

Section 5000 – Personnel

5037 Sexual Harassment of Employees or Other Persons

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Sexual harassment of school District elected officials or candidates for the Board of Education, District employees, vendors, contractors or others doing business with the District, students, parent(s)/ guardian(s), invitees, volunteers or guests, will not be tolerated.

Sexual Harassment:

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

(1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (i.e. quid quo pro harassment); or

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Title IX Coordinator:

The Superintendent shall appoint a Title IX Coordinator for the District. The name and contact information for the Title IX Coordinator shall be provided to all applicants for admission and employment, District employees, all union leadership, and parents or legal guardians of District students. The Title IX Coordinator shall be trained in his/her duties and responsibilities.

Reporting Requirements:

All District employees have a responsibility to report known or suspected instances of sexual harassment that occurs at any location, event, or circumstances over which GRPS has control within the United States.

Any employee or other person who believes that he or she has suffered sexual harassment, or believes or has actual knowledge that any other employee, contractor,

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vendor, student, volunteer, or member of the public has suffered sexual harassment, has the duty to immediately report the incident(s) to the Title IX Coordinator at Grand Rapids Public Schools, 1331 Franklin SE., PO Box 117, Grand Rapids, MI 49501-0117, (616) 819-2000. Reports shared with the Superintendent, Human Resources, or any other district employee must immediately be reported to the Title IX Coordinator.

Any person reporting an incident of sexual harassment or anyone involved in the investigation or grievance process shall not suffer any form of retaliation or reprisal.

Response and Grievance Procedures:

The Title IX Coordinator has the responsibility of promptly responding to allegations of sexual harassment including offering supportive measures to the Complainant consistent with state and federal requirements. These supportive measures should be designed to restore or preserve equal access to the education program or activity without unreasonably burdening the Complainant or Respondent's access to school.

The Superintendent shall establish grievance procedures for the prompt and equitable resolution of formal complaints alleging noncompliance with Title IX or actions that would be prohibited by Title IX. The procedures also apply to complaints against employees, other students or third parties, including complaints filed by students or employees, or on their behalf, alleging sexual violence. The grievance procedures shall be outlined in the rules that accompany this policy.

The Title IX Coordinator, investigators, decision makers, those who facilitate any informal resolution process, and those hearing appeals shall be trained in the Title IX rules and regulations as required by law.

In cases where the alleged harassment involves a member of the Board of Education or the Superintendent, the school District will appoint outside legal counsel or other trained professionals who are not employees of the District to investigate the complaint.

If the formal complaint is not dismissed, the district will issue a written determination simultaneously to the parties, along with information on how to file an appeal as set forth in the rules that accompany this policy.

Substantiated allegations of sexual harassment may result in disciplinary action up to and including termination of employment. Disciplinary action against a student may

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include expulsion. Disciplinary action against a Board of Education member may involve any remedy available under law.

Appeals:

An appeal of a determination of responsibility or a dismissal of a complaint or any allegation therein may be made to the Superintendent or other designated person if:

1. There was a procedural irregularity that affected the outcome of the matter and/or
2. There was newly discovered evidence that could affect the outcome of the matter, and/or
3. The Title IX Coordinator had a conflict of interest bias that affected the outcome of the matter.

Notice and Training:

Notice of this policy and its accompanying rules will be posted on the District website. Notice will also be provided to applicants upon hire and to employees, students and parents/guardians on an annual basis. Training sessions on this policy, rules, and the prevention of sexual harassment shall be held periodically for Board members and employees of the District.

The Superintendent shall develop rules to implement this policy. Those rules will be incorporated by reference as a part of this policy.

Approved: August 3, 2020

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) 20 U.S.C. 1092(f)(6)(A)(v); (Clery Act,) 20 U.S.C. section 1092 (f); and the (Violence Against Women Act), 34 U.S.C. section 12291 (a).