



**Plymouth Educational Center District**  
 District Offices & Vivian H. Ross Campus  
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 Detroit, Michigan 48207  
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## **Title IX: Discrimination and Sexual Harassment**

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### ***The School Board's Title IX Policy:***

Pursuant to Title IX of the Education Amendments of 1972, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." Using the guideline of Title IX, the Plymouth Educational Center District is committed to providing students with a learning environment free from sexual harassment or gender discriminatory behavior.

It shall be a violation of policy for any student, teacher, administrator, school personnel, agents, volunteers, or third parties subject to the supervision and control of the school board to harass or discriminate against a student based upon sex. Acts of sexual harassment or inappropriate employee-student relations or student-peer relations are prohibited at all times during the school day including while on school-sponsored transportation, during observation or participation in after-school activities, and during school-related functions such as sporting events, social activities or field trips.

### ***Sexual Harassment Defined:***

Sexual harassment is any *unwelcome* conduct of a sexual nature that is sufficiently severe, persistent, or pervasive as to create an intimidating, hostile or abusive educational environment program. Such conduct includes, but is not limited to:

*Verbal harassment or abuse; pressure for sexual activity; sexually motivated or inappropriate hugging, kissing, patting, massages or pinching; sexual behavior or words, including demands for sexual demand for sexual favors; remarks of a sexual nature about a person's clothing or body; fondling or grabbing; spreading sexual gossip; subjecting someone to sexual materials; and sexual assault or rape.*

### ***Gender Discrimination Defined:***

Gender discrimination occurs when different treatment or consideration takes place due to the sex or gender of the individual rather than individual merit. The behavior complained of must be directed toward a specific gender and free from any

reasonable justification. Under the regulation of Title IX, the School Board prohibits gender discrimination in areas including, but not limited to:

*educational assistance, i.e. tutoring, after-school learning; counseling services; receiving college preparation materials; receiving preparatory materials for school testing; physical education and athletics; student rules and policies; and extracurricular activities.*

The School Board is committed to providing both genders with a positive learning environment and will enforce that all individuals, regardless of gender, receive equitable treatment and benefits.

Any student who believes he or she has been the victim of harassment or discriminatory behavior must immediately report such behavior to the Title IX Coordinator. The Title IX Coordinator will then notify the school principal of the alleged acts.

**Complaints should be directed to: Nicole Stokes, Title IX Coordinator, 1460 E. Forest, Detroit, MI 48207, (313) 831-3280.**

### **1. Reporting and Investigating of Harassment or Discriminatory Behavior**

#### **A. Reporting**

Any student who believes he/she has been the victim of harassment or discriminatory behavior by another student, teacher, administrator, school personnel, agent, volunteer or third party is to immediately report the alleged conduct. A student need not fill out a formal complaint when reporting alleged harassment or discriminatory behavior. The reporting of harassment or discriminatory acts can be informal or made orally to the Title IX Coordinator or another designated authority. Generally, a report should be made with days of the conduct or act giving rise to the complaint.

A student shall report harassment or discriminatory acts without fear of any retaliatory action regarding educational assistance, receiving testing and college preparation materials, counseling services, physical education, athletics, or participation in extracurricular activities. If the student subsequently receives unfair treatment as a result of the complaint, he or she is to report such behavior directly to the superintendent or his/her designee.

#### **1. Reports Made in School Building**

Any principal, school administrator or staff member who receives notice that a

student has or may have been the victim of harassment or a discriminatory act, is to immediately report the alleged conduct to the Title IX Coordinator. The Title IX Coordinator will document the complaint and immediately notify the principal. The principal or his or her designee will provide a written report of the facts alleged (regardless of whether initial complaint was written or oral) and forward as soon as practicable to the superintendent or his/her designee. An investigation will not begin in by the School Board until the superintendent or his/her designee has received the written report of the alleged acts. Failure to forward any harassment or discriminatory behavior report or complaint as provided herein will result in disciplinary action against the principal.

