 Van Buren St. W
Battle Creek, MI 49017
Phone: 269-965-9500

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.

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.

All new employees will be provided sexual and discriminatory harassment training. Training sessions on this policy and the prevention of sexual and 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 and sexual harassment.

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

Approved:

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)

- 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.
 - 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.
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.

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.