

**PERSONNEL/STUDENTS****Sexual Harassment****I: Policy Objective**

Sexual harassment is unlawful under both Michigan and federal law and is contrary to the commitment of the Okemos Public Schools to provide an effective learning and working environment. The district prohibits sexual harassment of students, employees, board members, volunteers, contractors or applicants for employment by students, employees, board members, volunteers or contractors. The district will not tolerate:

- (i) sexually harassing behavior as defined by law and/or by district policy;
- (ii) false reports of sexual harassment; or
- (iii) retaliation against persons reporting allegations of sexual harassment or cooperating in the investigation of such complaints.

It is the express policy of the district to encourage victims of sexual harassment to report the harassment.

In accordance with the law, all supervisory personnel are responsible for reporting and taking the appropriate actions to eliminate any and all forms of sexual harassment and intimidation in the work environment of which they are, or reasonably should be, aware.

Supervisors are prohibited from tolerating sexual harassment by students, employees, board members, volunteers or contractors. Supervisors who tolerate such conduct shall be subject to the penalties set forth in this policy.

All staff members are required to report and take appropriate action to eliminate any and all forms of sexual harassment and intimidation directed at any district student of which they are aware. Staff must file all sexual harassment complaints with the District's Title IX Coordinator:

Assistant Superintendent, Human Resources  
4406 N. Okemos Rd. Okemos, MI 48842  
(517) 706-5006

Any person who believes he or she is the victim of sexual harassment or who witnesses an act of sexual harassment should report the incident to the District's Title IX Coordinator:

Assistant Superintendent, Human Resources  
4406 N. Okemos Rd. Okemos, MI 48842  
(517) 706-5006

A complaint of sexual harassment may be made orally or in writing.

Any individual who believes that he or she was the victim of sexual 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](mailto: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 sexual harassment also file a complaint with the district in order to ensure that the district is able to take steps to prevent further harassment 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.

**II: Definition of “Sexual Harassment”**

"Sexual harassment" is defined as:

- A. Unwelcome sexual advances; or
- B. Unwelcome requests for sexual favors; or
- C. Intimidating, hostile or offensive verbal, non-verbal or physical conduct of a sexual nature when:
  - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or application, or a student's educational status, receipt of educational benefits or services, or participation in school activities; or
  - 2. Submission to or rejection of such conduct by an individual is used, explicitly or implicitly, as a basis for decisions affecting employment, a student's educational status, receipt of educational benefits or services, or participation in school activities; or
  - 3. Such conduct has the purpose or effect of unreasonably interfering with employment, a student's education, or creating an intimidating, hostile, or offensive environment.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior which is unwelcome, which a reasonable person would find offensive, which fails to respect the rights of others, or which otherwise creates a sexually intimidating, hostile, or offensive employment or educational environment.

**III: Forms of Prohibited Sexual Harassment**

Prohibited forms of sexual harassment include, but are not limited to:

- A. Verbal - Sexual innuendoes, suggestive comments, rumors, or jokes of a sexual nature, sexual propositions, threats or promises of preferential treatment in return for sexual favors. Suggestions or demands for sexual involvement that are accompanied by implicit or explicit threats concerning employment or a student's educational status (including grades, graduation, participation in curricular or extra-curricular activities, or other school-related matters).
- B. Non-Verbal - Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, whistling, or obscene gestures. Use of district equipment or facilities to reproduce or disseminate sexual cartoons, jokes or other objects or pictures is prohibited.
- C. Physical - Unwanted and/or unwelcome physical contact of a sexual nature, including, but not limited to, touching, patting, pinching, brushing against, coerced sexual intercourse or assault.

Any conduct of a sexual nature may constitute sexual harassment when the allegedly harassed individual has indicated, by his or her conduct, that it is unwelcome.

Any conduct of a sexual nature between a student and an employee, board member, volunteer or contractor is deemed to be sexual harassment, regardless of whether the student has indicated the conduct is unwelcome. Such conduct will result in discipline, up to and including termination, and may result in criminal charges. Consent is irrelevant with respect to criminal charges that may result and application of district policy.

**IV: Penalties**

All employees, board members, students, volunteers, and contractors of the district are required to comply with this policy. Appropriate disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be taken against persons who violate this policy.

- A. Discipline imposed upon students for violation of this policy may include suspension or expulsion, depending upon the nature and severity of the offense. Sexual harassment under this policy may also be regarded and disciplined as a violation of other rules of student conduct prohibiting assault, battery, threats, fighting, intimidation and/or misconduct.
- B. Discipline imposed upon an employee for violation of this policy may include warning, written reprimand, transfer, suspension or dismissal depending upon the nature and severity of the offense. Where an employee is covered by a collective bargaining

- agreement or employment contract that addresses discipline, discipline shall be assessed according to the procedures and standards contained therein.
- C. Volunteers and contractors violating this policy shall be subject to exclusion from school facilities, programs, and activities. Okemos Public Schools reserves the right to discontinue any contracted services or commercial relationship with any contractor, or vendor, or other service provider found to have violated this policy.
  - D. Discipline imposed upon board members for violations of this policy may include removal from board offices, written notice of censure or other appropriate action.
  - E. When appropriate, referral for criminal investigation and prosecution may be made.

