

Presque Isle Academy

Title IX Grievance Procedures

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. Retaliation against any person who reports or opposes improper discrimination or retaliation is likewise prohibited under Title IX. The Academy shall fully comply with Title IX and its accompanying regulations.

Prohibition Against Sexual Harassment

The Academy prohibits all acts of sexual harassment by Academy 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:

- An Academy 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 school's education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking.

This policy applies to prohibited conduct in any academic, educational, extra-curricular, or other Academy programs, activities, and events whether occurring at school, in virtual classrooms, during the Academy's Educational Program, on any premises or equipment owned, leased or used by the Academy, in a motor vehicle owned or leased by the Academy or being used for a school-related purpose or at any Academy-related event, activity or function; traveling by any means to or from school or an Academy-related event, activity, or function; and in any location where the conduct has a sufficient connection to or with the Academy, staff member, third-party contractors/vendors, Academy students or Academy property that adversely and significantly interferes with or endangers the good order of the Academy's educational program or environment, the proper functioning of the educational program, or Academy-related event, activity or function.

Penalties for Violation

Violation of this policy by students may result in supportive measures, restorative practices and/or discipline procedures. Violations by Academy 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.

Definitions

“Complainant” means the person who is alleged to be the victim of conduct that could constitute sexual harassment.

“Respondent” means the person who has been reported to be the perpetrator of the conduct that could constitute sexual harassment.

“Notice” means whenever a staff member, the Title IX Coordinator, or any other school official with authority witnesses sexual harassment, hears about sexual harassment or sexual harassment allegations or receives a written or verbal complaint about sexual harassment.

“Sexual Harassment” is defined as conduct on the basis of sex that satisfies one or more of the following:

1. An Academy or educational service provider employee or staff member who conditions the provision of an aid, benefit, or service of the Academy on an individual’s participation in unwelcome sexual conduct (i.e., *quid pro quo* sexual harassment);
2. 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 programs or activities; or
3. Sexual assault (as defined in the Cleary Act, 20 U.S.C. 1092(f)(6)(a)(v)), dating violence, domestic violence or stalking (as defined in the Violence Against Women Act, 34 U.S.C.12291).

“Formal Complaint” is defined as a written document filed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the Academy investigate the allegation(s) of sexual harassment.

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.

Grievance Process

These Grievance Procedures are intended to treat Complainants equitably by providing remedies any time a Respondent is found responsible, and to treat Respondents equitably by not imposing disciplinary sanctions without following the grievance process. The Respondent is presumed innocent and not responsible throughout the grievance process until a decision is made. Therefore, the Respondent will not be subject to disciplinary sanctions unless there is a determination that an emergency removal is necessary to protect another person's physical health and safety from immediate threat of harm.

The Grievance Procedures seek to ensure objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. Individuals involved in the Grievance Procedure – including the Title IX Coordinators, investigators, decision-makers, facilitators of informal resolution efforts and those involved in the appeal process – must be trained and not have any bias or conflict of interest.

Title IX Coordinator

Kammie Dennis, PIA Title IX Coordinator

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Kammie Dennis is 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. Any inquiries or complaints may be made to the Title IX Coordinator by email, mail, or telephone. Reports may be made at any time. The Title IX Coordinator will be available during regular school/work hours to discuss Title IX questions. The Title IX Coordinator can receive reports of Sexual Harassment directly from any member of the school community or any third party. Reports may be submitted in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') published contact information.

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. Complaints against the Title IX Coordinator should be reported to the Academy Board President. 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 the Academy's Title IX policy. The Title IX Coordinator will follow the Investigation Form when evaluating and investigating all potential sexual harassment allegations. The Academy will be considered to have actual knowledge of Sexual Harassment or an allegation of Sexual Harassment if it receives a written formal complaint from a complainant or his/her parent or guardian if the complainant is under 18 years old, if a staff member has notice of an incident of Sexual Harassment or allegations of Sexual Harassment or witnesses the misconduct.

Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment) in person, by mail, telephone or electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Upon receipt of a report, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.

A Formal Complaint must be filed by a Complainant prior to the Academy proceeding with an investigation under its Title IX Grievance Procedure. A Title IX Coordinator may sign a formal complaint, with or without the Complainant's consent. A formal complaint may be filed by a Complainant in person, by mail or electronic mail.

