

Section 5000 – Personnel

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Discriminatory Harassment and Employee's Complaint Procedure

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Section 1

Any person who believes that he or she has suffered any form of sexual or discriminatory harassment may bring forward a complaint, which shall be referred to as a grievance, to:

Civil Rights Coordinator
West Branch-Rose City Area Schools
PO Box 308
West Branch, MI 48661
989-343-2000

The Civil Rights Coordinator will conduct an adequate, reliable, and impartial investigation of complaints, including the opportunity for parties to identify witnesses and other evidence.

Section II

The person who believes a valid basis for grievance exists is encourage to discuss the grievance informally and on a verbal basis with the Civil Rights Coordinator who shall, in turn, investigate the complaint and reply with an answer within five (5) business days. If the complainant feels the grievance is not satisfactorily resolved, he or she may initiate formal procedures according to the following steps:

Step 1

A written statement of the grievance, signed by the complainant, shall be submitted to the Civil Rights Coordinator within five (5) business days of receipt of answers to the informal complaint or within ten (10) business days following the incident. The Coordinator shall further investigate the matters of grievance and reply, in writing, to the complainant within five (5) business days.

Step 2

A complainant wishing to appeal the written (or Step 1) decision of the Civil Rights Coordinator may submit a signed statement of appeal to the Board President within five (5) business days after receipt of the Coordinator's response. The Board President shall

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investigate the complaint, and respond in writing to the complainant within ten (10) business days.

Step 3

If still unsatisfied, the complainant may appeal through a signed, written statement to the Board of Education within five (5) business days of receiving the Board President's response in Step 2. In an attempt to resolve the grievance, the Board of Education shall investigate the complaint and respond to the complainant within fifteen (15) business days of the receipt of such an appeal. The decision of the Board of Education shall be final.

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 secure legal advice or contact outside investigators for sensitive and/or extensive complaints of sexual or discriminatory 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 Board member in the District shall subject that Board member to any legal and disciplinary action allowed under current law.

■ **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, students, or other parties who have knowledge of it.

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4. All references to the complaint will be removed from the accused party's personnel file.
5. The Board's policy regarding sexual or discriminatory harassment and the mechanism for complaint resolution will be reiterated to all employees, students, or other parties 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 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.
 - c. Other remedies will be put into place, as appropriate.

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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 sexual or discriminatory harassment and the mechanism for complaint resolution will be reiterated to all Board members, employees, students or other parties 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.

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, at the following address:

Office for Civil Rights
600 Superior Avenue, Suite 750
Cleveland, OH 44114
(216) 522-4970 phone
(216) 522-2573 fax

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