



Discrimination/Harassment Complaint Procedure

The Board is committed to an environment in which all individuals, including students, staff, and the general public are treated with dignity and respect.

The Board prohibits discrimination and harassment based on race, color, national origin, ancestry, citizenship status, religion, sex, sexual orientation, gender identity, economic status, age, disability, military status or legally acquired genetic information in the workplace and in its programs or activities.

References: Board Policy, AC – Nondiscrimination
Board Policy, AC-E – Nondiscrimination
Board Policy, ACA – Nondiscrimination on the Basis of Sex
Board Policy, ACAA – Sexual Harassment
Board Policy, ACAA-R – Sexual Harassment Grievance Process
Board Policy, ACB – Nondiscrimination on the Basis of Disability
Board Policy, GBA - Equal Opportunity Employment
Board Policy, JB - Equal Educational Opportunities

Reporting Process:

1. **Making a Complaint:** An individual (i.e., the “Complainant”) may make a complaint of discrimination or harassment either verbally or in writing using the form provided in Board Policy ACA-E.

Complainants are encouraged to file their complaint with the Assistant Superintendent of Human Resources or designee. However, a Complainant may also make a report to an administrator or supervisor. Any TPS administrator or supervisor who receives a complaint, or any employee who becomes aware of incidents of unlawful discrimination, harassment, or retaliation, must promptly report to the Assistant Superintendent of Human Resources or designee.

2. **Receiving a Complaint:** Upon receiving a complaint, the Department of Human Resources (HR) will date-stamp the complaint. If the complaint is made verbally, HR will complete a written report on behalf of the Complainant. The Complainant will be provided a copy of the complaint.
3. **Acknowledgement Letter:** HR will send an acknowledgement letter to the Complainant stating that the complaint was received and will be reviewed to determine if it alleges discrimination and/or harassment within **forty-eight (48) hours** of receiving the complaint.

4. Interim Measures: Upon receiving a complaint, the Assistant Superintendent of Human Resources or designee should consider whether interim measures should be taken to restore or preserve equal access, including measures designed to protect the safety of all parties and/or the educational environment, or deter discrimination or harassment. In making such a determination, the Assistant Superintendent of Human Resources or designee should consult the Complainant to assess their position regarding the proposed action.
5. Initial Review: The Assistant Superintendent of Human Resources or designee will initially review the complaint. If the Complaint sufficiently alleges discrimination and/or harassment, the Assistant Superintendent of Human Resources or designee will direct an investigation, or refer the matter to an outside consultant or third-party for investigation. If the complaint does not allege discrimination or harassment, the Assistant Superintendent of Human Resources or designee will designate an individual notify the Complaint and Respondent and resolve the claim.
6. Investigation: Investigations will begin promptly. The investigation may include individual interviews with the parties involved, interviews with individuals who may have observed the alleged conduct or may have other relevant knowledge, and consideration of any documentation or other information presented by the parties or other individuals who may have observed the alleged conduct or may have other relevant knowledge. The Respondent will be provided the opportunity to respond to all the allegations during the investigation before a final determination is made. This evidence will be used in drafting an Investigatory Report.
7. Investigatory Report: At the conclusion of the investigation, the Assistant Superintendent or designee shall review the merits of the complaint and determine whether it is more likely than not that the Respondent violated TPS' Nondiscrimination policies.

Within a reasonable period of time after beginning the investigation, the Assistant Superintendent of Human Resources or designee shall summarize the relevant evidence and prepare and deliver an Investigatory Report that outlines whether the Complainant has been subjected to unlawful discrimination and/or harassment. The Investigatory Report must include:

- the name and relevant protected categories of the alleged victim and person reporting the allegation;
- the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident;
- the name(s) and relevant protected categories of all persons alleged to have committed the alleged harassment, if known;
- the name(s) and relevant protected categories of all known witnesses to the alleged incident;
- any written statements of the Complainant, the alleged victim (if different from the Complainant), the Respondent, and any known witnesses;



- the outcome of the investigation; and
- the response of school personnel and, if applicable, District officials, including the date any incident was reported to the police.

