

Presque Isle Academy Nondiscrimination Policy

Presque Isle Academy (the Academy) does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry or genetic information in its educational programs or activities and will not permit discrimination in any of these categories from its School Administration. Equal educational opportunities shall be available to all students, without regard to the protected classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the Academy, or social or economic background. Educational programs shall be designed to meet the varying needs of all students.

Prohibition Against Discrimination Based On Sex

Pursuant to the requirements of Title IX and its regulations, the Academy does not discriminate on the basis of sex in the education program or activities that it operates. This requirement applies to employment as well. Inquiries about the application of Title IX and its regulations to the Academy may be referred to the designated Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

Prohibition Against Sexual Harassment

The Academy prohibits all acts of sexual harassment by staff members, board members and pupils directed toward other staff or pupils. Sexual harassment includes all harassment, including sexual assault, based on gender, gender identity, or sexual orientation. Sexual harassment includes all of the following conduct on the basis of sex:

- A staff member conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (*quid pro quo*)
- 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 Academy's education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking

The Academy shall promptly respond to all reports of sexual harassment with an investigation and grievance process, ensuring that every complainant receives appropriate support and no respondent is treated as responsible until after receiving due process and fundamental fairness. The Academy shall offer free supportive measures to every alleged victim of sexual harassment, even if a complainant does not wish to initiate or participate in a grievance process. Academy officials shall serve impartially and without bias for or against any party. If the alleged conduct does not fall under Title IX, the Academy may address the allegations under the Student Code of Conduct.

Title IX Coordinator

The Board designates Kammie Dennis to serve as the Title IX Coordinator who is responsible to coordinate the Academy's efforts to comply with Title IX responsibilities and to ensure that students, staff members, parents and others know how to report claims of sexual harassment as well as other forms of sex discrimination. The Academy shall provide the Title IX Coordinator's contact information as well as this policy by means of the Academy website and Parent & Student Handbook to ensure accessible channels for reporting sex discrimination (including sexual harassment). Any inquiries or complaints may be made to the Title IX Coordinator by email, mail, or telephone.

The Title IX Coordinator shall be responsible to:

- Ensure that the educational community has access to information about how to file a complaint and how the Academy will respond to reports and complaints.
- Promptly and confidentially contact complainants to discuss the availability of supportive measures with or without the filing of a formal complaint.
- Sign a formal complaint when the complainant is unwilling to do so but failure to investigate could result in deliberate indifference by the Academy.
- Assign an unbiased investigator to each report of alleged sexual harassment.
- Determine whether the parties are interested in informal resolution options such as mediation or restorative justice.
- Ensure that the Academy's investigation and grievance process is transparent and consistently followed, including all notice requirements.
- Ensure that all Title IX personnel are free of conflicts of interest and bias.
- Ensure that there is an objective evaluation of all relevant evidence, inculpatory and exculpatory, and that credibility determinations are not based on a person's status as a complainant, respondent, or witness.
- Ensure that all Title IX personnel receive the required training.
- Ensure that all Title IX training materials are either posted on the website or made available to the public in another manner that does not require a Freedom of Information Act request.
- Ensure that rape shield protections are enforced, deeming irrelevant questions and evidence about a complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.
- Ensure that the identity of complainants, respondents and witnesses is kept confidential, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.

Reporting

All Academy staff that have knowledge of alleged sexual harassment or other sex discrimination are required to report alleged violations to the Title IX Coordinator. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy.

Investigation

The Title IX Coordinator shall assign an impartial investigator to conduct a prompt, thorough, and complete investigation of each alleged incident using the Academy's Investigation Form. The Academy shall retain all records pertaining to the investigation for a minimum of seven (7) years.

Penalties for Violation

Violation of this policy by students may result in supportive measures, restorative practices and/or discipline procedures. Violations by staff members may result in restorative practices, disciplinary procedures or termination of employment. Violations by board members may result in restorative practices or removal from the Board.

Authority

The Board delegates to its Lead Teacher the following responsibilities:

1. Ensuring that this policy is implemented;

2. Dissemination of this policy through the Academy's website, Parent & Student Handbook, and employee handbooks applicable to staff assigned to the Academy;
3. Publication of the Academy's policy of nondiscrimination under Title IX in the local newspaper, in school-related publications and through a memoranda or other written communication distributed to every student and staff member assigned to the Academy;
4. Ensuring that a statement of the Academy's policy of nondiscrimination under Title IX is included in written communications when recruiting students and staff members.
5. Developing and publishing grievance procedures providing for prompt and equitable resolution of student and staff member complaints alleging any action which would violate this policy;
6. Safeguarding the confidentiality of the individuals who report acts of discrimination and/or harassment;
7. Retention of all records related to alleged sexual harassment for a minimum of seven (7) years.

Prohibition Against Discrimination Based On Disability

Pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Academy does not discriminate in admission or access to, participation in, or treatment, or employment in, its programs or activities. As such, the Board's policies and practices will not discriminate against employees and students with disabilities, will provide equal opportunity for employment, and will make accessible to qualified individuals with disabilities its facilities, programs, and activities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices of the Academy.

In accordance with Section 504 /ADA, no qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any of the Academy's programs or activities. Further, the Academy shall take positive steps to employ and advance in employment qualified individuals with disabilities. The Academy will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Academy will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Reasonable Accommodation

The Academy's Administration and/or ESP will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose an undue hardship on the operation of the Academy's program and/or activities.

Facilities

No qualified person with a disability will, because the Academy's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies. The Academy is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and

scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities. The Academy will meet its obligation through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, alteration of existing facilities and/or construction of new facilities, or any other method that results in making its programs and activities accessible to persons with disabilities. In choosing among available methods for meeting its obligations, the Academy will give priority to those methods that serve persons with disabilities in the most integrated setting appropriate.

