

TITLE IX GRIEVANCE PROCESS

**2024 – 2025
School Year**

Table of Contents

Title IX Grievance Process for Compliance with Title IX Regulations	2
Purpose	2
Definitions	3
Title IX Complaints.....	7
Investigations	7
Decisions	8
Informal Resolution.....	8
Determination of Responsibility.....	9
Appeal Procedures.....	10
Supportive Measures	10
Concurrent Investigations	11
Corrective Actions, Sanctions, and Remedies	11
Recordkeeping	12
Training.....	12
District Title IX Coordinator.....	12



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 any education program or activity that it operates, as required by Title IX, including in 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 which violate Title IX. (This includes discriminatory exclusion or different treatment based on sex, separation based on sex (with limited exceptions stated in the regulation), discrimination based on sex in access to vocational education, pregnancy discrimination, athletic inequity and employment discrimination.

The District has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the District’s education program or activity, or by the Title IX Coordinator and designees, alleging any action that would be prohibited by Title IX or the Title IX regulations.

These procedures shall be widely disseminated and available on the District’s website: <https://www.detroitk12.org/compliance> and in every school site administrative office, any employee handbook, and the Student Code of Conduct.

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

Definitions

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the bases of sex, when it takes the form of: Quid pro quo harassment, hostile environment harassment and specific offenses of sexual violence as described:

- a. A school employee, agent or person authorized to provide aid, benefit or service who conditions providing this on an individual's participation in unwelcome sexual conduct.
- b. Any type of unwelcome sex-based conduct based on a totality of the circumstances that is subjectively and objectively offensive and is so severe *or* pervasive that it limits or denies a person's ability to participate in or benefit from the District's education 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.
 - 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. suffer 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 acts covered under the definition of domestic violence.
- f. Domestic Violence: A felony or misdemeanor crime of violence committed by:
- i. a current or former spouse or intimate partner of the victim
 - ii. a person with whom the victim shares a child in common
 - iii. a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner
 - iv. 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. 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 of sex-based harassment or allegations of sex-based harassment to the District's Title IX Coordinator or any official of the District who has authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary and secondary school.

Complainant – (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations or (2) a person other than a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.

Respondent – A person who is alleged to have violated the District’s prohibition on sex discrimination.

Office of Civil Rights & Compliance – The department within the District charged with Title IX investigations. A person who is alleged to have violated the District’s

Complaint – An oral or written request to the recipient that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX.

Complaint Submission Date – The date when a Title IX complaint was submitted to the Title IX Coordinator or the Office of Civil Rights & Compliance.

Supportive Measures – Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment.

Preponderance of the Evidence – The evidence standard used to determine whether an alleged incident of sex discrimination or 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 sex-based 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 sex-based harassment.

Exculpatory Evidence – evidence that tends to clear or excuse a respondent from allegations of sex-based harassment.

Retaliation – means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient’s education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Title IX Complaints

Detroit Public Schools Community District is committed to supporting all victims of sex discrimination and sex-based harassment and ensuring due process for all persons accused. If you have been a victim of sex discrimination or sex-based harassment, you may file a Title IX complaint with the Title IX Coordinator or any Assistant Director in the Office of Civil Rights & Compliance.


Complaints may be filed on the Civil Rights & Compliance District website where you can [Submit a Complaint](#) or by email to dpscd.compliance@detroitk12.org, or in person at 3011 W. Grand Boulevard, 10th Floor. Complaints may also be filed by calling (313) 524-2466. Calls 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 complaints of sex discrimination and sex-based harassment will be promptly reviewed by the Title IX Coordinator or designees and investigated by an Assistant Director in the Office of Civil Rights & Compliance. A determination of responsibility will be made at the conclusion of the grievance process by the Office of Civil Rights & Compliance decision maker.

Title IX complaints alleging conduct that does not meet the definition of sex discrimination or sex-based 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 sex discrimination or sex-based 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 Title IX complaint has been filed. Notifications will comply with applicable federal law. All parties will have ten (10) business days from the date they are notified of the Title IX complaint to provide a statement and identify witnesses and other evidence. All parties will be adequately notified prior to any interviews.

Decisions


The District will appoint a decision maker who does not have a conflict of interest and is free of bias for or against complainants or respondents generally or an individual complainant or respondent. This neutral decision maker 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 thirty (30) business days of the complaint submission date. All parties will be notified should an extension of time be required.

Informal Resolution

After a Title IX complaint is filed, parties can voluntarily choose to enter an informal resolution process by submitting a written request. 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 facilitator will be trained on the definition of sexual harassment the scope of the recipient’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant; and issues of relevance to create an investigative report that fairly summarizes relevant evidence.



Any materials used to train the facilitator(s) will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.

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. Informal Resolutions should be completed within 30 days.

Determination of Responsibility

The District will appoint a neutral decision maker, free from bias and conflict of interest, 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 sex discrimination or sex-based harassment is found to have occurred, the District will determine appropriate, corrective actions and/or enforceable sanctions/discipline for the respondent that are 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 programs or activities.

The District will work diligently to conclude all investigations within thirty (30) 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 a 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. Appeals will be concluded within 10 days by the Appeals Officer.

The Title IX Coordinator will identify a neutral employee within the District to decide 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 complaint 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 any time it is on notice of sex-based harassment. Requests for supportive measures can be made immediately and directed to the Office of Civil Rights & Compliance or the school principal. The District will take steps to ensure that appropriate supportive measures are taken or provided. 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. 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 sex discrimination or 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 sex-based harassment, the scope of the District's educational programs or activities, how to conduct an investigation and implement the grievance process, appeals and the informal 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.

District Title IX Coordinator

The Title IX Coordinator is responsible for coordinating the District's response to all complaints of sex discrimination and 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 sex-based harassment and assisting the District in creating a climate that is welcoming to all individuals regardless of sex.

District's Title IX Coordinator:

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