



ADRIAN PUBLIC SCHOOLS

NEPN Code: GBCB-R

Policies and Regulations

Administrative Procedures

Reporting Requirements

All District personnel must report incidents of alleged harassment, including incidents that school personnel witness or receive reports or information about, whether such incidents are verbal, visual, or physical, and whether the incidents constitute other forms of harassment, bullying, or hazing.

Any staff member who witnesses an act of legally prohibited harassment, including sex-based harassment, must intervene immediately, unless circumstances would make such intervention dangerous. If a staff member is unable to intervene, the staff member should promptly attempt to find another staff member who is able to intervene, contact District administration, or contact law enforcement, as the situation requires.

Any student who witnesses an act of harassment, including sex-based harassment, is encouraged to report the incident to District officials. No student will be retaliated against based on any report of harassment, including sex-based harassment. A student may also anonymously report an incident of harassment. The District will investigate anonymous reports pursuant to its investigation procedures below. Minor students do not need parental permission to file complaints or participate in the formal complaint resolution process, discussed below.

How to Report Harassment

If you or someone you know has been harassed, you may file a complaint with:

Kathy Westfall, Assistant Superintendent

kwestfall@adrian.k12.mi.us

517-264-6647

Nikki Culley, HR Generalist

nculley@adrian.k12.mi.us

517-264-6645

A complaint of harassment, including sex-based harassment, may be made verbally or in writing.

Those individuals named above shall document all reports of incidents of harassment, as well as any incidents they personally observe. This documentation shall be retained in

accordance with the District's Title IX recordkeeping protocol. A copy of this protocol is available in the office of the Superintendent.

Complaint Process

Any individual who has been the victim of legally prohibited harassment, including sex-based harassment, or any individual who has witnessed an incident of harassment, may make a complaint at any time. Any staff member who receives a complaint of harassment, including sex-based harassment, shall immediately document the reported incident and notify the appropriate staff person, as listed above.

Once a complaint is received by the appropriate staff person, as listed above, that person will begin an investigation into the alleged conduct and, if necessary, notify the appropriate authorities.

During the investigation, impartial school officials will contact witnesses to the alleged act(s) of harassment, including sex-based harassment, and obtain statements from those witnesses. If a school official's impartiality is questioned during the investigation process, that school official will be removed from the investigation and have no further involvement.

Investigation Timelines

The District will initiate an investigation within 3 school days of receiving a complaint of harassment, including sex-based harassment. In most cases, an investigation will be completed within 10 school days. The District will comply with all law enforcement requests for cooperation. In some circumstances, compliance with law enforcement requests may require the District to suspend its factual investigation. The District will promptly resume its investigation as soon as it is notified by the law enforcement agency that it has completed the evidence gathering process. This delay will typically be 3-10 school days. If the District's investigation is suspended, interim steps will be taken to provide for the safety of the victim(s) and the school community, and to avoid potential retaliation. Those steps may include suspension of an alleged perpetrator from work or school until the investigation is complete.

Within 2 school days of the investigation's conclusion, the District will separately notify, in writing, the victim(s) and the perpetrator(s) of the investigation's outcome. Any disciplinary action against the perpetrator(s) will be implemented immediately. If appropriate disciplinary action includes a suspension for more than 10 school days of a student, the perpetrator(s) may be suspended from school pending a hearing before the Superintendent or the Board of Education ~~or its designee~~. Any such hearing will comply with Board Policy.

If the perpetrator is a student with a disability, the District must also comply with Board Policy JFCA, which provides the procedures for the discipline of students with disabilities. A perpetrator's status as a student with a disability will not affect the District's obligation to protect the victim during and after the course of the investigation.

Investigation Procedures

The District will use the following procedures in initiating and conducting investigations:

1. Any written or verbal report of harassment, including sex-based harassment, will be addressed and investigated, including anonymous written or verbal reports.
2. The District will assure any victim(s) of harassment, including sex-based harassment, that the complaint will be fully investigated.
3. The District will provide the victim(s) of harassment, including sex-based harassment, with assurances that his/her identity will be kept confidential during the investigation, to the extent possible.
4. The District will provide the victim(s) of harassment, including sex-based harassment, with assurances that he/she will not be retaliated against by the District. The District will also take preventative measures to ensure that the alleged perpetrator does not retaliate against the alleged victim(s) at any time during or after the investigation.
5. The District will notify the alleged victim(s) of harassment, including sex-based harassment, that he/she will not be required to confront the alleged perpetrator and that steps will be taken to immediately ensure that the alleged harassment does not continue. The District will attempt to accomplish this in a manner that does not disclose the identity of the victim(s), if possible.
6. The District will interview any witnesses identified by the victim(s) and the alleged perpetrator(s). All witnesses will be assured that their identities will be kept confidential during the investigation, to the extent possible.
7. The District will take action to end the harassment, including sex-based harassment, including monitoring that the conduct does not reoccur and modifying responses if the harassment does reoccur.
8. If the victim(s) is a student under age 18, the District will notify the student's parent(s)/guardian(s) of the harassment complaint. The parent(s)/guardian(s) will be informed of the status of the investigation, as appropriate.
9. If a student victim of sex-based harassment has been targeted due to his/her sexual orientation, gender identity, or failure to comply with gender stereotypes, the District will first consult with the student to determine an appropriate method of notifying the student's parent(s)/guardian(s) of the sex-based harassment complaint.
10. All documentation, including witness statements, must be kept with the complaint and reports.
11. The District will use the "preponderance of the evidence" as the appropriate standard for investigating allegations of harassment.