Education

The Academy is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who are disabled within the definition of Section 504, regardless of the nature or severity of their disabilities. The Academy recognizes and acknowledges that students may be disabled and eligible for services under Section 504 even though they do not qualify for or require special education and/or related services pursuant to the IDEA. Students eligible for services under the IDEA will be served under existing special education programs.

If a student has a physical or mental impairment that significantly limits one or more major life activities, the student will be eligible for services necessary to provide the student with a free appropriate public education (FAPE), which is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the student as adequately as the needs of students without disabilities are met and are based upon adherence to Section 504 procedural requirements. Such accommodations and/or modifications or other services determined necessary will be provided pursuant to a Section 504 Student Accommodation Plan.

Parents/guardian/custodian ("parents") are invited and encouraged to participate fully in the evaluation process. If the parents disagree with the determination made by the Academy's professional staff, they may request a hearing with an impartial hearing officer.

The Academy is committed to educating (or providing for the education of) each qualified person with a disability who is enrolled at the Academy with persons who are not disabled to the maximum extent appropriate to the needs of the person with disabilities. Generally, the Academy will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. If the Academy places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home.

Extracurricular Activities

The Academy will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the Academy, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and nonacademic and extracurricular services and activities, including those listed above, the Academy will verify that persons with disabilities participate with persons without disabilities in such activities and services to the maximum extent appropriate to the needs of the person with a disability in question.

Notice of the Academy's policy on nondiscrimination in employment and education practices and the identity of the Academy's Section 504/ADA Compliance Officer will be posted throughout the Academy and published in the Academy's handbook.

Compliance Officer/Civil Rights Coordinator (hereinafter referred to as "Compliance Officer")

The Lead Teacher is the Section 504 Compliance Officer/ADA Coordinator. The Compliance Officer is responsible for coordinating the Academy's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act ("ADA"). A copy of the Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, including copies of their implementing regulations, may be obtained from the Compliance Officer. The Lead Teacher is also appointed the Civil Rights Coordinator regarding any discrimination complaints involving sex, race, color, national origin, religion, height, weight, age, or marital status.

Complaints

The Board designates the Lead Teacher to serve as the Academy's 504 Compliance Officer/ADA Coordinator (hereinafter referred to as the "Compliance Officer"). The name, title, and contact information of this individual will be published annually in the staff and student handbooks.

Any inquiries or complaints may be made to the Compliance Officer/Civil Rights Coordinator by email, mail or telephone.

The Compliance Officer will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Academy's grievance procedure, and will attempt to resolve the grievances. The Compliance Officer will also oversee the training of Academy staff so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

In the event the complaint is against the Compliance Officer, the President of the Board shall be the Civil Rights Coordinator and the Compliance Officer. Any complaints or inquiries relating to any discrimination based on sex, race, color, national origin, religion, height, weight, age, or marital status against the Lead Teacher shall be delivered to the President of the Board.

The Compliance Officer is responsible to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The Compliance Officer shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public. A copy of each of the Acts and regulations on which this notice is based may be found in the Academy office.

In addition, the Compliance Officer shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in Academy programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation and exit guidelines and shall be designed to provide

students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the Academy will evaluate the progress of students in achieving English language proficiency on an annual basis.

Reports and Complaints of Unlawful Discrimination and Retaliation

Students and all other members of the school community are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other Academy official so that the Academy may address the conduct. Any staff member who receives such a complaint shall file it with the Academy Compliance Officer within two (2) school days.

The Board directs the Lead Teacher to prepare administrative guidelines for facilitating the prompt, fair and appropriate identification, referral, evaluation and placement of students with disabilities who qualify for accommodations under Section 504. The Academy will provide in-service training and consultation to staff on the education of persons with disabilities, as necessary and appropriate.

The Academy will adopt a system of procedural safeguards that will provide for prompt and equitable resolution of complaints regarding the identification, evaluation, or educational placement of the student. The Academy will also adopt a grievance/complaint procedures providing for the prompt and equitable resolution of complaints alleging violations of Section 504 or Title II. These procedures will be available to students and parents/guardians at the Academy office.

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR").

**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

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination or participates as a witness in an investigation is prohibited. Specifically, the Academy will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Academy shall provide appropriate

information to all members of the school community related to the implementation of this policy and shall provide training for Academy students and staff where required and/or appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

The Academy will endeavor to assist the student and/or his/her parents in their access to school programs by providing notices to the parents and students in a language and format that they are likely to understand.

Dissemination of Policy

This policy shall be disseminated to all staff, students, and parents/guardians via the Academy's website and parent and student handbook.

References:

The Revised School Code, MCL 380.1300a
MCL 380.1146, 380.1704, 37.1101 et seq., 37.2402, 37.1402, 37.2101-37.2804
Fourteenth Amendment, U.S. Constitution
20 USC Section 1681, Title IX of Education Amendments Act
20 USC Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 USC Section 7905, Boy Scouts of America Equal Access Act
34 USC 12291 Violence Against Women Act
29 USC Section 794, Rehabilitation Act of 1973, as amended
29 CFR Part 1630, 1635
34 CRF Part 104
34 CRF Part 106
42 USC Section 2000d et seq., Civil Rights Act of 1964
42 USC Section 2000ff et seq., The Genetic Information Nondiscrimination Act
Section 504 Rehabilitation Act of 1973, as amended, 42 U.S.C. 12101 et seq.
42 USC 6101 et seq., Age Discrimination Act of 1975
34 CFR Part 110 (7/27/93)
Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979
42 USC 12101 et seq., The Americans with Disabilities Act of 1990, as amended
The Elementary and Secondary Education Act of 1965 (ESEA) as reauthorized by The Every Student Succeeds Act (ESSA)

Effective Date: