



School District of the City of Pontiac

SUBJECT: Title IX, Notice of Nondiscrimination

Effective: July 14, 2020

Definition: Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 et seq., is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. All public and private elementary and secondary schools, school districts, colleges, and universities (hereinafter "schools") receiving any Federal funds must comply with Title IX. Under Title IX, discrimination on the basis of sex can include sexual harassment or sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion.

The City of Pontiac School District Board of Education is committed to maintaining a learning/working environment in which all individuals are treated with dignity and respect, free from discrimination and harassment. There will be no tolerance for discrimination or harassment on the basis of race, color, national origin, religion, sex, sexual orientation, marital status, genetic information, disability or age. The District prohibits harassment and other forms of discrimination whether occurring at school, on District property, in a District vehicle, or at any District related activity or event.

For the purpose of these procedures, students, administrators, and professional and support staff, as well as Board members, agents, volunteers, contractors, or other person subject to the control and supervision of the Board.

For the purposes of these procedures, "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 Board, and other individual who come in contact with members of the School District community at school-related event/activities (whether on or off School District property).

1.0 PROCEDURES

1.1.1 INFORMAL COMPLAINT RESOLUTION PROCESS

Step 1: A person who believes that he/she has been discriminated against shall discuss the matter with the School District of the City of Pontiac Title IX Coordinator. The Title IX Coordinator will discuss with the Complainant the procedure and confirm that the Title IX Coordinator has a complete understanding of the Complainant's issues or concerns, including all pertinent facts and circumstances. The Title IX Coordinator will also confirm that the Complainant feels comfortable and confident that the Title IX Coordinator understands his or her issues or concerns.

The Title IX Coordinator will verbally convey his/her findings to both the person who alleged the violation and the person who is subject of the complaint within 10 days.



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- Step 2: If the informal Step 1 process does not resolve the matter, a written complaint may be submitted at any time during the informal complaint resolution process either:
- 1) the Complainant desires to pursue a formal complaint, or
 - 2) facts or circumstances arise that indicate Sexual Misconduct may have occurred, the Title IX Coordinator will terminate the informal complaint resolution process and handle the matter consistent with the other provisions of this procedure.
 - 3) The informal complaint process cannot be used to resolve any suspected violation of this procedure.
 - 4) The complaint shall include:
 - a. the employee's or student's name;
 - b. the facts of the incident or action complained about;
 - c. the date of the incident or action giving rise to the complaint;
 - d. the type of discrimination alleged to have occurred; and
 - e. the specific relief sought. A Step 2 meeting shall be conducted within 10 days following the submission of the written complaint.
- Step 3: Within the next 10 days, the Title IX Coordinator shall issue a written disposition, with copies to be given to both the person who alleged the violation and the person who is the subject of the complaint.

1.1.2 FORMAL COMPLAINT PROCESS

- Step 1: Any person may submit a formal complaint alleging a violation of this procedure. Formal complaints are submitted to the Title IX Coordinator. Formal complaints must be submitted within 180 days of the occurrence of the matter being complained about. Formal complaints submitted outside this timeline are normally not investigated unless the Title IX Coordinator determines there is an ongoing risk to the safety of the Pontiac School District community, although support services are generally available for current students and employees without regard to when the matter being reported occurred. The Title IX Coordinator may also initiate the formal complaint process on her/his own accord after becoming aware of a possible violation of this procedure involving Pontiac School District students or employees.
- Step 2: Upon initiation of a complaint, the Title IX Coordinator confers with the person(s) with the concern to establish the nature of the complaint. The Title IX Coordinator also provides the person(s) with a copy of this procedure and written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other available services, both at Pontiac School District in the community. The Title IX Coordinator also provides information about filing a



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complaint with the Pontiac School District to local law enforcement authorities, and external civil rights agencies.

- Step 3: Whenever possible, formal complaints are addressed within 60 days of filing, including completing the investigation and any required process to consider sanctions, unless Pontiac School District reasonably determines for good cause that additional time is required. Good cause includes complying with collective bargaining agreements, other Pontiac School District or campus policies, and/or state statutes and regulations. In such cases, the Title IX Coordinator simultaneously provides written notice of the delay and the reason for it to the Complainant and the Respondent.

1.1.3 Investigating Complaints

- Step 1: If the Title IX Coordinator determines that the issue or concerns presented, if true, would constitute a violation of this procedure, s/he consults with the Complainant to determine if a formal investigation is appropriate. The Complainant has the option of requesting that no formal investigation be conducted. The Title IX Coordinator will consider the request in light of broader campus safety and institutional responsibilities when deciding whether it is appropriate to honor a request for no formal investigation.

If the Title IX Coordinator concludes an investigation is appropriate, it is conducted in a prompt, thorough, fair and impartial manner.