If the victim(s) requests complete confidentiality or asks that the complaint not be pursued, the District will take all reasonable steps to investigate and respond to the complaint consistent with the victim's request. If a victim insists that his/her name or other identifying information not be disclosed to the alleged perpetrator, the District will notify the victim that its ability to respond may therefore be limited. In cases involving allegations of sex-based harassment, the District will also inform the victim that Title IX specifically prohibits retaliation and that District officials will take steps to prevent retaliation and will take strong responsive action if it occurs.

Possible Remedies

The District will take all appropriate steps to ensure that the effects of harassment to the victim and others are promptly remedied. Appropriate remedies will be based on the circumstances and may include, but are not limited to:

1. Providing an escort to ensure that the victim can safely attend classes and school activities;
2. Providing the victim with school-based counseling services;
3. Providing the victim with academic support services, such as tutoring;
4. Rearranging course schedules, to the extent practicable, to minimize contact between the victim and alleged perpetrator;
5. Moving the victim or the alleged perpetrator's locker;
6. Issuing a "no contact" directive to the alleged perpetrator.

This list is not exhaustive. The District will remedy the effects of legally prohibited harassment, including sex-based harassment, in a manner that is appropriate under the circumstances. The District will, whenever possible, strive to ensure that the victim's academic and extracurricular schedule remains intact, if the victim desires.

These remedies are also available to any other individual who is affected by the harassment. Individuals affected by harassment are entitled to the protections afforded to victims of harassment, even if the individual was not the intended target of the alleged perpetrator.

Broader remedies in the District community may include, but are not limited to:

1. Assemblies reminding students and staff of their obligations under Board Policy and handbook language;
2. Additional staff training;
3. Letters to students, staff, and parents reminding them of their obligations under Board Policy and handbook language.

Investigation Report

During the course of the investigation, the appropriate staff member, as indicated above, or his/her designee shall create an investigatory report. This report shall include the following information:

1. The name or a description or identifying information available about the victim;
2. The victim's protected class;
3. The name or a description or identifying information available about the individual making the report, if not the victim;
4. The protected class of the individual making the report, if not the victim;
5. The nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident;

6. The name(s) and protected classes of all persons alleged to have committed the alleged harassment, if known, or a description/identifying information available if the name is not known;
7. The name(s) or description/identifying information and protected classes of all known witnesses to the alleged incident;
8. Any written statement of the reporter, the victim (if different than the reporter), the accused individual(s), and any known witnesses;
9. The investigation outcome;
10. The response by school personnel and, if applicable, school officials, including the date any incident was reported to law enforcement.

Filing a False Report

Any individual who knowingly or maliciously files a false report of harassment, including sex-based harassment, will be subject to discipline, up to and including expulsion or discharge.

Retaliation

Retaliation against an individual who reports harassment, including sex-based harassment, is strictly prohibited. Any individual who retaliates against a person who reports suspected harassment will be disciplined, in accordance with the District's policies on discipline, up to and including expulsion from the District or termination of employment. This prohibition on retaliation also applies to retaliation against individuals who participate in or cooperate with any investigation related to the complaint.

The Office for Civil Rights

Any individual who believes that he/she was the victim of legally prohibited harassment, including sex-based harassment, may file a complaint with the Office for Civil Rights ("OCR") at any time:

U.S. Department of Education
Office for Civil Rights
1350 Euclid Avenue, Suite 325
Cleveland, Ohio 44115
Phone: (216) 522-4970
E-mail: OCR.Cleveland@ed.gov

This complaint may be filed before, during, or after a complaint with the District is filed, or an individual may choose to forego filing a complaint with the District and rely solely on OCR. The District recommends that individuals who have been subjected to legally prohibited harassment, including sex-based harassment, also file a complaint with the District, in order to ensure that the District is able to take steps to prevent any further harassment or discrimination and discipline the perpetrator, if necessary. OCR does not serve as an appellate body for District decisions. An investigation by OCR will occur separately from any District investigation.

Appeal Process

A victim of harassment, including sex-based harassment, who believes that the District's investigation reached an incorrect result may bring any additional evidence at any time. A victim may also appeal

the findings and conclusions of the investigation to the Superintendent. Upon receipt of an appeal from a victim, the Superintendent will review the investigation report, contact any additional witnesses, consider all additional evidence, and may re-interview any witnesses. The Superintendent will then notify the parties in writing of his or her decision. The Superintendent is not required to give deference to the investigation report and may consider any additional evidence available in evaluating the appeal.

Any individual accused of perpetrating harassment, including sex-based harassment, may appeal the results of an investigation to the Superintendent. Upon receipt of an appeal from an alleged perpetrator, the Superintendent will review the investigation report, contact any additional witnesses, consider all additional evidence, and may re-interview any witnesses. The Superintendent will then notify the parties in writing of his or her decision. The Superintendent is not required to give deference to the investigation report and may consider any additional evidence available in evaluating the appeal.

A student found to have perpetrated harassment, including sex-based harassment, who is suspended for more than 10 school days also has the right to a Board hearing, pursuant to and in compliance with policy JFC-R. An employee's appeal right is based on the applicable collective bargaining agreement or individual contract rights.

Training

The District will provide annual training on responding to and investigating legally prohibited harassment, including sex-based harassment, for District officials, administrators, staff, and security personnel. This training is mandatory for all personnel responsible for implementing and enforcing anti-harassment laws and related policies and procedures. This training may be hosted by an outside entity. Employees will be provided notice of mandatory training sessions.

Policy: (formerly GBCB, JFCF, JFCF-R)
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November 23, 2015
January 22, 2018
May 13, 2019