

TITLE IX

SCHOOL INVESTIGATION HANDBOOK



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WHAT IS TITLE IX?

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on sex in the District’s educational programs and activities. It protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including gender-based harassment, sexual violence, and Sexual Harassment.

Title IX requires the District to promptly, thoroughly, and equitably investigate all Grievances (Complaints) of sex discrimination and respond in a way that stops any discrimination found, remove any hostile environment resulting from the discrimination, and prevents its recurrence.



School staff are responsible for investigating Title IX incidents involving student conduct. This includes allegations of gender-based harassment or bullying, Sexual Harassment, sexual assault, unwelcome sexual misconduct, and sexting that is unwelcome or involves dissemination on social media.

Key Terms

ACTUAL KNOWLEDGE: Notice to the school of an allegation of Sexual Harassment. A school has actual knowledge, when it has notice that a person may have been victimized. Schools are put on notice when any person reports Sexual Harassment to a school employee or if school personnel witnesses Sexual Harassment.

COMPLAINANT: A student, parent/guardian, employee of the District, or third party who submits a Grievance (Complaint) alleging Sexual Harassment prohibited by Title IX.

GRIEVANCE (COMPLAINT) SUBMISSION DATE: – The date on which a Formal Title IX Grievance (Complaint) was submitted to the Title IX Coordinator or the Office of Equity, Advocacy, & Civil Rights.

FORMAL TITLE IX GRIEVANCE (COMPLAINT): A Grievance (Complaint) filed with the Title IX Coordinator or the Office of Equity, Advocacy & Civil Rights that triggers the below Grievance procedures.

GENDER-BASED HARASSMENT: Unwelcome conduct based on a student's sex; harassing conduct based on a student's failure to conform to sex stereotypes. This includes discrimination against transgender students.

OFFICE OF EQUITY, ADVOCACY & CIVIL RIGHTS: The department within the District charged with overseeing Title IX investigations.

PREPONDERANCE OF THE EVIDENCE: The evidence standard used to determine whether an alleged incident of Sexual Harassment occurred. The standard weighs the evidence to determine if an alleged incident more likely than not occurred.

RESPONDENT: The person alleged to be responsible for the prohibited conduct alleged in a Grievance (Complaint).

SEXUAL HARASSMENT: A school employee conditioning an educational benefit or service on an individual's participation in unwelcome sexual conduct; Any type of 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 school's educational program or activity; and/or Sexual Assault, Dating Violence, Domestic Violence or Stalking.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's uniform crime reporting program.

- ✓ **Rape:** the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim
- ✓ **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or their temporary or permanent mental incapacity
- ✓ **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent

- ✓ **Incest:** non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- ✓ **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. For the purpose of this definition:
- ✓ Dating violence includes, but is not limited to sexual or physical abuse or the threat of such abuse
- ✓ Dating violence does not include acts covered under the definition of domestic violence **Domestic**

Violence: A felony or misdemeanor crime of violence committed:

- ✓ By a current or former spouse or intimate partner of the victim
- ✓ By a person with whom the victim shares a child in common
- ✓ By a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner
- ✓ By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or By any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- ✓ Fear for the person's safety or the safety of others; or
- ✓ Suffer substantial distress

For the purpose of this definition:

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

SUPPORTIVE MEASURES: – Individualized services offered as appropriate to either or both the complainant and respondent involved in an alleged incident of Sexual Harassment prior to or during an investigation. Supportive measures may include counseling, extensions of time or other course-related adjustments, modifications of class schedules, mutual restriction on contact between the parties, changes in policies or procedures, and other similar accommodations. A Formal Title IX Grievance (Complaint) does not need to be filed for appropriate Supportive Measures to be implemented.

WITNESS: A student, parent/guardian, employee of the District, or third party who has direct knowledge of or information about the allegation being made alleging Sexual Harassment prohibited by Title IX. An individual

The Purpose of a Title IX Investigation

Sexual Harassment, assault, and other forms of sex discrimination can have a negative impact on student learning. A recent survey¹ found that nearly one-third of students who experienced harassment reported not wanting to go to school as a result of the harassment. Feeling unsafe at school has been correlated with declining academic performance, decreased attendance, and dropping out.



