



Retaliation 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 unlawful retaliation.

References: Board Policy, AC – Nondiscrimination
Board Policy, AC-R – Discrimination Complaint Procedure
Board Policy, AC-E – Nondiscrimination
Board Policy, ACAA – Sexual Harassment

Reporting Process:

1. **Making a Complaint:** An individual (i.e., the “Complainant”) may make a complaint of retaliation either orally, in writing, or online.

Complainants are encouraged to file their complaint with the Assistant Superintendent of Human Resources/Title VII Complaint Coordinator 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 retaliation must promptly report to the Title VII Complaint Coordinator or designee.

If the Title VII Complaint Coordinator is the subject of the complaint, the Complainant may file their complaint with the Superintendent. If the Superintendent is the subject of the complaint, it shall be referred to the Board President.

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 retaliation 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 retaliation. 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 retaliation, 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 retaliation, the Assistant Superintendent of Human Resources or designee will designate an individual to notify the Complainant and Respondent and resolve the claim.

TPS has adopted separate policies and procedures for sex discrimination and sexual harassment. All sex discrimination/harassment reports must be managed in accordance with sex discrimination/harassment policies and procedures.

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 policy(ies).

The District will strive to complete its investigations within **ten (10) school days**, however depending on the complexity of the investigation and allegations, good cause may exist to extend this timeline. At the conclusion of 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 retaliation. 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 incident, 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 retaliation 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. 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 unlawful retaliation.
2. Complainant: The individual reporting possible retaliation. This may or may not be the person who has experienced the reported retaliation.
3. Retaliation: Retaliation is most frequently alleged as a basis of discrimination. State and federal law, as well as TPS Board Policy, prohibit an individual from taking an adverse action or punishing another employee for asserting their right to be free from employment discrimination, including harassment, or for making complaints to state or federal agencies. Asserting these rights is called “protected activity” and can take multiple forms. For example, an individual cannot retaliate against another for:
 - filing or being a witness in an Ohio Civil Rights Commission or other state/federal agency charge, complaint, investigation, or lawsuit;
 - filing a charge, complaint, or lawsuit with any other state or federal agency, or with any other court or administrative body;
 - communicating with a supervisor or manager or filing a grievance about employment discrimination, including harassment;
 - answering questions, assisting, or participating in an employer investigation of alleged discrimination or harassment;
 - reporting violations of federal or state law/regulation or Board Policy;
 - refusing to follow orders that would otherwise have resulted in discipline;



- resisting sexual advances, or intervening to protect others;
- requesting an accommodation of a disability or religious practice;
- opposing language or conduct that violates Board Policy; and
- inquiring about pay, hours of work, or other rights.

This list provides only examples and does not constitute all forms of “protected activity.”

Additional Guidance:

Question: What burden of proof is used to determine whether retaliation occurred?

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 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 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: How do I know if I am being retaliated against?

Answer: Retaliation may occur in multiple ways. Board Policy prohibits any intimidation, threats, coercion, discrimination, harassment, or any other adverse action that is done with the purpose of interfering with an employee’s rights under federal/state law or Board Policy.

Question: Where can I file a complaint?

Answer: You can file a complaint either verbally, in writing, or online at: [REDACTED] in accordance with Board Policy AC-R. Complaints may be made to the Title VII Coordinator, a supervisor, or other District-level administrator.



Signature:

Human Resources

Date