NORTHVILLE PUBLIC SCHOOLS

NORTHVILLE, MICHIGAN

GRIEVANCE PROCEDURE

FOR

Complaints of Sexual Harassment: Title IX 2020 Regulations

Title IX Statement

Title IX prohibits discrimination on the basis of sex, including sexual harassment, in any program, service or activity, including but not limited to, educational programs or activities, such as, extracurricular activities, student services, academic counseling, discipline, classroom assignment, grading, athletics, and transportation operated by Northville Public Schools ("District"), including admission to these programs and activities. Title IX also prohibits sex discrimination in employment.

The District encourages anyone who believes a Title IX violation may have occurred to report their concerns to a District employee or a District Title IX Coordinator who are identified below.

The District's Title IX Coordinator(s) are:

Rebecca Pek
Assistant Superintendent
pekre@northvilleschools.org
248-344-3537

Beth Santer
Executive Director of Special Services
santerel@northvilleschools.org
248-344-3530

Definitions

"School community" means students, parents/legal guardians, administrators, professional and support staff, as well as Board of Education members, agents, volunteers, contractors or other persons subject to the control and supervision of the Board.

"Complainant" means the person who is alleged to be the victim of conduct that could constitute sexual harassment.

"Respondent" means the person who has been reported to be the perpetrator of the conduct that could constitute sexual harassment.

"Third parties" include, but are not limited to, guests and/or visitors on district property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with or seeking to do business with the Board of Education ("Board") and other individuals who come

into contact with members of the school community at school-related events/activities (whether on or off district property).

"Sexual Harassment" is defined as conduct on the bases of sex that satisfies one or more of the following:

1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (*i.e. quid pro quo* sexual harassment);

2. 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 District's education programs or activities; or

3. Sexual assault (as defined in the Cleary Act, 20 U.S.C. 1092(f)(6)(a)(v)), dating violence, domestic violence or stalking (as defined in the Violence Against Women Act, 34 U.S.C.12291).

"Formal Complaint" is defined as a document filed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation of sexual harassment.

Grievance Procedures

These Grievance Procedures are intendent to treat Complainants and Respondents equitably by providing remedies to a Complainant if a Respondent is found responsible, and by following the proscribed grievance process before imposing discipline on a Respondent. The Grievance Procedure seeks to ensure objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. Individuals involved in the Grievance Procedures – including Title IX Coordinators, investigators, decision-makers, facilitators of informal resolution efforts – must be trained and not have any bias or conflict of interest.

Reporting

Any student or District employee who believes that they have been subjected to sexual harassment by a student, board member, staff, vendor, volunteer, contractor, or other person doing business with the District, should immediately report the behavior or communication to a District employee or the Title IX Coordinator.

All District employees are expected to promptly report actual knowledge of sexual harassment they observe or hear about to a Title IX Coordinator.

Reports can be made orally or in writing and should be as specific as possible. The person making the report should identify the alleged victim/Complainant, perpetrator(s)/Respondent(s) and witness(es), and describe in detail what occurred, including date(s), time(s) and location(s).

A Formal Complaint must be filed by a Complainant prior to the District proceeding with its Title IX Grievance Procedure. A Title IX Coordinator may sign a formal complaint, without the

Complainant's consent, but the Grievance Procedures will continue to be applicable to the Complainant throughout the investigation.

Any incidents of sexual harassment that come to the District's attention through means other than a formal complaint will be promptly addressed by the Title IX Coordinator. Supportive measures will be considered and offered to both parties and the Title IX Coordinator shall provide information to the Complainant about how to file a formal complaint, or if the Title IX Coordinator chooses, he or she can file a formal complaint to begin the Grievance Procedure.

Mandatory and Discretionary Dismissals

The District must dismiss a complaint:

- That does not describe the conduct that meets the definition of sexual harassment;
- That alleges sexual harassment that did not occur in the school's educational program or activity; or
- That alleges the sexual harassment did not occur in the United States at all.

The District may dismiss a complaint:

- If the complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the formal complaint or some of its allegations;
- If the respondent is no longer enrolled or employed by the District; or
- If specific circumstances prevent the District from gathering evidence sufficient to reach a determination about the allegations.

