

## **Detroit Public Schools Community District Title IX Grievance Process for Compliance with Title IX Regulations**

### **Purpose**

Detroit Public Schools Community District (the “District”) prohibits discrimination based on sex, sexual orientation, and gender identity in all its programs and activities including admission and employment. The District is committed to responding promptly and effectively when it has actual knowledge of any form of sex discrimination including sexual harassment. Title IX of the Education Amendments of 1972 (“Title IX”) protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination.

The following grievance procedures apply to formal complaints of sexual harassment, as defined below, against students, employees, and third parties. These procedures shall be widely disseminated and available on the District’s website, and in every school site administrative office, any employee handbook and the Student Code of Conduct. These grievance procedures apply only to sex discrimination occurring against a person in the United States.

Any person may report sex discrimination, including sexual harassment. All District employees are required to promptly report incidents of sexual harassment observed or learned about to the Office of Equity, Advocacy & Civil Rights (“EACR”). Other members of the District community and third parties are encouraged to report incidents of sexual harassment to a District employee, EACR, or the Title IX Coordinator.

### **Definitions**

**Sex Discrimination** – As described in this process, it is discrimination on the basis of sex, sexual orientation, and gender identity. It also includes sexual harassment.

**Sexual Harassment** – Conduct on the basis of sex that meets one or more of the following descriptions:

- a. A school employee conditioning an educational benefit or service on an individual’s participation in unwelcome sexual conduct;
- b. 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;
- c. Sexual assault defined as
  - i. 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, including instances where the victim is incapable of giving consent because of their age or their temporary or permanent mental incapacity.
  - ii. 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
  - iii. Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Students Rise. We all Rise**

iv. Statutory Rape: non-forcible sexual intercourse with a person who is under the statutory age of consent.

d. Stalking

i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

a. fear for the person's safety or the safety of others; or

b. suffers substantial distress

ii. For the purpose of this definition

a. 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.

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

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

e. 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

i. Dating violence includes, but is not limited to sexual or physical abuse or the threat of such abuse

ii. Dating violence does not include act covered under the definition of domestic violence.

f. Domestic Violence: A felony or misdemeanor crime of violence committed

i. By a current or former spouse or intimate partner of the victim

ii. By a person with whom the victim shares a child in common

iii. By a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner

iv. 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

v. 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.

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 complaint alleging Sexual Harassment prohibited by Title IX.

Respondent – The person alleged to be responsible for the prohibited conduct alleged in a complaint.

Office of Equity, Advocacy & Civil Rights – The department within the District charged with Title IX investigations.

**Formal Title IX Complaint** – A document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the District investigate the allegation(s).

**Complaint Submission Date** – The date on which a Formal Title IX Complaint was submitted to the Title IX Coordinator or the Office of Equity, Advocacy, & Civil Rights.

**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 Complaint does not need to be filed for appropriate Supportive Measures to be implemented.

**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.

**Education Program or Activity** – refers to all operations of the District, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the District. It also includes locations, events, or circumstances over which the District exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

**Consent** – an affirmative decision to engage in mutually agreed upon sexual activity and is given by clear words or action. Consent may not be inferred from silence, passivity, or lack of resistance alone. Furthermore, consent to one form of sexual activity does not imply consent to other forms of sexual activity and the existence of a current or previous dating, marital or sexual relationship is not sufficient to constitute consent to additional sexual activity. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.

**Incapacitated** – the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability or due to a state of unconsciousness or sleep.

**Third Parties** – include, but are not limited to, guests and/or visitors on School District property (e.g. visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the District, and other individuals who come in contact with members of the school district community at school-related events/activities.

**Inculpatory Evidence** – evidence that tends to establish a Respondent's responsibility for alleged Sexual Harassment.

**Exculpatory Evidence** – evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

## **District Title IX Coordinator**

The Title IX Coordinator is responsible for coordinating the District's response to all complaints of sex discrimination, including Sexual Harassment. This includes ensuring the prompt, thorough, and equitable investigation and resolution of complaints. 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:

Ben Jackson  
Assistant Superintendent, Human Resources  
3011 W. Grand Blvd., 10<sup>th</sup> Floor  
Detroit, MI 48202  
[dpscd.compliance@detroitk12.org](mailto:dpscd.compliance@detroitk12.org)  
(313) 240-4377

Naomi Khalil  
Deputy Executive Director, Equity,  
Advocacy & Civil Rights  
3011 W. Grand Blvd., 14<sup>th</sup> Floor  
Detroit, MI 48202  
[Dpscd.compliance@detroitk12.org](mailto:Dpscd.compliance@detroitk12.org)  
<https://detroitk12.org/compliance>  
(313) 240-4377

## **Formal Title IX Complaints**

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 Complaint with the Title IX Coordinator or any Assistant Director in the Office of Equity, Advocacy & Civil Rights.

Complaints should be filed in writing. They may be filed in person at 3011 W. Grand Boulevard, 14<sup>th</sup> Floor, on the Equity, Advocacy & Civil Rights District website where you can [Submit a Complaint](#) or by email to [dpscd.compliance@detroitk12.org](mailto:dpscd.compliance@detroitk12.org). 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 complaint on behalf of a minor student.

All Formal Complaints 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 determination of responsibility will be made at the conclusion of the grievance process by the Deputy Executive Director of the Office of Equity, Advocacy & Civil Rights.

Formal Title IX Complaints 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 complaint be dismissed for not meeting the definition of Sexual Harassment, an appeal may be filed consistent with the Appeal Procedures outlined below.

## **Investigations**

All investigations will be prompt, adequate, reliable and impartial. The District will assume the

Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

All parties will be notified in writing within five (5) business days that a Formal Title IX 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 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.

### **Decisions**

The District will appoint a neutral decision maker who will objectively evaluate all relevant evidence – including inculpatory and exculpatory evidence. Credibility determinations may not be based on a person’s status as a complainant, respondent, or witness. The decision maker will issue a written determination regarding responsibility in compliance with Title IX regulations and provide this determination to the parties simultaneously.

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

### **Informal Resolution**

After a Formal Title IX 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.

### **Determination of Responsibility**

The District will appoint a neutral decision maker who will objectively evaluate all evidence, including inculpatory and exculpatory evidence, and make a determination based on a preponderance of the evidence 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), Title IX, 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.

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

### **Appeal Procedures**

Either party involved in this process has the right to appeal from determination regarding responsibility, dismissal of the Formal Complaint or any allegations therein. 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 five (5) business days after receipt of a determination letter and must be made in writing and directed to the Title IX Coordinator. Appeals received after five (5) 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 District may implement remedies for a Complainant pending appeal.

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. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

### **Supportive Measures**

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. These measures can include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of class schedules, mutual restrictions on contact between the parties, changes in class schedules, counseling, and academic assistance. Supportive measures are available to all parties.

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 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.

### **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.

### **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 discipline up to and including termination.

### **Recordkeeping**

The District will maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment in compliance with requirements under Title IX.

### **Training**

The District's Title IX Coordinator, along with any investigator(s), decision-makers, or person(s) designated to facilitate an informal resolution process will receive training on the definition of Sexual Harassment, the scope of the District's education program or activity, how to conduct an investigation and implement the grievance process, appeals and the information resolution process, and how to serve impartially, including any prejudgment of the facts at issue, conflicts of interest, and bias. The District will make its training materials publicly available on its website.