

## Non-Discrimination Policy and Complaint Procedure

It is the policy of the Board of Education that the District will not discriminate in its programs, services, or activities against any person based on gender, race, color, national origin, religion, height, weight, marital status, handicap, age, or disability. The District reaffirms its long-standing policy of compliance with all applicable federal and state laws and regulations prohibiting discrimination.

The Assistant Superintendent is appointed the Civil Rights Coordinator regarding complaints of discrimination involving employment, educational services, programs and activities. Inquiries or complaints by employees, students and/or their parent(s)/guardian(s) related to discrimination based on disability/handicap, sex, race, color, national origin, religion, height, weight, age, or marital status should be directed to:

The Assistant Superintendent of Schools  
Fowlerville Community Schools  
7677 Sharpe Rd, Suite A  
Fowlerville, Michigan 48836  
(517) 223-6027

In the event a complaint is against the Assistant Superintendent of Schools, the complaint should be directed to The Superintendent of Schools at the above address. In the event a complaint is against the Superintendent of Schools, the complaint should be directed to The Vice-President of the Board of Education at the above address.

The Civil Rights Coordinators, as specified herein, are designated to receive and resolve complaints from any person who believes that he/she may have been discriminated against in violation of this policy. Any person who believes he/she has been discriminated against in violation of this policy should file a written complaint with the Civil Rights Coordinator within ten (10) calendar days of the alleged violation. The Civil Rights Coordinator will take, then, the following action: **First**, cause an investigation of the complaint to be commenced. **Second**, arrange for a meeting to occur with the complainant, which may include School District staff who are knowledgeable of the facts and circumstances of the particular complaint or who have particular expertise that will assist in resolving the complaint. **Third**, complete the investigation of the complaint and provide, in writing, a reply to the complainant. If the Civil Rights Coordinator determines that a violation has occurred, he/she shall propose a fair resolution of the complaint and deliver the determination to the complainant and the Superintendent. In the event the complaint is against the Superintendent, a copy of the determination shall be delivered to the President of the Board of Education.

The complainant may **appeal** the determination of the Civil Rights Coordinator or Board Vice-President to the Superintendent, or, in the case of a complaint against the Superintendent, to the President of the Board, by so notifying the Superintendent or Board President in writing within the (10) calendar days of the Civil Rights Coordinator's determination. The Superintendent or Board President may conduct additional investigation of the facts and circumstances surrounding the complaint.

The Superintendent, or Board President in the case of a complaint against the Superintendent, shall affirm or reverse the Civil Rights Coordinator's decision and, if warranted, implement the Civil Rights Coordinator's proposed resolution or a modification thereof. The Superintendent or Board President's decision shall be final.

The Board Vice-President or President may elect to secure the services of an outside party to investigate the facts and circumstances surrounding any complaint against the Superintendent.

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

## **Anti-Harassment Policy/Grievance Procedure**

Harassment of students and staff by School District elected officials, employees, vendors, contractors or other doing business with the School District, students, parent(s)/guardian(s), invitees, volunteers or guests will not be tolerated.

Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or school employee that:

- Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property.
- Has the effect of substantially interfering with a student's educational performance opportunities, or benefits, or an employee's work performance; or
- Has the effect of substantially disrupting the orderly operation of a school.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- Submission to, or rejection of, the conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or interfering with one's ability to participate in or benefit from a class or educational program or activity.

Sexual harassment, may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- Unwelcome verbal expressions of sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes;

unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

- Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- A pattern of conduct, which can be subtle in nature, that has sexual history, or remarks about one's own sexual activities or sexual history.
- In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.
- Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotation constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

**NOTE: Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery". The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.**

Race/color harassment is prohibited. Racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (creed) harassment is prohibited. Religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or

offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National origin or ancestry harassment is prohibited. National origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surname, or ethnic slurs.

Disability harassment is prohibited. Disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as a negative comment about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

### **Reports and Complaints of Harassing Conduct**

Members of the School District community, which includes all staff, Board members, and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a complaint shall file it with the Superintendent, immediate supervisor, Title IX coordinator, or grievance officer in the case of an employee; or 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; in the case of the Superintendent, to the Vice-President of the Board. The Title IX coordinator for the District is:

The Assistant Superintendent of Schools  
Fowlerville Community Schools  
7677 Sharpe Rd, Suite A  
Fowlerville, Michigan 48836  
517-223-6027

Upon the filing of a complaint, the grievance officer shall conduct a prompt and complete investigation.

- If the investigation shows that the complaint is without merit, the grievance officer's findings and reasons for them will be discussed with the complainant.
- If the investigation shows that the complaint has merit, the grievance officer will confer with the Board and Superintendent to determine what action is necessary to resolve the complaint and prevent recurrence.

Sanctions/Disciplinary Action

- A substantiated charge against a staff member in the District shall subject that staff member to disciplinary action, up to and including discharge.
- 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 Code of Student Conduct.
- 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.

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