Supportive Measures

Upon request of a party, or on its own initiative, the Academy may implement supportive measures prior to or during the investigation of a formal complaint. Supportive measures are free, individualized services designed to restore or preserve equal access to education, protect safety, or deter the sexual harassment. Supportive measures support a student and are not punitive or disciplinary with respect to another student. They do not unreasonably burden any other person.

A party can submit requests for supportive measures, either verbally or in writing, to the Title IX Coordinator. Supportive 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. Supportive measures will be made available to both parties, as

appropriate. In imposing supportive measures, the Title IX Coordinator or designee will make every effort to avoid depriving any student of his/her education. The Academy will take steps to ensure that any supportive measure minimizes the burden on the parties, and that the Title IX Coordinator or designee will communicate with the parties to ensure any supportive measures are necessary and effective based on the parties' needs.

Formal Complaint of Sexual Harassment

The Complainant (or his/her parent/guardian if the Complainant is a minor) may file a Formal Complaint with the Title IX Coordinator. Alternatively, the Title IX Coordinator may sign a Formal Complaint if the Complainant does not want to file and the Title IX Coordinator believes it is necessary to investigate the allegations to maintain the safety of all students. Upon receipt of a Formal Complaint, the Academy will follow this Grievance Process and begin the investigation of the allegations. **The Respondent is presumed not responsible during the entire investigation process until a determination regarding responsibility is made.**

Within two (2) days of receiving a formal complaint the Title IX Coordinator will send both complainant and respondent a letter that includes information about the Academy's policy, grievance process, the allegations of sexual harassment, and the opportunity for voluntary informal resolution.

The Title IX Coordinator will review all allegations in the Formal Complaint to determine if they meet the requirements of sexual harassment under the law. Those requirements are the following:

1. Conduct meets definition of sexual harassment

- *quid pro quo* harassment by a Academy staff member (NOTE: This type of misconduct is not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access)

- unwelcome conduct that
 - a reasonable person would find
 - so severe and
 - pervasive, and
 - objectively offensive that it denies a person equal educational access

- sexual assault, dating violence, domestic violence or stalking. (NOTE: This type of misconduct is not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access)

2. Location of incident

- on school property
- at school sponsored event or activity
- on a school bus or other school-related vehicle
- en route to or from school
- off campus
- on a telecommunications access device or telecommunications service provider owned or under the control of the Academy

3. **Nexus to educational program or activity.** The misconduct occurred where the school exercised substantial control over both

- the respondent and
- the context in which the sexual harassment occurred.

If the Title IX Coordinator determines that the alleged conduct does not on its face meet the requirements of Sexual Harassment, the Title Coordinator will dismiss the Formal Complaint and notify the complainant. The Title IX Coordinator may determine that, even though the alleged conduct does not meet the Title IX requirements for sexual harassment, it is a violation of the Student Code of Conduct meriting discipline. If the Title IX Coordinator determines that the alleged conduct, if proven, could constitute Sexual Harassment, the Title IX Coordinator will proceed with the investigation.

Online Sexual Harassment

Online sexual harassment must meet all the same standards as other forms of sexual harassment. Therefore, the Title IX team will conduct a fact-specific inquiry to determine if the above requirements are satisfied.

Informal Resolution Process

If appropriate as determined by the Title IX Coordinator, the Complainant 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 Academy prohibits the informal resolution process for complaints involving a student and an Academy staff member. The formal resolution process must be used for these complaints. The informal process should be completed on or before thirty (30) days after the complaint is filed.

Formal Resolution Process

If the parties choose not to engage in the informal resolution process, choose to stop the informal resolution process at any time, or the complaint involves a student and an Academy staff member, the Academy shall conduct a prompt and full investigation into any formal Title

IX complaint. An investigation will afford both the Complainant 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 the Title IX Grievance Procedure.

Investigations may be conducted by the Title IX Coordinator or designee who has been trained in Title IX procedures and does not have a conflict of interest or bias towards either party. Prior to and during the investigation process, the Title IX Coordinator or designee will meet independently with the Complainant and the Respondent and discuss any supportive measures to be implemented before or during the investigation.

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the Academy and to comply with state or federal law.

