

Section 8000 – Students

8018 Discriminatory Harassment of Students

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Discriminatory harassment of students 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. Similarly, student-on-student discriminatory harassment is prohibited and will not be tolerated.

Discriminatory harassment includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct relating to an individuals' sex, race, color, national origin, age, religion, height, weight, marital status or handicap/disability when:

- Submission to such conduct or communication is made either an explicit or implicit condition of utilizing or benefiting from the services, activities, or programs of the School District;
- Submission to, or rejection of, the conduct or communication is used as the basis for a decision to exclude, expel or limit the harassed student in the terms, conditions or privileges of the School District; or
- The harassment substantially interferes with the student's education, creates an intimidating, hostile, or offensive environment, or otherwise adversely affects the student's educational opportunities.

The School District guarantees that a student reporting an incident(s) of discriminatory harassment will not suffer any form of reprisal.

In determining whether the alleged conduct constitutes discrimination or harassment, the totality of the circumstances, the nature of the harassment and the context in which the alleged incident(s) occurred will be investigated. The building Principal, or his/her designee, has the responsibility of investigating complaints of discriminatory harassment of students. In cases where the alleged harassment involves a member of the Board of Education, the School District will appoint outside legal counsel to investigate the complaint. The results of an investigation and any action taken thereon will be communicated to the complaining person.

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Sexual harassment, may include, but is not limited to, the following:

- Verbal harassment or abuse,
- Pressure for sexual activity,
- Repeated remarks with sexual or demeaning implications,
- Unwelcome touching,
- Sexual jokes, posters, cartoons, etc., and/or
- Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, safety, job, or performance of public duties.

In addition, any form of retaliation against the complainant or witness is in itself a form of sexual harassment.

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

Approved: April 13, 2006

LEGAL REF: MCL 37.2101 *et seq.*, (Elliott-Larsen Civil Rights Act); 380.11a; 20 USCA §1681; 34 CFR §106.8; 34 CFR §106.9 (Title IX of the Education Amendments)

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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

Inquiries or complaints by students and/or parent(s)/guardian(s) concerning the application of federal title programs or inquiries and complaints related to discrimination based on sex, race, color, national origin, religion, height, weight, marital status, handicap, age, or disability should be directed to his/her school Principal, Assistant Principal, counselor or to:

The Assistant Superintendent for Human Resources
Hudsonville Public Schools
3886 Van Buren St.
Hudsonville, MI 49426
Phone: (616) 669-1740

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
Hudsonville Public Schools
3886 Van Buren St.
Hudsonville, MI 49426
Phone: (616) 669-1740

The appropriate District or building administrator is designated to receive and resolve complaints from any student who believes that he/she may have been discriminated against in violation of this policy. Any student who believes he/she has been discriminated against in violation of this policy should file a written complaint within ten (10) calendar days of the alleged violation.

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The administrator 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 administrator 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 an administrator's determination 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 Administrator's determination. The Superintendent or Board President may conduct additional investigation of the facts and circumstances surrounding the complaint.

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.

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

If the complainant is not satisfied with the written decision, he/she may appeal to the Office for Civil Rights, Department of Education, Washington, D.C. 20202.