**V: Dissemination and Distribution of Policy**

Reference to this policy shall be included as part of all student and employee handbooks approved by the Board of Education. The student handbooks can be found on the district's website, and shall be annually referred to all parents/guardians of both elementary and secondary students. New employees receive a summary of the Sexual Harassment Policy. Inquiries regarding this policy shall be directed to the Office of the Superintendent, 4406 North Okemos Road, Okemos, Michigan 48864; telephone: 517-706-5010.

Legal Reference:

Title IX of the Education Amendments of 1972:  
20 USC § 1681, et seq.  
34 CFR Part 106  
45 CFR Part 86  
Elliott-Larsen Civil Rights Act - MCLA 37.2401  
Title VII of the Civil Rights Act

Policy

Adopted: 04-08-91 (4116.2)

Amended: 10-09-17

Reviewed: 01-28-13

## **Sexual Harassment – Regulations**

### **Sexual Harassment Complaint Procedure**

- A. Any student who believes that he/she has been subjected to sexual harassment should promptly notify a District employee. Employees, board members, volunteers, and contractors who witness, receive a report of, or are a victim of sexual harassment are required to immediately report the information to the District's Title IX Coordinator. Complainants are encouraged to report any conduct, statements, or physical contact which makes them feel uncomfortable.
1. If a complainant has concerns regarding the nature of any conduct, statements, or physical contacts by any district employee, board member, volunteer, contractor, or student, such concerns should be reported to one of the persons identified above and should be discussed with the complainant's parent or guardian if the complainant is a student.
  2. A complainant will not be required to confront the alleged offender. A complainant who has previously welcomed the offensive conduct should make reasonable attempts to give the offender notice that the conduct in question is no longer welcome, unless the complainant is a student and the offender is not a student.
  3. Employees, board members, volunteers, or contractors with a reason to believe sexual harassment of a student is occurring have a duty to report to the Title IX Coordinator immediately. If the Title IX Coordinator is the offending person, the report shall be made to the superintendent of schools. Failure to report known sexual harassment of a student may give rise to discipline, up to and including discharge of an employee.
- B. Complaints of sexual harassment shall be promptly and thoroughly investigated by Okemos Public Schools and will be treated as confidentially as possible, recognizing the potential need to:
1. Notify the alleged perpetrator of the facts relative to the claimed violation and the prohibition against retaliation.
  2. Where the student is a minor, notify the parent or guardian of the student;
  3. Make reports required by law, including but not limited to, reports required under the Michigan Child Protection law;
  4. Protect the privacy of others, including witnesses, as well as the alleged offender during the investigation; and

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5. Comply with state and federal law and any relevant collective bargaining agreement.
- C. The district will conduct a fair, thorough, impartial, and timely investigation of the allegation(s) presented in a complaint. The investigation will consider the nature of the alleged activity and the context in which the alleged activity occurred. An investigation may include conferring with the parties involved, as well as any named or possible witnesses. In the course of the investigation, the superintendent may suspend the alleged offender pending the outcome of the investigation if the alleged offender is a student or employee. If the alleged offender is a volunteer or contractor, the superintendent may exclude the volunteer or contractor from school facilities, programs and activities pending the outcome of the investigation. If the alleged offender is a board of education member, the board of education may determine the steps that should be taken pending the outcome of the investigation.
- D. It shall be considered a violation of this policy for any person to coerce, intimidate, discriminate, or retaliate against any person filing a complaint and/or assisting in the investigation of a complaint. Such misconduct may result in discipline, up to and including discharge from employment or expulsion from school.
- E. A complainant who knowingly files a false complaint, or an individual who knowingly provides or knows false information has been provided during such an investigation or review and fails to report such information to the district-designated investigator, shall be subject to discipline, up to and including discharge from employment or expulsion from school.
- F. The superintendent (or designee) may take such disciplinary and/or remedial action as is consistent with this policy, other policies and regulations, and any relevant collective bargaining agreements. If the superintendent (or designee) determines that the complaint is valid, prompt attention and action designed to stop the harassment immediately and to prevent its recurrence will be taken. Depending upon the nature of the sexual harassment, the superintendent or

Title IX Coordinator may attempt to seek a resolution acceptable to the complainant and the individual against whom the complaint was filed. This shall not limit the district's discretion to take action it deems appropriate. Any appeal taken shall be consistent with board policies and regulations and any collective bargaining agreements. Okemos Public Schools considers sexual harassment to be a major offense that can result in disciplinary action, up to and including discharge from employment or expulsion from school.

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- G. All investigations of complaints made pursuant to this policy shall be concluded with written findings, regardless of whether a complaint is factually substantiated. Such findings shall be maintained in a separate confidential file. The complainant (his/her parent or guardian, if a minor) and the person against whom the complaint is made shall, upon request, be allowed an opportunity to review the content of the report.

Upon completion of the investigation, a closure letter will be sent to the victim and alleged perpetrator, communicating the findings.

- H. School personnel receiving or processing complaints of alleged sexual harassment in which the complainant maintains that a student has been the victim of child abuse, including sexual abuse, sexual contact, sexual penetration or of sexual exploitation shall immediately report such complaint to the Department of Health and Human Services in accordance with School Policy 4116.2/5116.2 and state law.
- I. All involved parties, including the complainant, the individual against whom the complaint was filed, and witnesses, shall be notified of the involved parties' rights to confidentiality of investigations. If a complainant 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 complainant's request. If a complainant insists that his or 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. The district will inform the complainant 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.

Regulations - Okemos Public Schools  
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