

CLINTONDALE COMMUNITY SCHOOLS

35100 Little Mack – Clinton Township, Michigan 48035 - 586-791-6300 – www.clintondaleschools.net

BOARD POLICY

Series 3000: Operation, Finance, and Property

3100 General Operations

3118-F-12 Initial Procedures to Be Followed upon a Report of Title IX Sexual Harassment

When a report of Title IX Sexual Harassment is made, the Title IX Coordinator should take all of the following actions. This document is an overview of best practices. It is not intended to limit the District from taking action necessary to address or prevent Title IX Sexual Harassment in its programs and activities.

A similar approach can be used when the District receives a report of other Unlawful Discrimination, harassment, or retaliation.

Initial Steps upon Notice or Report of Sexual Harassment

- ☐ Treat the Complainant and Respondent equitably.
- ☐ Contact the Complainant (and the Complainant's Parent if Complainant is a minor) to arrange a meeting to discuss the Title IX Sexual Harassment report. This meeting can be in-person, virtual, or via phone.
- ☐ Explain that the purpose of the meeting is to review the process for filing a Formal Title IX Complaint and to discuss Supportive Measures that the school may provide with or without a Formal Complaint.
- ☐ Schedule a date and time for the meeting as soon as possible.
- ☐ Provide a copy of Policy 3118 and a Title IX Formal Complaint Form (3118-F-1) to the Complainant (and Complainant's Parent if Complainant is a minor) either before or at the meeting.

Meeting with the Complainant

- ☐ Inform the Complainant (or Complainant's Parent) that the school received notice that the Complainant may have been subject to Title IX Sexual Harassment.
- ☐ Explain the process for filing a Formal Complaint and determine whether the Complainant wants to initiate the Grievance Process.
- ☐ Explain briefly the Grievance Process that the school must follow once a Formal Complaint is filed so that the Complainant understands the investigation process. The Title IX Coordinator should neither encourage nor discourage the filing of a Formal Complaint. Explain that the Grievance Process contains the following requirements:

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- The school must provide both parties notice of the allegations.
 - The school will assign a trained investigator to conduct an independent, unbiased investigation into the allegations. The investigator may or may not be a school employee.
 - The school is required to keep the Complainant's identity confidential except when information about the Complainant must be disclosed within the Grievance Process or as otherwise required by law. Information about the Complainant, including the Complainant's identity, may be disclosed:
 - When providing notice of the allegations to the Respondent (the person alleged to have perpetrated the harassment);
 - When the investigator provides the required equal opportunity for the Parties to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint; and
 - As otherwise required during the investigation.
 - The Respondent is presumed not responsible until the Decision-Maker makes a determination following the investigation.
 - The Grievance Process may take 90-120 days, absent extenuating circumstances.
 - The investigator cannot restrict either party from discussing the allegations or gathering evidence to support the party's case.
 - Retaliation against either party or any witness is strictly prohibited.
- ☐ Explain to the Complainant that if the Complainant chooses not to file a Formal Complaint, the school still has an obligation to implement Supportive Measures, as appropriate, and will address all allegations to the best of its ability and to the extent permitted by law. Explain that, in some cases, the Title IX Coordinator may need to sign a Formal Complaint, even if the Complainant does not wish to file one. Further explain that in most cases, a Respondent cannot be disciplined for sexual harassment unless found responsible after an investigation of a Formal Complaint.
- ☐ Discuss the availability of Supportive Measures
- Explain that the school is required to provide, as appropriate, non-disciplinary, non-punitive individualized services to the Complainant or Respondent regardless of whether a Formal Complaint is filed.
 - Explain that the purpose of Supportive Measures is to restore or preserve the Complainant's equal access to the school's programs and activities; they are offered without charge; and they are designed to protect the safety of the parties, the educational environment, and to deter harassment.
 - Provide the Complainant examples of available Supportive Measures. Supportive Measures could include but are not limited to: school-provided counseling, class schedule modification, provision of an escort, and mutual no-contact orders.
 - Ask the Complainant and Parents, as appropriate, for their input about the

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Supportive Measures they believe would be helpful.

- Offer Supportive Measures, taking into consideration the input of the Complainant and Parents, as appropriate and reasonable.
 - Document the Supportive Measures offered and the Supportive Measures accepted and rejected by the party. If no Supportive Measures are provided, document the reasons why.
- ☐ Follow up with written correspondence (e-mail or letter) summarizing the meeting. Include another copy of, or link to, Policy 3118 and the Title IX Formal Complaint Form (3118-F-1).