Investigating all allegations and observed instances of gender-based harassment or bullying, Sexual Harassment, sexual assault, unwelcome sexual misconduct, and sexting is an important part of creating a safe and healthy school environment. Title IX Investigations examine what happened and what effect it is having on students and the learning environment. Title IX Investigations also inform how the school and the District should respond should a violation be found.

If a school determines a Title IX violation occurred, it must take reasonable, timely, age-appropriate corrective action, including steps to eliminate any hostile environment that has been created for student(s).

Title IX does not articulate what specific remedies or corrective action must occur. However, it requires that all responses be tailored to the specific circumstances. Examples of remedies include, but are not limited to, counseling for the harasser, counseling/academic support services for the victim, steps to separate the parties, school-wide programs to address harassment, implementation of a system for monitoring future incidents, and/or periodic training for students and staff.

The District's Code of Conduct articulates discipline that can occur for certain violations implicating Title IX. However, schools must take into account the specific circumstances surrounding a violation and consider the age of the students involved and the nature of the conduct when issuing discipline.

¹ https://www.nwlc.org/sites/default/files/pdfs/nwlcharassbullying_titleixfactsheet.pdf

Formal Title IX Grievance (Complaint)

Detroit Public Schools Community District is committed to supporting all victims of Sexual Harassment and ensuring due process for all persons accused. If you have been a victim of Sexual Harassment, you may file a Formal Title IX Grievance (Complaint) with the Title IX Coordinator or any Assistant Director in the Office of Equity, Advocacy & Civil Rights (EACR).

Grievances (Complaints) should be filed in writing within 180 of alleged sexual harassment. They may be filed in person at 3011 W. Grand Boulevard, 14th Floor, on the Equity, Advocacy & Civil Rights [DISTRICT WEBPAGE](#) and click [SUBMIT A COMPLAINT](#) or by email to dpscd.compliance@detroitk12.org. Grievances (Complaints) received by phone at (313) 240-4377 shall be documented by a District representative and transmitted to the Title IX Coordinator. A parent/guardian may be permitted to file a Grievance (Complaint) on behalf of minor students.

All Formal Grievances (Complaint) of Sexual Harassment will be promptly reviewed by the Title IX Coordinator and investigated by an Assistant Director in the Office of Equity, Advocacy & Civil Rights. A Formal Title IX Grievance (Complaint) alleging conduct that does not meet the definition of Sexual Harassment as defined above will be dismissed and conduct may be handled in compliance with the Student Code of Conduct and/or Employee Work Rules. Should a Grievance (Complaint) be dismissed for not meeting the definition of Sexual Harassment, an appeal may be filed consistent with the appeal procedures outlined below.

All investigations will be prompt, adequate, reliable and impartial. All parties will be notified in writing within five (5) business days that a Formal Title IX Grievance (Complaint) has been filed. Notifications will comply with applicable federal law. All parties will have ten (10) business days from the date of they are notified of the Formal Title IX Grievance (Complaint) to provide a statement and identify witnesses and other evidence. All parties will be adequately notified prior to any interviews.

Once all evidence has been compiled and reviewed, an Investigator will draft a preliminary investigation report and send the report with a copy of all relevant evidence to the parties for review. Parties will have ten (10) days to respond to the evidence in writing and submit any questions they wish the other party to answer. The investigator will review all responses and consider them before submitting the final investigation report to the decision-maker.

The District will work diligently to conclude all investigations within sixty (60) business days of the Grievance (Complaint) Submission Date. All parties will be notified should an extension of time be required.

Informal Resolution

After a Formal Title IX Grievance (Complaint) is filed, parties can voluntarily choose to enter an Informal Resolution process. However, this process is never available for allegations involving an employee sexually harassing a student. This process is only available should both parties voluntarily agree.