Notices to Parties

Both Complainant and Respondent will receive the following notices during the grievance process:

1. **Initial notice of**
 - allegations (in sufficient detail to allow respondent to prepare a response – names of known parties, conduct alleged, date and location of conduct, if known)
 - opportunity to present fact and expert witnesses and other evidence
 - opportunity to select an advisor, including an attorney, of their choice:

2. **Notice of Emergency Removal, if necessary.** Respondent will be provided with:
 - the individualized safety and risk analysis
 - notice of opportunity to challenge the removal
 - notice of due process hearing if removal will be for more than ten (10) school days

If the report involves a student respondent, the Title IX Coordinator will work with the Lead Teacher to determine whether the circumstances warrant an individualized safety and risk analysis to determine if emergency removal of the student Respondent is necessary to protect the safety of another person from immediate threat of physical harm. If the analysis determines that it is necessary to remove a student, the Title IX Coordinator will notify the student Respondent and his/her parent/guardian, remove the student Respondent from the school

premises, and begin the process of suspending or expelling the Respondent pursuant to MCL 380.1311.

The student Respondent will have an opportunity challenge the emergency removal immediately following the implementation of the removal. The challenge may be filed directly with the Title IX Coordinator. Absent compelling circumstances, the Academy will not reverse the decision prior to the due process hearing pursuant to MCL 380.1311.

3. **Notice of any investigative interview, meetings, or hearings.**
4. **Notice** to parties and their advisors **providing evidence** directly related to the allegations, in electronic or hard copy format, with at least 10 days for the parties to inspect, review, and respond to the evidence before the investigative report is finalized.
5. **Notice** to the parties and their advisors providing the **investigative report** that fairly summarizes relevant evidence, giving the parties with at least 10 days to respond before the matter is heard by the decision-maker. The notice included information about the opportunity to submit written, relevant questions that a party wants asked of any party or witness prior to a decision.
6. **Notice** to the parties and their advisors providing the **answers to the questions submitted**, allowing for additional, limited follow-up questions from each party.
7. **Notice** to the parties and their advisors providing the **final written determination and right to appeal**, including statement of and rationale for result as to each allegation, including determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to the educational program or activity will be provided.
8. **Notice** to the parties and their advisors of an **appeal**.
9. **Notice** to the parties and their advisors of the **final decision on the appeal**.

Advisor/Legal Counsel

All parties are entitled to have an advisor of their choosing to assist them throughout the grievance process. The advisor may be a parent/guardian, relative, friend or attorney. Once a party identifies an advisor and provides notice to the Title IX Coordinator, together with written consent to share documentation related to the allegations of sexual harassment, the

Academy will provide notices to the identified advisor as well as the party. All parties and their advisors are required to comply with FERPA and Title IX regulations pertaining to the confidentiality and privacy of records. No records disclosed during the investigation process may be shared with third parties, disclosed publicly, or used for purposes unrelated to the grievance process.

Investigation

The investigator will promptly investigate all allegations made in the Formal Complaint. Investigations will be impartial and will treat all parties equitably. This includes providing both parties an opportunity to present witnesses and other evidence. The Academy will attempt to conclude the investigation within thirty (30) calendar days but no more than sixty (60) days after a formal complaint is filed, unless there is good cause to continue the investigation beyond sixty (60) days (e.g. law enforcement activities, absence of a party or witness, absence of a party's advisor of choice or the need to provide language assistance or accommodations of disabilities).

The investigation may include any of the following: Complainant interview, Respondent interview, Witness interviews, Written witness statements, Parent/Legal Guardian interviews, Staff interviews, Physical evidence, Video evidence, Social media evidence, Electronic/web content, Medical information, if the privilege is waived, Student records, Student attendance, Student grades, Consideration of prior conflicts and/or problematic behavior.

NOTE: The rape shield protections dictate that all evidence about a complainant's prior sexual behavior is irrelevant unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent. Evidence pertaining to the Respondent's prior sexual behavior is deemed relevant.

Burden of Proof

The respondent is presumed innocent until there is a decision by an impartial decision-maker that the totality of the evidence meets the preponderance of the evidence standard.

Dismissal of Complaint

The Academy must dismiss a complaint:

- That does not describe the conduct that meets the definition of sexual harassment;
- That alleges sexual harassment that did not occur in the Academy's educational program or activity; or
- That alleges sexual harassment that did not occur in the United States.