- Step 2: As part of the investigation process, the Title IX Coordinator informs the Respondent of the nature of the complaint. The Title IX Coordinator meets separately with the Respondent and others deemed by the Title IX Coordinator to be necessary to ascertain the factual basis of the complaint. Any disclosures the Title IX Coordinator makes regarding the complaint are made only if deemed necessary to conduct the investigation, provide appropriate services to the Complainant, or protect the rights of either the Complainant or the Respondent. All disclosures are consistent with FERPA or applicable employee privacy rights.
- Step 3: The investigation process further consists of the Title IX Coordinator gathering relevant information, evaluating that information, and then rendering a written Report of Investigation determining whether the alleged procedure violation occurred. The fact-finding investigation does not include a hearing or adversarial proceeding of any kind.
- Step 4: As part of the investigation process, the Title IX Coordinator initially informs both the Complainant and the Respondent that the Title IX Coordinator will determine whether the complaint is substantiated and gives each party the



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opportunity to request from the Superintendent or her/his designee a substitution for the Title IX Coordinator if there is a conflict of interest. The Title IX Coordinator also gives both the Complainant and Respondent equal opportunity to be interviewed, to submit written statements, to provide the names and contact information for potential witnesses or to submit written statements from those witnesses, and to submit or identify other evidence for the Title IX Coordinator's consideration. The Title IX Coordinator may require that any statements from witnesses offered by the parties, including expert witnesses, be submitted in writing. Prior to the issuance of the Report of Investigation, the Title IX Coordinator may meet with either party for follow-up fact-finding efforts, or collect additional information from any source, as required.

- Step 5: Both parties have the right to have the assistance of and/or to be accompanied by an advisor at any meeting or interview they participate in as part of the investigation provided that the involvement of the advisor does not result in undue delay of the meeting or interview.
- Step 6: The advisor may, but need not be, an attorney. Each party is responsible for any costs associated with his or her advisor. To ensure direct access to relevant facts and circumstances, the Title IX Coordinator may restrict the role advisors play in the investigatory process, provided such restrictions are evenly applied to both parties.
- Step 7: In conducting the investigation, the Title IX Coordinator requires access to all pertinent material, records, reports, documents and computerized information in the possession of any Pontiac School District personnel, and the Title IX Coordinator must be given the opportunity to interview all persons possessing relevant information unless exempt from disclosure or reporting under state or federal law.
- Step 8: Obstruction of an investigation of allegations of conduct prohibited by the procedure is grounds for disciplinary action or sanctions by the appropriate body, up to and including termination of employment and/or dismissal or expulsion.

1.1.4 STANDARD FOR DETERMINING RESPONSIBILITY

- Step 1: The standard the Title IX Coordinator uses to determine whether Pontiac School District's Title IX procedure has been violated is whether it is more likely than not, based on information gathered and examined, that the Respondent violated this procedure. This is the "preponderance of the evidence" standard of proof.



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1.1.5 INVESTIGATION TIMELINE

- Step 1: The Title IX Coordinator normally completes the investigation and issues a Report of Investigation within 30 days. If it is not possible to complete the investigation and report within that time frame, the Title IX Coordinator simultaneously notifies in writing the Complainant, the Respondent, and appropriate administrators and supervisors as to the cause of the delay and the expected time of completion.

1.1.6 INVESTIGATION FINDINGS AND DISCIPLINARY ACTION

- Step 1: Findings Concluding that Procedure Violations Occurred: All investigations finding that a violation of this procedure occurred result in referral to the Office of Human Resources disciplinary action for student-respondents or referral to the appropriate supervisors and other officials for appropriate employment action.
- A. If the Respondent is a student, Human Resources will report investigation to the Director of Student Services for a proceeding under the Student Conduct Code. The sole purpose of the proceeding is to review the Report of Investigation and determine appropriate sanctions. The range of possible sanctions includes warning, suspension, or expulsion.
 - B. If the Respondent is an employee, the Title IX Coordinator forwards the Report of Investigation to for appropriate disciplinary action applicable to the Respondent's employee group. The range of possible sanctions includes oral warnings, written warnings, reassignment and/or demotion, paid or unpaid suspension, severe sanctions less than dismissal, discharge, termination and/or loss of tenure.
 - C. If new information emerges during the disciplinary process that, in the opinion of the hearing panel for students or the relevant disciplinary authority for employees, could substantively alter **the findings, conclusions or recommendations in the Report of Investigation, the Report of Investigation** and the new information is returned to the Title IX Coordinator for appropriate action, including reopening the investigation and issuing an amended Report of Investigation. Both parties have the right to review and appeal the amended Report of Investigation in accordance with Section 1.1.6. of this procedure before the disciplinary process resumes or terminates.
 - D. For student Respondents, resolution of the disciplinary process is normally concluded within 21 calendar days, along with the implementation of recommended corrective action. For employee Respondents, resolution of any employment action is in accordance with applicable employment policies or practices. Administrators may take additional reasonable steps, as necessary, to prevent the



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recurrence of the misconduct and may request advice from the Title IX Coordinator to implement corrective action.

- E. The Title IX Coordinator encourages Complainants to report if any issues resume and/or if retaliatory conduct occurs.

