

ANTI-HARASSMENT/ ANTI-VIOLENCE POLICY

It is the policy of the Fitzgerald Public Schools ("District") to maintain learning and working environments that are free from all forms of harassment, including sexual harassment, physical assault and threats of imminent harm. No board member, staff member or student of the District shall be subjected to any form of harassment or intimidation on the basis of a protected characteristic. No board member, staff member or student of the District shall be subjected to physical assault or threats of imminent harm by another.

The failure of staff members to report and/or take reasonable steps to prevent harassment, sexual harassment, or physical assault or threats of imminent harm by another in the District may result in discipline, up to and including discharge of employment. Each administrator shall be responsible for promoting understanding and acceptance of, and assuring compliance with, state and federal laws, and board policy and procedures governing harassment, including harassment, sexual harassment, and physical assault or threats of imminent harm within his/her building or office.

A. HARASSMENT

As part of the District's commitment to an environment free of harassment, the District prohibits abusing the dignity of anyone through derogatory comments, slurs, statements, jokes or other objectionable conduct related to an individual's ethnicity, race, gender, religion, age, disability, height, weight, military veteran, or marital status. No board member, staff member, or student of the District shall be subjected to any form of harassment or intimidation on these bases. Such harassment is a serious violation of the District's policies and will subject the individual to discipline up to and including discharge from employment, or suspension or expulsion from the District.

B. SEXUAL HARASSMENT

The District prohibits sexual harassment of board members, staff members or students by any of the same, or by a third party. All staff members must refrain from any sexual harassment, and must be alert to stop any such conduct from occurring in the District. (For purposes of this policy, staff members include school board members, school employees and agents). Sexual harassment is a serious violation of the District's policies, and will subject the staff member to discipline, up to and including discharge from employment, or suspension or expulsion from the District.

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

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or advancement of a student's education or participation in school programs or activities, or

- 2) Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual, or
- 3) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile or offensive educational or employment environment.

Sexual harassment includes, but is not limited to, the following:

- 1) Physical assaults (e.g., intentional physical conduct that is sexual in nature, such as touching, pinching, or brushing against another individual's body);
- 2) Unwelcome sexual advances, comments, requests for sex, sexual activities concerning one's employment or advancement, regardless of whether they are accompanied by promises or threats concerning one's grades, safety, job or performance of duties;
- 3) Sexual displays or publications such as calendars, screen savers, sexual jokes, posters, cartoons, verbal or written harassment or abuse, or graffiti; and
- 4) Other verbal or physical conduct of a sexual nature which has the purpose or effect of interfering with an individual's work or academic performance, or creating an intimidating, hostile or offensive work environment.

C. PHYSICAL ASSAULT OR THREATS OF IMMINENT HARM

Physical assault is defined as intentionally causing or attempting to cause physical harm to another through force or violence. Threats of imminent harm include making statements verbally, in writing, or through the use of electronic medium that would lead a reasonable person to conclude that they were in immediate physical danger. Physical assault or threats of imminent harm will not be tolerated by the District.

Michigan law prohibits physical assault of a District staff member, volunteer, contractor, or another student. Per state law, students in grades 6-12 who physically assault a District staff member, volunteer, contractor, or another student at school or at school-sponsored events, shall be expelled for a minimum of 180 school days and shall be advised of their right to petition for reinstatement, and the process for reinstatement. Per state law, students in Grades 6-12 who physically assault another student on District property or off-campus location during school-sponsored events shall be subject to expulsion for up to 180 school days. The Superintendent or his or her designee may recommend an alternative discipline.

D. PROCEDURE

1. **Filing a complaint alleging harassment, sexual harassment, or physical assault or threats of imminent harm.**

Any person who alleges harassment, sexual harassment, or physical assault or threats of imminent harm by a board member, staff member, volunteer, contracted services, or student in the District may complain directly to his or her immediate supervisor, building principal, school counselor, or grievance officer. The superintendent shall be notified of the complaint. An individual, who is uncomfortable for any reason in bringing a complaint to the attention of his or her immediate supervisor or building principal, should report the matter to the Superintendent. The Superintendent or his or her designee will head the investigation. The District has provided the attached form to aid a complainant in bringing a complaint. The District encourages the use of this form to assist its investigator in obtaining any relevant information.

Any student who believes he or she has been subject to harassment on the basis of any protected characteristic may bring a complaint to a teacher or the building principal. Any staff member who receives a harassment complaint shall immediately report the complaint to the building principal. If the building principal is alleged to be involved in the incident, the report must be made to the Superintendent. If the Superintendent is alleged to be involved in the incident, the report must be made to the President of the Board.