Schools will provide a trained facilitator free of bias and conflict of interest to oversee the Informal Resolution process. The process may include mediation, but does not involve a full investigation and adjudication. Any party may withdraw from the Informal Resolution process and resume the Grievance process at any time before an agreement has been reached.

TITLE IX INVESTIGATION

How to Conduct a Title IX Investigation?

A Title IX Investigation requires gathering facts to determine what happened, whether the conduct violates the Code of Conduct and/or District policy prohibiting sex discrimination, and what effect any violation is having on the students and the learning environment. Getting parental and student input on the effect an incident is having on the learning environment is an important component and should not be overlooked when conducting a Title IX Investigation.

School staff must use the information gathered through the investigation to determine appropriate actions to stop the harassment/misconduct, prevent its recurrence, and remove any hostile school environment.

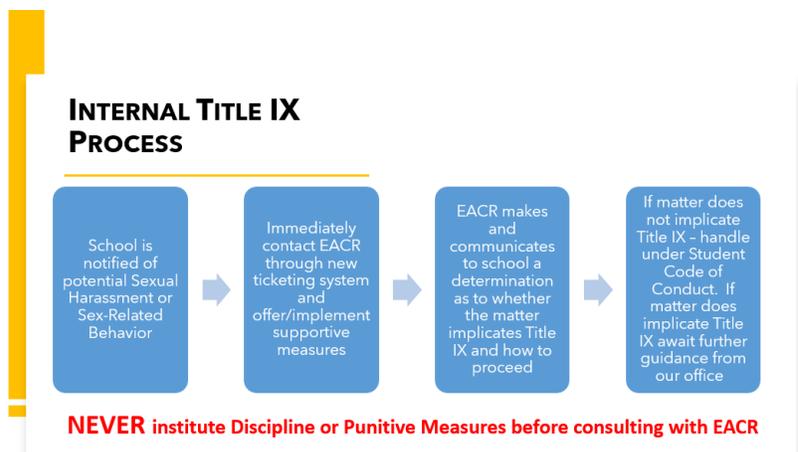
Step-By-Step Guide to Conduct a Title IX Investigation Process

Step 1: School is notified of potential Sexual Harassment or Sex Related Behavior. **[NEVER institute Discipline or Punitive Measures before consulting with EACR]**

Step 2: Immediately contact EACR through new ticketing system and offer/implement supportive measures.

Step 3: EACR makes and communicates to school a determination as to whether the matter implicates Title IX and how to proceed.

Step 4: If matter does not implicate Title IX – handle under Student Code of Conduct. If matter does implicate Title IX await further guidance from our office.



Who to Contact?

- ✓ Office of Equity, Advocacy & Civil Rights and the Title IX Coordinator
[NEVER institute Discipline or Punitive Measures before consulting with EACR]
- ✓ Principal and Principal Leader
- ✓ All parents of those involved must be contacted. Depending on the circumstances, parents of the witnesses should be contacted as well.
- ✓ DPSCD PD – in instance of criminal sexual assault, or sexting that involves dissemination of sexually explicit images

What to Document?

It's important to document your investigation. At a minimum, the following information should be documented:

- ✓ **Complainant Statement:** The individual(s) making the allegation.
- ✓ **Respondent Statement:** The individual(s) against whom the allegation is made.
- ✓ **Witness Statement:** An individual who has direct knowledge of or information about the allegation being made.
- ✓ **Supportive Measures:** All students and their parents - including the accused and the accuser – should be provided information in writing regarding supportive measures. Schools should ensure that appropriate supportive measures are taken or provided. Supportive measures can include, but are not limited to, measures such as separating students, changes in class schedules, and counseling. Supportive measures are available to all parties.

Title IX requires the District to take steps to ensure equal access to its education programs and activities and protect the parties as necessary, including implementing Supportive Measures any time it is on notice of Sexual Harassment, whether or not a Formal Title IX has been filed.