## **2. Reports Made to the School Board**

The student, parent or guardian is not prevented from first notifying the designated authority of the School Board of alleged harassment or discriminatory conduct. If the complaint involves the school principal, the complaint shall be made or filed directly with the designated authority of the School Board. Upon the receipt of all complaints made to the School Board, the designated authority must provide a written report of the allegations to the superintendent, the principal, and the Title IX Coordinator before an investigation can begin.

## **B. Investigation**

The Title IX Coordinator will act to investigate all complaints, formal or informal, verbal or written, of sexual harassment or other discriminatory acts and will discipline or take appropriate action against any student, teacher, administrator, school personnel, agent, volunteer, or a third party who is found to have violated this policy. The Title IX Coordinator or Superintendent will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with School Board's legal obligations to assure investigation, to take appropriate action, and to conform to any discovery or disclosure obligations. Before the commencement of any investigation, the parent(s) or guardian(s) of each student

involved in the allegations, including witnesses, will be contacted.

The investigation may include, but is not limited to reviewing documentation, conducting phone conferences, on-site observations, or personal interviews with the complainant, the individual(s) against whom the complaint is filed, individuals who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. Parents or guardians may only be present for interviews involving their child.

In determining whether alleged conduct constitutes a violation of this policy, Superintendent should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. A preponderance of evidence standard of proof will be applied to all situations involving complaints and grievances alleging harassment and discriminatory acts.

The investigation by the Title IX Coordinator will be completed within 10 school days. If the investigation should take longer than the allotted 10 days, all parties involved will receive written notice of the estimated date for the investigation to be completed. At all times during the investigation, the School Board designee will provide a written report to the superintendent. The report shall include a determination of whether the allegations have been corroborated and found to be factual. Generally, the report will be submitted to the Superintendent within a period of 15 days.

If at any time during the investigation the complaint is deemed to include false reports provided by a student or any school employee, the individual will be subjected to disciplinary action that includes, but is not limited to suspension, expulsion, or termination of employment.

All students subjected to sexual harassment or discriminatory behavior will be provided all available support services from counselors, school psychologists, and school social workers to receive adequate emotional and physical support. No reprisals will be taken against any complainant on account of any complaint made

in good faith and subsequently decided as a result of an investigation.

## **2. Student Grievance Policy** Procedures and Timelines

The party asserting the grievance may elect to have an informal or formal grievance.

### **A. Informal Grievance**

#### **1. Alleged Acts not involving the principal or member of School Board.**

The student may elect to have an informal grievance when the nature of the grievance concerns the behavior of any peer or school employee (other than the principal or member of the School Board). It is not required that a student have an informal grievance.

**Step One:** Within five days following the event or condition that is the basis for the grievance, the complainant may request a meeting with the student or employee with whom they disagree, members of the grievance committee, and the Title IX Coordinator (the principal may or may not be present during this first meeting of the informal grievance process).

**Step Two:** Within five days following the conference request, the student or employee may elect to confer with the complainant under the supervision of the Title IX coordinator and attempt to resolve the grievance through an oral response.

**Step Three:** If the complainant is not satisfied with the student or employee's oral response, the informal grievance will advance to the principal in the event that the original grievance did not involve the principal. The principal will take the notes provided by the Title IX Coordinator and schedule another meeting in an attempt to resolve the conflict between the complainant and the student or the employee. At the conclusion of the meeting, the principal shall then consider the informal grievance and provide an oral or written response to the complainant within five days.

**Step Four:** In the event that the complainant is still not satisfied with the outcome of the grievance, he/she must file a formal grievance within five days of the

oral written response of the principal or the grievance will be deemed abandoned.

#### **2. Alleged Acts Involving the principal or member of the School Board:**

If the nature of grievance involves the misconduct of the superintendent or any board member of the School Board, the complainant must first contact the Title IX Coordinator.