The Academy may dismiss a complaint:

- If the Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the formal complaint or some of its allegations;

- If the Respondent is no longer enrolled as a student in the Academy or is no longer employed by the Academy; or
- If specific circumstances prevent the Academy from gathering evidence sufficient to reach a determination about the allegations.

If the Academy dismisses a complaint, or any allegations, pursuant to the above, it shall send a written notice of dismissal and the reason(s) to the parties. Both parties have the right to appeal the Academy's dismissal as described in more detail below under "Right to Appeal."

Decision

After the investigation is complete and the steps identified above have been completed, the investigative report and relevant evidence will go to an impartial decision-maker for a final decision on each allegation set forth in the Formal Complaint. There will be a finding of either dismissal or responsibility with respect to each allegation, together with the rationale and the remedies for responsibility.

The Academy 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 Academy staff, and reporting procedures, safety plan, behavioral support plan and/or disciplinary action under the Student Code of Conduct or under the Academy's policies and procedures which include suspension up to permanent expulsion. Restorative practices will also be considered in any circumstance involving disciplinary action.

Remedies

If the decision-maker determines the Respondent is responsible for violating the nondiscrimination policy, the Academy will take prompt and effective steps to end the sexual harassment, prevent its recurrence, and remedy its effects. The decision-makers(s') written determination will recommend remedies that may include disciplinary sanctions/consequences, up to and including expulsion or permanent exclusion on a student Respondent and termination on an employee Respondent.

Right to Appeal

Both parties shall be provided notice of right to appeal the final determination based on:

1. a procedural irregularity affected the outcome of the matter;
2. new evidence has been discovered that was not reasonably available at the time of the determination on responsibility or dismissal; or
3. a conflict of interest on the part of the Title IX Coordinator, an investigator who compiled evidence, or a decision-maker, and the conflict of interest affected the outcome.

If a party intends to file an appeal, they must submit the appeal in writing to the Academy Board of Directors no later than five (5) calendar days following the date of the final decision. The Academy Board shall be deemed to have received the appeal as of the date of its next regular board meeting after the appeal has been filed.

The opposing party shall be provided with a copy of the written appeal and given an opportunity to submit a response, which will be provided to the Academy Board of Directors.

The Academy Board of Directors shall review the written appeal and any response and issue a written determination within twenty (20) calendar days of the receipt of the appeal, which will be delivered to both parties.

The Academy Board of Director's decision shall be final.

Retaliation Prohibited

Federal law strictly prohibits retaliation against a Complainant, Respondent, or witness. No student, parent/guardian, Academy staff member or member of the public shall be retaliated against for filing a complaint or participating in the investigation of the complaint. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated.

Title IX Personnel Assurances

The Title IX Coordinator, investigator, and decision-makers will all complete the Title IX assurances each time the Academy investigates alleged violations of Title IX and the nondiscrimination policy. The assurances are attached to these Grievance Procedures.

Investigator Assurances:

- Investigator is free from conflicts of interest or bias for or against complainant(s) or respondent(s).
- Investigator has received required Title IX training.
- Investigator understands that there is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Investigator agrees to treat complainants equitably by providing remedies any time a respondent is found responsible, and to treat respondents equitably by not imposing disciplinary sanctions without following the grievance process.
- Investigator agrees to objectively evaluate all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent or witness.
- Investigator understands that the Academy has chosen to use the preponderance of the evidence standard for determining whether sexual harassment has occurred. This burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true.

Decision-maker Assurances:

- Decision-maker is neither the investigator nor the Title IX Coordinator.
- Decision-maker is free from conflicts of interest or bias for or against complainant(s) or respondent(s).
- Decision-maker has received required Title IX training.
- Decision-maker understands that there is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Decision-maker agrees to treat complainants equitably by providing remedies any time a respondent is found responsible, and to treat respondents equitably by not imposing disciplinary sanctions without following the grievance process.
- Decision-maker agrees to objectively evaluate all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent or witness.
- Decision-maker agrees to deem 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.
- Decision-maker agrees to provide remedies, when a respondent is found responsible, that are designed to maintain the complainant's equal access to education. Investigator acknowledges that such remedies may be disciplinary or punitive and may burden the respondent when necessary.
- Decision-maker understands that the Academy has chosen to use the preponderance of the evidence standard for determining whether sexual harassment has occurred. This burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true.

