SEXUAL VIOLENCE PREVENTION

The following definitions, process, and information shall serve as directions for staff, notice to students, parents, and visitors, and information to the community of the District’s intent to prevent sexual violence, where possible, and immediately investigate any situations which come to the District’s attention concerning alleged sexual violence.

Definitions

A. Sexual Harassment

As detailed further in Policy 6132.20, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature. Sexual harassment may involve the behavior of a person of any gender against a person of any gender.

Examples include, but are not limited to:

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations
2. Unwanted physical and/or sexual contact
3. Threats or insinuations implying that a person’s conditions of education may be adversely affected by not submitting to sexual advances
4. 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 suggestive or insulting sounds or whistles; obscene telephone calls
5. Sexually suggestive objects, pictures, videotapes, audio recordings or literature
6. Unwelcome and inappropriate touching, patting, or pinching, obscene gestures
7. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another
8. Speculations about a person’s sexual activities or sexual history, or remarks about one’s own sexual activities or sexual history

9. Inappropriate boundary invasions into a student’s personal space and personal life

10. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature

B. Sexual Violence

Sexual violence, as used in this policy, refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the student’s age, intellectual or other disability, or use of drugs or alcohol).

Sexual violence includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sexual harassment and, in turn, sex discrimination prohibited by Title IX.

Harassing conduct creates a hostile environment when it interferes with or limits a student’s ability to participate in or benefit from the school’s program. A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For example, a single instance of rape is sufficiently severe to create a hostile environment.

C. Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as “Anti-Harassment Compliance Officers” for the District. They are hereinafter referred to as the “Compliance Officers.”

Scott Koenigsknecht  Susan Tinney
Superintendent    Director of Human Resources
2630 W. Howell Road 2630 W. Howell Road
Mason, MI 48854  Mason, MI 48854
517-244-1214  517-244-1289

drk@inghamisd.org  stinney@inghamisd.org

The names, titles, and contact information of these individuals will be published annually on the School District’s web site.
The Compliance Officers are available during regular school/work hours to discuss Title IX questions, sexual violence concerns, and to assist students, other members of the School District community, and third parties. Compliance Officers shall accept sexual violence complaints directly from any members of the School District community or a visitor to the District, as well as those initially filed within a school building administrator. Upon receiving a complaint, the Compliance Officer or designee will discuss confidentiality issues with the complainant (and his/her parent, if the complainant is a minor), and open an investigation as described below.

D. Complaint Procedures

1. Reporting

Students and Board employees are required, and parents, community members, and third parties are encouraged, to report sexual violence promptly to a teacher, administrator, supervisor, or other school official. Reports can be made orally or in writing, and should be as specific as possible. The person making the report shall identify the alleged victim, accused, 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 to the extent possible.

A student has a right to file criminal and/or Title IX complaints simultaneously. A student does not need to wait until the Title IX investigations is completed before filing a criminal complaint. Likewise, questions or complaints relating to sexual violence or any other Title IX concerns may also be filed with the U.S. Department of Education’s Office of Civil Rights.

Any teacher, administrator, supervisor, or other school employee or official who receives such a complaint shall file it with the District’s Compliance Officer within two (2) school days, and shall comply with his/her mandatory reporting responsibilities pursuant to Revised Code 2151.412. The Compliance Officer will oversee the District’s investigation and response to any Title IX-related complaints, but he/she may delegate the investigative process to another individual (“Designee”). The Board reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy.

2. Confidentiality

The District respects students’ privacy and will only disclose information regarding alleged sexual violence to individuals who are responsible for handling the school’s response, the student’s parents (if the student is a minor or is considered a dependent under Section 152 of the Internal Revenue Code), or as otherwise required by law.
During the course of a formal investigation, the Compliance Officer/designee will instruct all interviewees about the importance of maintaining confidentiality. Interviewees will be directed not to disclose any information that he/she learns or that he/she provides during the course of the investigation to third parties.

Students or their parents sometimes ask that the students’ names not be disclosed to the alleged accused or that no investigation or disciplinary action be pursued to address the alleged sexual violence. Upon such a request, the Compliance Officer/designee will inform the student and his/her parent that honoring the request may limit the District’s ability to respond fully to the incident, including pursuing disciplinary action against the alleged accused. The official will also explain that Title IX includes protections against retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if that occurs.

Should the student or his/her parents continue to request complete confidentiality, the Compliance Officer/designee will balance the student’s privacy request with the District’s obligation to provide a safe and non-discriminatory environment for all students. Should the official determine that the District can honor the student’s or parent’s request and remain in compliance with its Federal and State obligations, the District may limit its investigation and/or formal action against the alleged accused. The District will, however, take other action to address the sexual violence. This may include increasing monitoring and security, offering schedule changes, and conducting climate surveys.

If the Compliance Officer/designee determines that the District must disclose the student’s identity to an alleged accused, he/she will inform the student and his/her parents prior to disclosure. The District will then afford interim protection measures to the student as appropriate.