If the District dismisses a complaint, or any allegations, pursuant to the above, it will send a written notice of dismissal and the reason(s) to the parties. Both parties have the right to appeal the District's dismissal as described in more detail below under "Right to Appeal."

Informal Resolution Process

If appropriate as determined by the Title IX Coordinator, the Complainant and the Respondent may voluntarily agree to participate in an informal resolution process that does not involve a full investigation and determination. Prior to the informal resolution process commencing, both parties will receive written notice of the charges and allegations and will be advised of their option to engage in a formal resolution process. The Complainant will not be required to resolve the problem directly with the Respondent, and either party has the right to end the informal process at any time and begin the formal process for investigating the complaint. The District prohibits the informal resolution process for complaints involving an employee and a student. The informal process should be completed on or before thirty (30) calendar days after the complaint is filed.

Formal Resolution Process

If the parties choose not to engage in the informal resolution process, or choose to stop the informal resolution process at any time, the District will conduct a prompt and full investigation into any formal Title IX complaint. An investigation will afford both the Complainant and the Respondent

a full and fair opportunity to be heard, submit documentation and evidence supporting or rebutting the allegation(s), and identify witnesses. All parties involved in the investigation will be provided with a copy of these Title IX Grievance Procedures.

When the District begins the investigation, written notice will be provided to the parties containing:

- A copy of the District's Policy and Grievance Procedure under Title IX;
- Whether there is an opportunity to engage in informal resolution;
- The actual allegations and facts that would constitute sexual harassment;
- A statement that the Respondent is presumed not responsible;
- A statement that the parties are entitled to an advisor of their choice;
- A statement that the parties can request to inspect and review certain evidence; and
- Information regarding the Code of Conduct and false statements.

Investigations may be conducted by the appropriate Title IX Coordinator or designee, such as a building administrator or other administrator, who has been trained in Title IX procedures and does not have a conflict of interest or bias towards either party. The District reserves the right to obtain or consult with a third party investigator or resource at any time during the Grievance Procedures.

Prior to and during the investigation process, the Title IX Coordinator or designee will meet independently with the Complainant and the Respondent and discuss any supportive measures to be implemented before or during the investigation.

Retaliation Prohibited

At the beginning of the investigation, the Title IX Coordinator or investigator will explain that Title IX includes protections against retaliation and that the District will take steps to prevent retaliation and that the District will strongly react to any retaliatory actions, including any acts of retaliatory harassment, should they occur. No student, parent/guardian, employee, or member of the public shall be retaliated against for filing a complaint or participating in the investigation of the complaint.

Respondent Presumed Not Responsible

During an investigation, the Respondent is presumed to be not responsible for the alleged sexual harassment.

Investigation Procedure

Investigations must begin promptly, proceed impartially, and treat all parties equitably. This includes providing both parties an opportunity to present witnesses and other evidence. The investigation will be concluded within 30 - 60 calendar days after a complaint is filed, unless there is good cause to continue the investigation beyond 60 days (e.g. law enforcement activities, absence of a party or witness, absence of a party's advisor of choice or the need to provide language assistance or accommodations of disabilities).

Supportive measures

Upon request of a party, or on its own initiative, the District may implement supportive measures prior to or during the investigation of a formal complaint. Supportive measures are free, individualized services designed to restore or preserve equal access to education, protect safety, or deter sexual harassment. Supportive measures support a student and are not punitive or disciplinary with respect to another student. They do not unreasonably burden any other person.

A party can submit requests for supportive measures, either verbally or in writing, to the investigator and/or to the Title IX Coordinator. (The investigator will notify the Title IX Coordinator of any request for supportive measures and the Title IX Coordinator will be responsible to implement supportive measures.) Supportive measures include, but are not limited to, counseling, extensions of time, modifications of work or class schedules, appropriate emotional and/or academic support, restrictions on contact between the parties, leaves of absences, and increased monitoring and support. In fairly assessing the need for either party to receive interim measures, the district will not rely on fixed rules or any assumptions that favor one party over another. Supportive measures will be made available to both parties, as appropriate. In imposing supportive measures, the Title IX Coordinator or designee will make every effort to avoid depriving any student of his/her education. The District will take steps to ensure that any supportive measure minimizes the burden on the parties, and that the Title IX Coordinator or designee will communicate with the parties to ensure any supportive measures are necessary and effective based on the parties' needs.