The District will notify the parties, and any party's parents/guardians if the party is a minor, in writing, that Supportive Measures are available anytime it is on notice of Sexual Harassment. Requests for Supportive Measures can be made immediately and directed to the Office of Equity, Advocacy and Civil Rights or the school Principal. The District will take steps to ensure that appropriate Supportive Measures are taken or provided. And, the District will take steps to ensure, where possible and supported by the available information, that such Supportive Measures minimize the burden on the complainant.

- ✓ **Title IX Investigation and Incident Form:** This form should be used to guide your investigation and must be completely filled out at the completion of your investigation. Once completed, this form, as well as all statements, evidence, and supportive measures forms, should be emailed to the Office of Equity, Advocacy & Civil Rights.

Concurrent Investigations

A Complainant, and the Complainant's parents/guardians if the Complainant is a minor, may pursue a complaint with the District and the police simultaneously. Should this occur, the District may need to briefly suspend the fact-finding aspect of its Title IX investigation at the request of law enforcement while law enforcement is in the process of gathering evidence. The District will maintain regular contact with law enforcement to determine when it may resume its investigation. And, the District will promptly resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, or sooner if the District determines that the evidence gathering process will be lengthy or delayed. The District will not delay its investigation until the ultimate outcome of the criminal investigation.

Concluding an Investigation

Upon completion of an investigation, an objective decision-maker will evaluate the evidence and make a determination as to the respondent's responsibility. A determination letter will be given or mailed simultaneously to each party. The District will ensure that all determination letters comply with the Family Educational Rights and Privacy Act (FERPA) and District policies regarding student privacy.

In cases where Sexual Harassment is found to have occurred, the District will determine appropriate, corrective actions and/or enforceable sanctions/discipline for the respondent reasonably calculated to stop the discrimination and prevent its recurrence, and eliminate any hostile environment; and any remedies for the complainant designed to restore or preserve equal access to the District's educational program or activities.

Appeal Procedures

Either party involved in this process has the right to appeal. Appeals can be made for the following reasons:

- a. A procedural irregularity affected the outcome of the matter;
- b. New evidence has been discovered that was not reasonably available at the time of the determination on responsibility or dismissal;
- c. A conflict of interest on the part of a Title IX Coordinator, an investigator who compiled evidence, or a decision-maker was discovered and the conflict of interest affected the outcome.

Appeals must be made within ten (10) business days after receipt of a determination letter and must be made in writing and directed to the Title IX Coordinator. Appeals received after ten (10) business days will not be considered timely and will be dismissed. Should a party appeal,

the District will notify both parties in writing that an appeal has been filed and will give both parties the opportunity to provide a written statement supporting or challenging the outcome.

The Title IX Coordinator will determine a neutral employee within the Office of Equity, Advocacy & Civil Rights to make a determination on the appeal. Once an appeal determination is made, a written decision letter will be sent to both parties simultaneously. Appeal determinations are final.

Corrective Actions, Sanctions, and Remedies

Appropriate corrective action can include, but is not limited to, policy changes, mandatory trainings or other interventions to repair the educational environment, assistance with making a schedule change, facilitating a restorative circle between the parties, issuing new policy statements, reimbursement for professional counseling, provision of tutoring, and/or any other corrective actions the Title IX Coordinator deems appropriate to the circumstances.

As required, disciplinary or other sanctions may be taken in accordance with the Student Code of Conduct, District employee discipline policies and/or other District policies and procedures. This may include suspension, expulsion, or termination.

WHAT FORMS ARE REQUIRED?

Supportive Measures Form

Ensure this form is given to the parents of all students involved.



SUPPORTIVE MEASURES FORM

NEVER INSTITUTE DISCIPLINE OR PUNITIVE MEASURES BEFORE CONSULTING WITH EACR

DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT

This form is to be confidentially maintained in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

SUPPORTIVE MEASURES

Detroit Public Schools is committed to supporting and protecting all students involved in incidents of sexual harassment to ensure they are able to access our educational programs and activities. Pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., Detroit Public Schools Community District can provide supportive measures as appropriate to all parties when an accusation of sexual harassment has been made. Supportive measures can be instituted regardless of whether or not a Formal Title IX Complaint has been filed.

