



Book	Policy Manual
Section	1000 Administration
Title	ANTI-HARASSMENT
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1662 - **ANTI-HARASSMENT**

General Policy Statement

It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information, or any other legally protected category, (collectively, "Protected Classes") that are protected by Federal or State civil rights laws (hereinafter referred to as "unlawful harassment"), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.
- D. 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.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges or is alleged to have been subjected to unlawful discrimination/retaliation regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Day(s) unless expressly stated otherwise, the term "day" or "days" as used in this policy means a business day(s) (i.e., a day(s) that a District office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

Protected Classes or Protected Categories is defined as race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information and/or any other legally protected category that is protected by Federal or State civil rights laws.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Responding Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

Sexual Harassment is defined as unwelcomed sexual advance, requests for sexual favors and other verbal or physical advances or conduct of a sexual nature.

School District Community means students and District employee (i.e., administrators and professional and classified staff), as well as Board members, agents, volunteers, contractors or other persons subject to the control and supervision of the District.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents) vendors doing business with, or seeking to do business with the District and other individuals who come in contact with members of the School District community at school related events/activities (whether on or off District property.)

Unlawful Harassment; Hostile Work Environment Unlawful harassment is unwelcomed conduct that is based on one of the Protected Classes. For example, an employee who does not get along with co-workers or feels that they are treated poorly by their supervisor – may believe they have a hostile work environment. Despite this feeling, the legal criteria is only met if the employee is being harassed because of their religion, race, age, ethnicity, disability, sex, gender or sexual orientation.

Further, it is only unlawful harassment if a reasonable person would find such harassment to: (i) be severe, pervasive and objectively offensive; (ii) effectively deny a person equal access to the District's education program or activities, including employment opportunities; and (iii) be a condition of continued employment. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people. Hostile Work Environment claims that are not based on a Protected Class fall outside of this policy. However, such claims are addressed in Policy 3210 - Standards of Ethical Conduct, Section U and/or Policy 3139.01 - Work Rules and Staff Corrective Discipline, Work Rule G.

The same laws that prohibit harassment based on a Protected Class also prohibit retaliation against individuals who: (i) oppose or report unlawful harassment; or (ii) participate in an unlawful harassment investigation, proceeding or hearing under a federal or state civil rights act which prohibits unlawful harassment.

Workplace Bullying is defined as unwanted, recurring aggressiveness that causes psychological and/or physical harm, while at the same time creating a psychological power imbalance between the bully and their targets. Bullying: (i) must be repeated and does not refer to rudeness or someone simply having a bad day; and (ii) causes harm (physical and/or psychological) to targets as well as individuals who witness it. The three types of bullying in the workplace are Aggressive Communication, Humiliation and Manipulation of Work. While discrimination and harassment have long been found to be illegal, bullying is generally not yet prohibited under federal and state employment laws.

Reports and Complaints of Harassing Conduct

Members of the School District community, which includes all staff, 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

To file a complaint of harassment based upon this policy, please utilize the Investigation and Complaint Procedures referenced in Policy 2260.

Anti-Harassment Compliance Officer

The Board designates the following individual to serve as the District's "Anti-Harassment Compliance Officer" for the District (hereinafter referred to as "the Compliance Officer"):

Jenice Mitchell Ford
General Counsel, Office of the General Counsel
3011 W. Grand Blvd., Suite 1002
Detroit, MI 48202
dpdcd.compliance@detroitk12.org

The name, title, and contact information of this individual will be published annually in the staff handbooks, if any, and on the School District's web site.

The Compliance Officer is responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

The Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and Third Parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The Compliance Officer shall accept reports of unlawful harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District-level official. Upon receipt of a report of alleged harassment, the Compliance Officer will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. The Compliance Officer will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer within two (2) days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of any party involved in a complaint concerning harassment. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the Compliance Officer in accordance with the Board's records retention policy and applicable law. Additionally, the Respondent must be provided the Complainant's identity.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State and Federal law and the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy. Any such retaliation is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Allegations Constituting Criminal Conduct: Child Abuse

State law requires any school teacher or school employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students where appropriate. Training shall be provided to staff annually. All training, as well as all information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

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Legal

[20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 \(IDEIA\)](#)

[29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967](#)

[29 U.S.C. 6101, The Age Discrimination Act of 1975](#)

[42 U.S.C. 1983](#)

[42 U.S.C. 2000d et seq.](#)

[42 U.S.C. 2000e et seq.](#)

[42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act](#)

[29 C.F.R. Part 1635](#)

[Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.](#)

[29 U.S.C. 794, Rehabilitation Act of 1973, as amended](#)

[42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended](#)

[The Handicappers Civil Rights Act, M.C.L. 37.1101 et seq.](#)

[The Elliott-Larsen Civil Rights Act, M.C.L. 37.2101, et seq.](#)

[Policies on Bullying, Michigan State Board of Education, 7-19-01](#)

[Model Anti-Bullying Policy, Michigan State Board of Education, 09-2006](#)

[National School Boards Association Inquiry and Analysis May 2008](#)

[Title VI of the Civil Rights Act of 1964](#)

[Title VII of the Civil Rights Act of 1964](#)

Cross References

[po2260 - ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY](#)

[po3139.01 - WORK RULES AND STAFF CORRECTIVE DISCIPLINE](#)

[po3210.01 - CODE OF ETHICS](#)