**Step One:** The complainant has five days to request an appointment with the Title IX Coordinator following the event or condition.

**Step Two:** Serving as mediator, the Title IX Coordinator will then schedule an appointment with the complainant, the principal or board member designee. Before the conclusion of the meeting, the principal or the board designee must attempt to resolve the grievance verbally. If the complainant is not satisfied with the verbal response, he/she must file a formal grievance within five days of the verbal response of the grievance is deemed abandoned.

### **B. Formal Grievance**

A student may elect to first participate in the formal grievance procedure.

**Step One:** Under the formal grievance, generally, the complainant should submit his/her complaint in writing within 45 days. The Formal Grievance Form (a copy of the form is located in the administrative office of each school) may be used, but is not required. The student should address the form to the principal or his/her designee, who will then present a copy of the form to the person who is the nature of the grievance. The complainant must provide the following information in order to be considered complete:

1. name of person against whom the grievance is against;
2. the specific nature of the grievance;
3. date, time, and place of the event or condition that caused the grievance;
4. witnesses present during the alleged act(s);
5. the name and title of the third party representative (if applicable) of the complainant;
6. the action requested to resolve the grievance; and
7. the signature of the complainant.

**Step Two:** The principal may schedule a meeting with complainant and the person who is the subject matter of the grievance. The person(s) whom the grievance is against shall respond to the complainant in writing within five days of the meeting and present it to the principal. The principal will make a copy of the response and submit it to the complainant.

**Step Three:** In the event that the complainant is not satisfied with the response, the principal will begin an investigation and will schedule another meeting with the complainant where the principal will explain the nature of the investigation and provide an approximate timeline for the investigation. At the conclusion of the investigation, the principal may schedule a meeting with the complainant, the person whom the grievance is against, and a Board designee. The Board designee will serve as mediator and attempt to resolve the conflict. Within five days of the meeting, the Board designee will provide the complainant with a written response outlining his/her decision about the complainant's grievance.

### 3. **Student Appeals Process**

If the complainant is still not satisfied with the result of the formal grievance process, he/she may appeal the decision within 30 days of receipt.

**Step One:** The complaint must direct all notifications of appeal to the attention of the superintendent. The student must provide reasons for the appeal and provide such justification on the Formal Grievance Form. Within 10 days of receiving the Formal Grievance Form, the superintendent will then review any documentation leading to this event, and present his/her response in writing to the complainant.

**Step Two:** If the complainant is not satisfied with the response of the superintendent, he/she has five days to submit a written request to the members of the School Board to schedule a grievance hearing. The Board will provide the complainant with at least two days notice of the grievance hearing. The complainant, parents/guardians, third party representative (if applicable), and the person whom the

grievance is against are asked to be present at the hearing.

**Step Three:** The complainant or any party representing the complainant, as well as the opposing party, will be allowed to present a five-minute opening statement. Each side will then have no more than 30 minutes to present their position. Following the presentation of positions, each side will have no more than five minutes to present a closing statement. During any part of the presentation, each party may present the Superintendent with any copies of documentation to aid the Board in its review. It is required that each board member receive at least three copies of all materials presented.

**Step Four:** Upon the conclusion of the presentations, the Superintendent will make a decision and verbally present the decision to the parties. Each party will also receive a written response from the School Board within 5 days of the grievance hearing.

**This completes the formal grievance process.**

#### **LEGAL REFERENCES:**

**Title VI, Civil Rights Act of 1964; Title VII, Civil Rights Act of 1964; as amended by the Equal Opportunity Act of 1972; Executive Order 11246, as amended by E.O. 11375; Title IX, Education Amendments of 1972; 34 C.F.R. Sect. 106.41 of the Title IX Regulation; Section 504, Rehabilitation Act of 1973; Education for all Handicapped children Act of 1975; Age Discrimination Act of 1975, P.L. 94-135; 15CFR8.a**