

Section 5000 – Personnel

5035-R Discriminatory Harassment of Employees or Applicants

5035-R

Discriminatory Harassment

If an employee, applicant, or any other person believes that they have been subjected to discriminatory harassment, including but not limited to harassment related to the employee or applicant's race, height, weight, color, religion, national origin, age, marital status, disability or veteran status by an employee of the District or anyone acting as an agent of the District, by school Board members, employees, vendors, contractors or other persons doing business with the District, it should be immediately reported to the Civil Rights Coordinator or, in the case of a Board member, to the Superintendent or Civil Rights Coordinator.

Mr. Larry Johnson
The Civil Rights Coordinator
Office of Public Safety & School Security
Grand Rapids Public Schools
1331 Franklin SE., PO Box 117
Grand Rapids, MI 49501-0117
Phone: (616) 819-2035

If an employee, applicant, or any other person believes that they have been subjected to discriminatory harassment, including but not limited to harassment related to the employee or applicant's sex, sexual orientation, gender, gender identity and expression, or pregnancy by an employee of the District or anyone acting as an agent of the District, by school Board members, employees, vendors, contractors or other persons doing business with the District, it should be immediately reported to the Title IX Coordinator or, in the case of a Board member, to the Superintendent or Title IX Coordinator.

Mr. Kurt Johnson
The Title IX Coordinator
Department of Athletics
Grand Rapids Public Schools
1331 Franklin SE., PO Box 117
Grand Rapids, MI 49501-0117
Phone: (616) 819-2000

Notwithstanding the above, employees, applicants, and other persons have the right to file a complaint of discriminatory harassment directly with the Michigan

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Department of Civil Rights or the Office for Civil Rights, U.S. Department of Education. Complaints may also be made to the Ethics Hotline by calling 1-800-345-7377 or online at <https://reportanissue.com/grps/welcome.php>.

Retaliation

The District will also not retaliate against any person for asserting rights protected by law or board policy. Retaliation occurs when an employer takes a materially adverse action because an applicant or employee asserts rights protected by the EEO laws. Asserting EEO rights is called "protected activity."

For example, it is unlawful to retaliate against an applicant or employee for:

- complaining or threatening to complain about alleged discrimination against oneself or others;
- providing information in an employer's internal investigation of an EEO matter;
- refusing to obey an order reasonably believed to be discriminatory;
- advising an employer on EEO compliance;
- resisting sexual advances or intervening to protect others;
- passive resistance (allowing others to express opposition);
- requesting reasonable accommodation for disability or religion;
- complaining to management about EEO-related compensation disparities;
or
- talking to coworkers to gather information or evidence in support of a potential EEO claim.

Procedural Steps

A prompt and thorough investigation of a complaint of discrimination and/or retaliation shall be conducted as follows:

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- Complainant will notify the Civil Rights Coordinator and/or Title IX Coordinator (depending on the allegation) about the complaint.
- All complaints, interviews, and investigations will be treated with the strictest confidentiality allowed under the law. Only those Board members, employees, or students whose participation in the investigation is required will be informed of it.
- The Superintendent may use external investigators when appropriate.
- The following investigative procedures must be used:
 - Arrange for no contact between the parties involved, if possible.
 - Discuss support options with the complainant, if appropriate.
 - Provide Complainant and alleged offender with a copy of this policy and any other applicable policies, rules, or procedures.
 - Keep the identity of the Complainant confidential if possible, but don't guarantee confidentiality, as the investigation may call for identification.
 - Obtain victim statement(s) (clear, concise, with as much detail as possible).
 - Obtain witness statements (clear, concise, with as much detail as possible).
 - Notify Complainant and alleged offender that they have the right to provide witnesses and other evidence.
 - Question those involved or have knowledge of involvement separately and document.
 - Review applicable documents.
 - Keep Complainant apprised of the progress of the investigation if it cannot be concluded within five business days, and let him/her know how soon the investigation will be completed. Investigations should be completed within 10 school/business days.
 - HR will review the personnel file to determine if there were any prior incidents.
 - Compile all documents and prepare in report format the results of the investigation.

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If the investigation shows that the complaint has merit, the following action will be taken:

- a. 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.
- b. The potential for continuing problems should be alleviated by reassignment of the offender, if possible, or other appropriate action, including appropriate actions requested the Complainant. Appropriate action may also include additional training regarding the anti-discrimination policies.
- c. The parties and anyone else who needs to know will be advised of the results of the investigation and the actions to be taken.
- d. All actions will be documented and a record placed in the offender's permanent personnel file.
- e. The Board's policies regarding discriminatory and/or sexual harassment and non-retaliation, as well as the mechanism for complaint resolution will be reiterated to all parties involved in the investigation.
- f. All documentation regarding the complaint and the investigation will be maintained in a separate, confidential file maintained by either the Civil Rights Coordinator or Title IX Coordinator, as appropriate, in the event that litigation is commenced or a charge is filed with the Office for Civil Rights or the Michigan Department of Civil Rights within legal timelines.

If the investigation shows that the complaint is without merit, the following action will be taken:

- a. The investigation will be closed.
- b. The Civil Rights or Title IX Coordinator's findings and reasons for them will be documented in a final report and provided to the Complainant and anyone else with a need to know.
- c. The Board's policy regarding discriminatory harassment and/or sexual harassment and non-retaliation as well as the mechanism for complaint resolution will be

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reiterated to all Board Members, employees, and others involved in the investigation.

- d. 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 Office for Civil Rights or the Michigan Department of Civil Rights.

If the complainant wishes to appeal the decision of the Civil Rights or Title IX Coordinator, they may appeal in writing to the Superintendent within five business days after receipt of the Civil Rights or Title IX Coordinator's response.

The Superintendent shall meet with all parties involved, attempt to arrive at a solution, and respond in writing to the complainant within five school days.

No employee, applicant, parent/guardian, vendor, or member of the public shall be retaliated against for filing a complaint of discrimination or participating in the investigation of the complaint.

Rules Accepted: September 2016