The Investigatory Report must be delivered to both the Complainant and the Respondent. The Investigatory Report is final and binding.

8. Discipline: If an investigation results in a determination that discrimination and/or harassment occurred, the District will discipline those who violated the policy and take other administrative action(s) as appropriate.
9. Confidentiality: The identities of both the Complainant and the Respondent shall be kept confidential to the fullest extent possible. Complete confidentiality cannot be guaranteed and necessary parties will be notified.
10. Optional Informal Resolution: At any time during this process before a determination is made, the District may facilitate an informal resolution that does not involve a full investigation. An informal resolution may only occur if the District receives the voluntary written consent of both the Complainant and the Respondent. If a resolution is not reached through this process, the Assistant Superintendent of Human Resources or designee will resume the formal investigation as described above.

Definitions:

1. Respondent: The individual alleged in the complaint to have committed discrimination and/or harassment.
2. Complainant: The individual reporting possible discrimination and/or harassment. This may or may not be the person who has experienced the reported discrimination and/or harassment.
3. Discrimination and Harassment: For the purposes of determining whether a particular course of conduct constitutes discrimination or harassment, the following definition will be used:

Conduct based upon a Protected Class or Characteristic that:

- adversely affects a term or condition of an individual's employment, education, or participation in TPS' programs or activities;
- is used as the basis for or a factor in decisions affecting that individual's employment, education, or participation in TPS' programs or activities; or
- has the purpose or effect of unreasonably interfering with an individual's employment or educational performance or creating an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, or participation in TPS' programs or activities.



4. Protected Class or Characteristic: Protected class or characteristic means one's race, color, national origin, ancestry, citizenship status, religion, sex, sexual orientation, gender identity, economic status, age, disability, military status or legally acquired genetic information.
5. Victim: The person who is/was subject to the alleged discrimination and/or harassment.

Additional Guidance:

Question: What burden of proof is used to determine whether discrimination and/or harassment exists?

Answer: TPS uses a preponderance of the evidence standard. TPS will determine if it is more likely than not that the Respondent violated TPS policy(ies).

Question: What are some examples of conduct that may constitute prohibited discrimination and/or harassment?

Answer: Discrimination or harassment may involve conduct between students, conduct between staff and students, and conduct between staff. Such prohibited conduct may occur at any TPS program or activity, which may include, but is not limited to:

- (1) any location, extracurricular event, or circumstance where TPS exercises substantial control over both the individual who is reported to have engaged in conduct that could constitute discrimination or harassment, and the context in which the conduct occurs;
- (2) any building owned or controlled by TPS, or a student organization recognized by TPS; or
- (3) other property owned or controlled by TPS.

Examples of conduct that may constitute prohibited discrimination include:

- Denying a person access to an educational program based on a protected class or characteristic;
- Denying raises, benefits, or promotions on the basis of a person's protected class or characteristic;
- Preventing a person from using TPS' facilities because of that person's protected class or characteristic;
- Instigating or allowing an environment that is unwelcoming or hostile based on a person's protected class or characteristic.

Question: What evidence may TPS consider?

Answer: Evidence takes many forms and may include:



- Testimony: Testimony is a statement taken from someone who would be in a position to have firsthand knowledge about what happened. "Secondhand" information or "hearsay" is not as beneficial as firsthand information, but it can be useful in certain circumstances. If you believe someone else knows what happened to you and is willing to tell TPS about it, you should provide TPS with their name, position, and contact information.
- Documents: This includes any written record (e.g., policies, procedures, letters, handwritten notes, files, etc.). It also includes computer disks and tapes, and other types of recordings. If you have any document in your possession that is relevant to your complaint, you should provide that to TPS during the investigation.

Question: Where can I file a complaint?

Answer: You can file a written complaint with the Human Resources Department. Blank complaint forms are available in the office or online at www.tps.org.

Signatures:

Human Resources

Date