3. **Investigation**

The District is committed to investigating all sexual violence complaints in an adequate, reliable, impartial, and prompt manner. The investigation will seek to determine whether the conduct occurred, and if so, what actions the school will take to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects.

The investigation may include:

- a. Interviewing the complainant, accused, and any witnesses
- b. Reviewing law enforcement investigation documents
c. Reviewing student and personnel files

d. Gathering and examining other relevant documents or evidence

e. Providing a disciplinary hearing as needed

The District shall afford both parties a balanced and fair process. Specifically, the complainant has the same rights throughout the proceeding as the alleged accused. Both parties, for example, will have an equal opportunity to present relevant witnesses and other evidence at a disciplinary hearing. Likewise, the District’s appeal process is available to both parties. The District, however, does not require complainants to be present for the hearing or appeal. Further, the District, will not permit parties to personally question or cross-examine each other directly.

4. Timeline

The Compliance Officer/designee must contact the student, if age eighteen (18) or older, or the student’s parents if under the age of eighteen (18), within two (2) school days after receipt of a report of sexual violence to advise her/him/them of the Board’s intent to investigate the alleged misconduct. The Compliance Officer/designee will also inform the alleged accused of the opportunity to submit a written response to the complaint within five (5) business days. The District’s investigation, including a disciplinary hearing process (but not appeal), may take up to sixty (60) calendar days to complete. This timeframe may be extended on a case-by-case basis, depending on the complexity and severity of the matter, criminal investigation requirements, and school breaks. During this period, the District will provide the complainant with periodic updates on the status of the investigation.

5. Interim Measures

During the investigation, the District will take interim steps to facilitate the complainant’s equal access to its education programs. These steps may include, but are not limited to: (1) notifying the complainant of his/her options to avoid contact with the alleged accused; (2) allowing the complainant to change his/her academic, extracurricular, transportation, dining, and working situation as appropriate; and (3) informing complainant of other available resources, such as counseling, legal assistance, and victim advocacy. Specific interim measures will be considered and offered on a case-by-case basis.

6. Notice

Upon completing its investigation, the District will notify both parties in writing about the outcome of the complaint and any appeal. Specifically, the District will notify the complainant: (1) as to whether the investigation substantiated the allegations; (2) of
individual remedies offered to the complainant; (3) of sanctions imposed on the accused that directly relate to the complainant; and (4) other steps the District has taken to eliminate the hostile environment and prevent recurrence. The alleged accused will be notified of the investigation’s result and disciplinary consequences to him/her, if any. The District will not notify the alleged accused about the individual remedies afforded to the complainant. All aforementioned notifications will comply with Federal and State privacy laws, including the Family Education Rights and Privacy Act (FERPA).

7. Remedies

The District will provide a prompt and equitable resolution. If the investigation substantiates the complaint, the District will take steps to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects. In addition to imposing disciplinary consequences on the accused, the District will consider the following individual and global remedies, on a case-by-case basis:

a. Providing medical, counseling, and academic support services to the complainant and/or accused
b. Re-arranging schedules at the complainant’s request
c. Affording the complainant extra time to complete or retake classes without academic penalty
d. Reviewing any disciplinary proceedings against the complainant
e. Training or retraining employees
f. Developing materials on sexual violence
g. Conducting sexual violence prevention programs
h. Conducting climate checks

The District will not offer mediation in cases involving sexual violence. Disciplinary consequences against offenders may include suspension, expulsion, termination, and any other sanctions the Board deems appropriate. Any discipline meted out to offenders will comply with special education and Section 504 laws and regulations.
8. **Appeals Process**

Both complainants and accused may appeal the outcome of the investigation. Any appeal opportunities afforded to the alleged accused are also afforded to the complainant. Any party wishing to appeal the outcome of the investigation must submit a written appeal to the Board within ten (10) school days after receipt of the written notice of the outcome of the investigation. The Board shall, within twenty (20) work days, conduct a hearing concerning the appeal. The Board shall provide a written decision to the appealing individual within ten (10) work days following completion of the hearing.

9. **Retaliation**

Federal law strictly prohibits retaliation against a complainant or witness. The District will inform complainant of this prohibition and direct him/her to report retaliation, whether by students or school officials, to the Compliance Officer. Upon learning of retaliation, school officials will take strong responsive action as appropriate.

10. **Training**

All staff will be trained so they know to report harassment to appropriate school officials. This training will include practical information about how to identify and report sexual harassment, including sexual violence. The training will be provided to any employees likely to witness or receive complaints involving sexual harassment and/or sexual violence, including teachers, school law enforcement unit employees or school resource officers, school administrators, school counselors, and health personnel. Further, school administrators responsible for investigating allegations of sexual harassment and sexual violence will be trained how to conduct such investigations and respond properly to such charges.

LEGAL CITATION:
20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
42 U.S.C. 2000e et seq.
42 U.S.C. 1983
34 C.F.R. Part 106
Dear Colleague Letter on Sexual Violence (Office of Civil Rights, 2011)
OCR’s Revised Sexual Harassment Guidance (2001)

ADMINISTRATIVE REGULATION

Approved: May 17, 2016