Filing a complaint or otherwise reporting harassment or physical assault or threats of imminent harm will not reflect upon the individual's status, nor will it affect future employment, grades, or work assignments. Confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the factual and legal circumstances to protect the interest of all parties involved in the investigation, the complainant, person(s) complained against, and witnesses.

2. Investigation

The District's designee will investigate all reports of harassment, sexual harassment, physical assault or threats of imminent harm thoroughly and promptly. All complaints, interviews, and investigations will be treated with the strictest confidentiality and utmost discretion possible under the circumstances. Only those board members, staff members, or students whose participation in the investigation of a complaint was essential to its resolution will be informed of it. The investigation will involve the following steps:

- (a) **Interview the complainant and document the interview.**
 - i. Request that the complaint be put in writing, if possible.
 - ii. Obtain the names of witnesses who can be contacted to substantiate the charges being made, if any.
- (b) **Interview the accused and document the interview.**
 - i. Re-emphasize the board's policy regarding sexual harassment without making judgments at this stage
- (c) **Interview witnesses as appropriate and document the interviews.**

- (d) **Review the personnel files or student records/files of the complainant and the accused for any history of similar or relevant problems.**
- (e) **Make a determination on the merits of the complaint.**

3. Conclusion of Investigation

(a) If the investigation shows that the complaint is without merit, the following actions will be taken:

- i. The investigation will be closed.
- ii. The investigator's findings and reasons for them will be discussed with the complainant, as appropriate.
- iii. Consideration will be given to disseminating the results of the investigation to employees or students who have knowledge of it.
- iv. All references to the complaint will be removed from the accused party's personnel file.
- v. The District's policy regarding unlawful harassment and the mechanism for complaint resolution will be reiterated to all employees or students involved in the investigation.
- vi. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file in the even that litigation is commenced or a charge is filed with the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights.

(b) If the investigation shows that the complaint has merit, the following actions will be taken:

- i. The investigation will be closed.
- ii. The investigator will recommend to the Superintendent or the Board what action is necessary to resolve the complaint and prevent recurrence.
- iii. The parties will be advised of the results of the investigation and the actions to be taken, if appropriate.
- iv. Appropriate discipline will be imposed, as required by the strength of the evidence, the severity of the incident, the terms of any applicable collective bargaining agreement, and the position and prior record of the offender.
- v. All actions will be documented and a record placed in the offender's permanent personnel file or student discipline records.
- vi. The board's policy regarding sexual harassment and the mechanism for complaint resolution will be reiterated to all board members, employees, or students involved in the investigation.
- vii. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file in the even that litigation is commenced or a charge is filed with the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights.

E. Retaliation Prohibited

The District will not tolerate retaliation against any person who reports alleged harassment, sexual harassment, physical assault or threats of imminent harm or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such conduct. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

All reports of such activities will be thoroughly and promptly investigated. Any person who attempts to retaliate will be subject to disciplinary action up to and including termination.

F. Sanctions

- 1) A substantiated charge of harassment, sexual harassment, physical assault or threats of imminent harm, or retaliation against a staff member in the District shall subject that staff member to disciplinary action, up to and including discharge.
- 2) A substantiated charge of harassment, sexual harassment, physical assault or threats of imminent harm, or retaliation against a student in the school district shall subject that student to disciplinary action, which may include suspension or expulsion, consistent with the student discipline code.
- 3) A substantiated charge of harassment, sexual harassment, physical assault or threats of imminent harm, or retaliation against a board member in the school district shall subject that board member to any legal and disciplinary action allowed under current law.

G. Notification

It is the intent of the Board of Education of the District that this policy receive wide distribution, and shall be:

- 1) Circulated to all schools and departments and to all counselors the District on an annual basis and shall be incorporated in staff and student handbooks.
- 2) Publicized in District and building newsletters.
- 3) Training sessions on this policy and the prevention of harassment shall be held periodically for all board members, administrators, teachers and employees of the District. In addition, the Board also encourages that affirmative programs be initiated so that students will have available as part of their curriculum and instructional program, sessions on this policy and the prevention of student to student harassment.

Fitzgerald Public Schools
HARASSMENT COMPLAINT INFORMATION

Name of Complainant: _____

Address & Telephone

Number of Complainant: _____

Description of Incident(s)

What Happened: _____

When It Happened: _____

Where It Happened: _____

Name of Alleged

"Harasser": _____

Any Witnesses? Yes No

Witness Names/Where They Can They can Reached):

How I Felt: _____

(Please Continue On Other Side)

Fitzgerald Public Schools
HARASSMENT COMPLAINT INFORMATION (continued)

How Alleged "Harasser" Responded: _____

Verbatim Quotations: _____

When & To Whom
Verbally Reported: _____

Other Information: _____

Signature of Complainant

Date

(Signature of Superintendent or Designee)

Date