

Title IX Statement and Grievance Procedure

1. 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 Kalamazoo Public Schools (“district”), including admission to these programs and activities. Title IX also prohibits sex discrimination in employment.

The district encourages anyone within the school community who believes a Title IX violation may have occurred to report their concerns to a district Title IX Coordinator who are identified below.

If the Title IX violation potentially involves students, the report should be made to the of Student Services:

Barry Smith
Administrator of Student Services
1220 Howard Street
Kalamazoo, MI 49008
(269) 337-0161
smithbj@kalamazoopublicschools.net

If a Title IX violation potentially involves an adult either as the complainant or the responding party or involves employment related discrimination, sexual harassment, or assault on the basis of sex, then the report should be made to the Assistant Superintendent of Human Resources:

Sheila Dorsey-Smith
Assistant Superintendent of Human Resources/Title IX Coordinator
1220 Howard Street
Kalamazoo, MI 49008
(269) 337-0177
dorseysr@kalamazoopublicschools.net

Definitions

“School community” mean 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” or “reporting party” refers to the person submitting a Title IX complaint.

“Respondent” or “responding party” means the person identified as violating Title IX.

“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).

2. Grievance Procedures

Reporting

If students, their parents/guardians, or anyone else on their behalf believe that they have been subjected to sex discrimination, sexual harassment or sexual assault by school board members, staff, vendors, contractors, or other persons doing business with the district, then a complaint should be immediately reported to the principal of the school where the student attends and/or to the Assistant Superintendent of Human Resources, Sheila Dorsey-Smith (Phone Number (269) 337-0177; Email dorseysr@kalamazoopublicschools.net), who is the Title IX Coordinator responsible for Title IX complaints involving adults. Principals shall report any such Title IX complaints to the Assistant Superintendent of Human Resources, who is the Title IX Coordinator responsible for any Title IX complaint involving a staff member or third party.

If the Title IX complaint involves students as both the complainant/alleged victim and responding party, then the complaint should be immediately reported to the principal of the school where the student attends and/or to the Director of Student Services, Nkenge A. Bergan (Phone Number (269) 337-0161; Email berganna@kalamazoopublicschools.net), who is the Title IX Coordinator for complaints involving students. Principals shall report any such Title IX complaints to the Director of Student Services, who is the Title IX Coordinator responsible for any Title IX complaint involving students as both the complainant/alleged victim and responding party.

Each Title IX Coordinator is responsible for providing to the other Title IX Coordinator a copy of a Title IX complaint that was submitted to the incorrect Title IX Coordinator.

All district employees are expected to promptly report sexual harassment and sexual assault that they observe or hear about to the appropriate Title IX Coordinator.

Any complaints involving employment issues, involving employees and students or involving third parties (whether adult or non-student minors) should be reported to the Assistant Superintendent of Human Resources, Sheila Dorsey-Smith (Phone Number (269) 337-0177; Email dorseysr@kalamazoopublicschools.net), who is the Title IX Coordinator responsible for Title IX complaints involving staff members and third parties.

Reports can be made both orally or in writing and should be as specific as possible. The person making the report should identify the alleged victim, perpetrator(s) and witness(es), and describe

in detail what occurred, including date(s), time(s) and location(s). The district, however, will investigate and address all reports.

The complainant has the right to simultaneously file a criminal, administrative, or civil complaint. The complainant's decision to file criminal charges or another complaint does not diminish the district's obligation to investigate a complaint made by the complainant to the district.

Any incidents of sexual harassment and/or sexual assault that come to the district's attention through means other than a formal complaint will also be promptly reported to a Title IX Coordinator, promptly investigated and appropriately addressed.

3. Examples of Title IX Violations:

Title IX protects students from harassment or discrimination on the basis of sex during educational or extracurricular programs and activities, whether they take place at school or elsewhere. Sex discrimination usually involves unequal treatment on the basis of sex and can be perpetrated by students, staff members or employees, volunteers, vendors, contractors or visitors to the school. Title IX protects employees from sex discrimination, sexual harassment or sexual assault.

Sexual harassment is unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent or pervasive that it denies or limits an individual's ability to participate in or benefit from the District's programs and activities. Sexual harassment may include, but is not limited to, the following:

- Unwelcome sexual advances;
- Unwelcome sexual verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; unwelcome sexually degrading language, jokes or innuendoes; unwelcome sexually degrading language or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages or email;
- Requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature;
- Verbal harassment or abuse;
- Pressure to engage in sexual activity;
- Repeated remarks with sexual implications;
- Unwelcome touching; and/or
- Suggesting or demanding sexual involvement, accompanied by implied or explicit threats.

In the case of employees, sexual harassment includes any unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive that creates a hostile work environment or adversely affects the employee's working conditions.

Conduct is considered unwelcome if the person did not request or invite it and/or regards the conduct as undesirable or offensive.

Sexual violence refers to physical sexual activity perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). Sexual violence includes, but is not limited to, conduct that is criminal in nature, such as rape, sexual assault, dating violence and sexually motivated stalking.

Gender-based harassment is unwelcome conduct based on a person's actual or perceived sex or sexual orientation. It includes slurs, taunts, stereotypes or name-calling, as well as gender-motivated physical threats, attacks or other hateful conduct based on a person's sex or failure to conform to sex stereotypes.

4. Informal Resolution Process

If appropriate as determined by the Title IX Coordinator, the complaining party 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 reserves the right to prohibit the informal resolution process for complaints involving an employee and a student. The informal process should be completed on or before thirty (30) days after the complaint is filed.