Supportive Measures can include, but are not limited to, counselling, extensions of deadlines or other course-related adjustments, modifications of class schedules, mutual restrictions on contact between the parties, and other similar measures. Should you or your child like to request Supportive Measures, please fill out the form below and submit it to your School principal or the Title IX Coordinator. The District will ensure that appropriate Supportive Measures are taken or provided. However, a request does not necessarily guarantee approval.

| Supportive Measures Requested: | Reason for Request: | Approval: (to be filled out by District Administrator) |
|--|----------------------------|---|
| | | |

Student Name (Please Print)

Student's School

Requesting Party Signature

Date

DFSCD does not discriminate on the basis of race, color, national origin, sex, sexual orientation, transgender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information, or any other legally protected category, in its educational programs and activities, including employment and admissions. Questions? Concerns? contact the Civil Rights Coordinator at (313) 240-4377 or globalcompliance@detroitk12.org or 3011 West Grand Boulevard, 14th Floor, Detroit MI 48202.

Statement Form



STATEMENT FORM

NEVER INSTITUTE DISCIPLINE OR PUNITIVE MEASURES BEFORE CONSULTING WITH EACR
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT

This form is to be confidentially maintained in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

YOUR DETAILS:

Please check box: **Complainant** **Respondent** **Witness** **Reporter**

Name: _____

School: _____ Grade (Students Only): _____

Position (Staff Members Only): _____

Your statement:

This statement is true to the best of my knowledge and belief.

Signature: _____ Date: _____

DPSCD does not discriminate on the basis of race, color, national origin, sex, sexual orientation, transgender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information, or any other legally protected category, in its educational programs and activities, including employment and admissions. Questions? Concerns? contact the Civil Rights Coordinator at (313) 240-4377 or dpscd.compliance@detroitk12.org or 3011 West Grand Boulevard, 14th Floor, Detroit MI 48202.

RESOURCES

Counseling Resources

Development Centers

<http://www.develctrs.org/about-us/locations/>

(313) 531-2500

Detroit Wayne Mental Health Authority

<http://www.dwmha.com/>

(800) 241-4949

The Children's Center

<https://www.thechildrenscenter.com/>

(313) 831-5535

Advocates for Youth

<https://advocatesforyouth.org/>

Tolerance.org

<https://www.tolerance.org/magazine/resources-for-addressing-sexual-assault-and-harassment-in-class>

Informational Resources

[Office of Equity, Advocacy & Civil Rights](#)

EQUITY, ADVOCACY AND CIVIL RIGHTS (EACR) works to increase understanding and application of civil rights laws and equitable practices to elevate all voices as we build a stronger DPSCD. Diversity is an asset that makes us stronger, so we advocate for the needs of others to ensure that all members of our community have access to the tools and resources they need to be successful. [CHECK OUT WHO WE ARE!](#)

TITLE IX COORDINATOR

The Title IX Coordinator is responsible for coordinating the District's response to all Grievances (Complaints) of Sex Discrimination, including Sexual Harassment. This includes ensuring the prompt, thorough, and equitable investigation and resolution of a Grievance (Complaint). The Title IX Coordinator is also responsible for identifying and addressing any patterns or systemic problems of Sex Discrimination and assisting the District in creating a climate that is welcoming to all individuals regardless of sex.

The following individuals will serve as the District's Title IX Coordinator:

[STAFF] Benjamin Jackson, Assistant Superintendent – Human Resources
[STUDENTS] Naomi Khalil, Senior Executive Director – Office of Equity & Culture

Title IX Coordinator | ADA Coordinator | Section 504 Coordinator

Address: 3011 W. Grand Blvd, Floor 14, Detroit, MI 48202

Email: dpscd.compliance@detroitk12.org

<https://detroitk12.org/compliance> Phone:

(313) 240-4377