Determination of Investigation

- The District shall take reasonable, timely, age-appropriate and effective corrective action based upon the situation and nature of the complaint. Appropriate corrective action may include, but is not limited to, classroom reassignment, increased staff supervision, counseling, academic support services, additional training for students and staff, and reporting procedures, safety plan, behavioral support plan and/or disciplinary action under the Student Code of Conduct or under the District's policies and procedures which include suspension to up to permanent expulsion or discipline up to and including termination. Restorative practices will also be considered in any circumstance involving student disciplinary action.

- The investigator's findings will be documented in a preliminary report and shared with the Complainant, Respondent and their advisors, if any. The parties will have at least 10 calendar days to review the preliminary report and submit a response in writing. Prior to finalizing the report, the investigator shall consider the parties written responses to the preliminary report, if any. The investigation report is then finalized and forwarded to the decision-maker, the parties and their advisors, if any. The decision-maker cannot be the investigator, Title IX Coordinator or have any conflict of interest or bias with either party.

- The decision-maker, prior to any final decision, shall afford the parties an additional 10 calendar days to submit relevant, written questions to the opposing party or any witnesses. The decision-maker shall ask any relevant questions, record the response(s) and provide the responses to the parties (and their advisors, if any) prior to making a final determination. If

the decision-maker deems a question irrelevant, he/she shall state in writing why the question is not relevant and provide the reason(s) to the parties (and advisors, if any) before the final decision is made.

- The decision-maker shall issue a written decision and deliver it simultaneously to both parties. The written decision must include:
    - The portion of the District's policies that was violated;
    - A description of the procedural steps that were taken by the school on the way to getting to the decision;
    - A findings of fact section;
    - A section that draws conclusions after applying the facts to the portion of the District's policy that applies;
    - A statement and rationale for the ultimate determination of responsibility;
    - Any disciplinary sanctions that the District will impose on the respondent, and state whether the District will provide remedies to the Complainant;
    - A statement and rationale for any remedies for the Complainant, addressing how those remedies will restore or preserve equal access; and
    - A Statement of the District's procedures, a statement that the parties have a right to appeal the initial determination regarding responsibly and the permissible basis for the appeal.

Right to Appeal

Both parties shall be provided notice of right to appeal the final determination based on: (1) a procedural irregularity affected the outcome of the matter; (2) new evidence has been discovered that was not reasonably available at the time of the determination on responsibility or dismissal; or (3) a conflict of interest on the part of the Title IX Coordinator, an investigator who complied evidence, or a decision-maker, and the conflict of interest affected the outcome.

If a party intends to file an appeal, they must submit the appeal in writing to the Superintendent no later than five (5) calendar days following the date of the final decision.

The opposing party shall be provided with a copy of the written appeal and given an opportunity to submit a response, no later than five (5) calendar days following the receipt of the appeal, which will be provided to the Superintendent.

The Superintendent shall review the written appeal and any response and issue a written determination within fifteen (15) calendar days of the receipt of the appeal, which will be delivered to both parties.

The Superintendent's decision shall be final.

Training

Individuals involved in the Grievance Procedure – Title IX Coordinator, investigators, decision-makers, appeal or facilitators of informal, voluntary resolution efforts – must be trained.

The training materials cannot rely on sex stereotypes, must promote impartial investigations and adjudications and must be posted on the District's website.

All other District employees shall be trained on how to identify and report sexual harassment.

Privileges

No information protected by a legal privilege, such as the attorney-client privilege or the doctor-patient privilege, can be used during an investigation unless the person holding that privilege has waived it.

Neither a party or the District is allowed to seek, permit questions about, or allow the introduction of evidence that is protected by a recognized privilege.

Changes to Grievance Procedure

The District reserves the right to change, modify, amend or repeal all or any part of these Grievance Procedures.

Adopted: August 2020
Revised: August 2024
Revised: January 2025