5. 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 Title IX complaint. An investigation will afford both the complaining party 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 this Title IX Statement and Grievance Procedures.

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. The district reserves the right to obtain or consult with a third party investigator or resource at any time during the complaint, investigation, or determination process.

Prior to and during the investigation process, the Title IX Coordinator or designee will meet independently with the complaining party and with the respondent and discuss, where appropriate, any interim and/or remedial measures imposed during the investigation.

Confidentiality

- All complaints, interviews and investigations will be treated with confidentiality as allowed under the law. Only those employees or students whose participation in the investigation is required, or those individuals with a legitimate reason to know, will be informed. During the course of the investigation, the Title IX Coordinator or designee will instruct all interviewees about the importance of the maintaining confidentiality. Interviewees will be directed not to disclose any information that the interviewee learns or provides during the course of the investigation to third parties. At times, the complainant or, where applicable, the complainant's parent may request that the complainant's name or the alleged victim's name not be disclosed to the alleged perpetrator or that no investigation or disciplinary action be pursued. The Title IX Coordinator or designee will endeavor to balance the privacy request with the district's obligation to provide a safe and non-discriminatory environment and the Respondent's due process rights. If appropriate, the Title IX Coordinator or designee will advise that honoring a confidentiality request may limit the district's ability to fully respond to the complaint, including pursuing disciplinary action against the alleged perpetrator.

Retaliation Prohibited

- At the beginning of the investigation, the Title IX Coordinator or designee will explain that Title IX includes protections against retaliation and that the school 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 of discrimination or participating in the investigation of the complaint.
- Any person can report a claim of retaliation verbally or in writing to a Title IX Coordinator or school building principal (who in turn will report the complaint of retaliation to the Title IX Coordinator). Should the district receive a retaliation complaint, the district will promptly investigate and take all necessary steps within its control to stop any confirmed retaliatory acts/behavior.

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 calendar days but no more than 60 days after a complaint is filed, unless there is good cause to continue the investigation beyond 60 days.
- For complaints involving an alleged hostile environment based on sex, in determining whether the alleged conduct constitutes sexual harassment, the totality of the

circumstances, the nature of the harassment, and the context in which the alleged incident(s) occurred will be investigated.

- All documentation regarding the complaint and the investigation will be stored in a separate confidential file maintained by the Title IX Coordinator.
- A prompt and thorough investigation of the complaint shall be conducted as follows:
 - Obtain complainant's and respondent's statements (clear, concise, with as much detail as possible).
 - Notify complainant, victim (if other than complainant), respondent, and the parent/guardian of each, if minor students, that they have the right to provide witnesses and other evidence.
 - Question any witnesses who are involved in or have knowledge of the incident, and document accordingly.
 - Review the student records/files applicable to the complaint.
 - Keep complainant, or victim (if other than complainant), and any minor student's parent/guardian apprised in writing of the progress of the investigation if it cannot be concluded within 10 business days and provide an estimated timeline for the investigation.
 - The Title IX Coordinator who is the Assistant Superintendent of Human Resources will lead the investigation if a staff member or a third party, such as contractor assigned to work at the school, is a party to the complaint.

Interim protective measures

- During the course of its investigation, upon request of a party, or on its own initiative, the district may implement interim measures prior to or during the investigation of a complaint. A party can submit requests for interim 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 interim measures.) Interim measures are individualized services offered as appropriate to either the complainant or responding party. Interim 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. Interim measures will be made available to both parties, as appropriate. In imposing interim 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 interim measure minimizes the burden on the parties, and that the Title IX Coordinator or designee will communicate with the parties throughout the investigation to ensure any interim measures are necessary and effective based on the parties' needs.

Resolution of Investigation

On or before sixty (60) days after the complaint is filed:

- A. If the investigation reveals that the complaint **has merit by a preponderance of the evidence**, the following action should be taken:
1. For cases **involving only students**, the investigator will confer with the Director of Student Services and if appropriate with the Director of Special Education Services to determine what action is necessary to resolve the complaint and prevent recurrence.
 2. For cases **involving staff member or a third party, such as a contractor assigned to work within the district**, the investigator will confer with the Assistant Superintendent of Human Resources.
 3. 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 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.
 4. In employee cases involving an employment discrimination claim or a claim of sexual harassment, the district shall take appropriate corrective actions, including but not limited to, make-whole remedies, reassignment or transfers, no-contact order, counseling, safety plans and/or disciplinary action against the perpetrator.
 5. The Title IX Coordinator's findings will be documented in a final report and summarized in writing to the complainant, victim (if other than complainant), respondent and minor students' parents/guardians, and any other necessary parties.
 6. If a student, appropriate discipline for students will be imposed according to the Student Code of Conduct, depending upon the evidence presented and the severity of the incident.
 7. If a student findings and corrective actions will be documented in the student or employee record of the accused.
 8. After each investigation, the Title IX Coordinator will reiterate to all individuals involved in the investigation the Board's policy regarding sex discrimination, sexual harassment and prohibition against retaliation.
 9. The principal or his/her designee will periodically check in with the complainant, or victim (if other than complainant), and, as appropriate, parents/guardians to ensure that no further acts of discrimination are occurring.
- B. If the investigation shows that the complaint **is without merit**, the following action will

be taken:

1. The Title IX Coordinator's findings will be documented in a final report and summarized in writing to the complainant, victim (if other than complainant), respondent, minor students' parents/guardians, and any other necessary parties.
2. After each investigation, the Title IX Coordinator will reiterate to all individuals involved in the investigation the Board's policy regarding sex discrimination, sexual harassment and prohibition against retaliation.
3. The investigation file will be closed.