Step 2: Findings Concluding that No Procedure Violations Occurred: If the Title IX Coordinator determines that this procedure was not violated, then in the case of student Respondents, the Human Resources reviews the Report of Investigation to determine if there is evidence of other Student Conduct Code violations. Similarly, in the case of employee Respondents, the appropriate supervisors and/or other officials review the Report of Investigation to determine if there is evidence of other campus procedure or workplace standard violations.

- A. In either the student or the employee Respondent situation, if there is evidence of non-Title IX and Sexual Misconduct procedure violations, the normal disciplinary procedures are followed.

In addition, the Title IX Coordinator is available to meet with the Complainant initiating the Sexual Misconduct complaint process to explain why the complaint was not substantiated. If the complaint was filed by a third-party who is not the reported victim, although it is not appropriate to disclose outcomes, the third-party Complainant is informed that the complaint has been appropriately addressed.

Step 3: Inconclusive Findings: If the findings are inconclusive, the Title IX Coordinator may seek to facilitate a resolution or a result that takes into account the concerns and well-being of both parties while prioritizing any and all safety concerns.

1.1.7 APPEALS

Step 1: Both the Complainant and the Respondent may appeal the complaint outcome. Parties may appeal the complaint outcome only on the following grounds:

- 1) a procedural error occurred, or
- 2) new information exists that would substantially change the outcome of the finding. Appeals of the complaint outcome are decided by an administrative review of the relevant documents as set forth below.

Step 2: Appeals of the complaint outcome must be submitted in writing to the Superintendent or her/his designee within 7 business days of receiving the notice of complaint outcome. The party opposite the appealing party is given



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an opportunity to review the appeal, to the extent permitted by law, and to submit additional material to be considered together with the appeal. Any additional material must be submitted within 7 business days of being notified the other party has appealed. Any additional material submitted is made available to the appealing party subject to applicable privacy laws.

- Step 3: The Superintendent may delegate or assign responsibility for reviewing the appeal to an appropriate official with the Pontiac School District that has no conflict of interest or prior involvement in the case, including but not limited to an official from the Office of General Counsel. The Superintendent or her/his designee will thoroughly review the appeal, any material submitted by the other party, and the written record of the complaint. The Superintendent or her/his designee may also request any additional information, which will be shared with the parties in advance of the Superintendent or her/his designee's decision on the appeal, subject to applicable privacy laws. The Superintendent or her/his designee will issue a written decision based upon a preponderance of the evidence within 10 working days following receipt of the appeal and any additional material submitted by the other party, unless she/he determines additional time is necessary. The Superintendent or her/his designee will simultaneously notify the parties in writing of 1) any extension of time to render a decision and the reason for the extension, and 2) within 7 business days after conclusion of the review, the decision on the appeal.
- Step 4: The Respondent and the Complainant may also appeal any sanctions imposed for violating this procedure. Appeals in cases involving student Respondents are submitted in accordance with the procedures set forth in the Student Conduct Code. Employees follow the procedures applicable to the Respondent's employee group for appealing or grieving the imposition of disciplinary action.
- Step 5: Additional Information on Conflicts of Interest: Complaints against the following officials should be submitted as indicated.
- A. Employees working on the Pontiac School District school grounds communicate relevant concerns or initiate complaints and grievances regarding this procedure with the Office of Human Resources and Equal Opportunity, whose policies and procedures apply.
- Step 6: Complaint Against the Title IX Coordinator
- A. When the accused party is the Title IX Coordinator, the Superintendent designates another appropriate administrator for purposes of implementation of this procedure's procedures. The designated administrator must have the training and experience and have no conflict of interest or prior involvement in the case.



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Step 7: Complaint Against the Superintendent

- A. When the accused party is the Pontiac School District Superintendent, the Complainant should submit a complaint in writing to the President of the Pontiac School District Board of Directors, 47200 Woodward Ave, Pontiac, MI 48342 [Phone: (248) 451-6800].

Step 8: Filing Reports with External Agencies

- A. Individuals who believe they have experienced Sexual Misconduct at the Pontiac School District have the right – and may initiate – a complaint with an appropriate state or federal compliance agency. Students and employees may file Sexual Misconduct complaints with the Michigan Department of Civil Rights (MDCR).

Students may also file complaints with the U.S. Department of Education, Office for Civil Rights (OCR). In addition, any Pontiac School District employee may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC). Contact information for each agency appears below.

Pontiac School District is committed to taking prompt and fair remedial action to address violations of this procedure regardless of whether an internal or external complaint has been filed. In fact, the filing of a complaint of discrimination with state or federal civil rights agency does not relieve Pontiac School District of its responsibility to respond appropriately to a Sexual Misconduct complaint. Accordingly, even if an external complaint is filed, Pontiac School District may continue to take appropriate actions consistent with this procedure to address the complaint.

Michigan Department of Civil Rights

Detroit Service Center - Cadillac Place
3054 West Grand Boulevard, Suite 3-600
Detroit, MI 48202
Phone: 313-456-3700
Fax: 313-456-3701
Toll-Free: 800-482-3604
TTY: 877-878-8464

MDCRServiceCenter@michigan.gov

U. S. Equal Employment Opportunity Commission
477 Michigan Ave #865
Detroit, MI 48226
(313) 226-4600