

Grievance Procedures for Complaints of Sex Discrimination under Title IX Occurring on or After August 1, 2024

The Ionia County Intermediate School District prohibits sex discrimination in all of its education programs and activities. Sex-based harassment is a form of sex discrimination, which means harassment on the basis of sex – including harassment on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. The District’s Non-Discrimination Policies are available under [Article III - Section 12](#); [Article IV - Section 8](#); and [Article V - Section 2](#).

The District has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are or were participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations. The District will address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the District’s education program or activity.

The District has designated the following individuals to serve as Title IX Coordinators:

Shelley Devers - Director of Human Resources

sdevers@ioniaisd.org
2191 Harwood Rd.
Ionia, MI 48846
(616) 527-4900

Ted Paton - Associate Superintendent of CTE/Principal

tpaton@ioniaisd.org
250 E. Tuttle Rd.
Ionia, MI 48846
(616) 527-6540

Definitions

“*Complaint*” means an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX.

“*Complainant*” includes: (1) a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or (2) a person other than a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the District’s education program or activity.

“*Days*” means calendar day(s).

“Education program or activity” means all the District’s operations including, but not limited to, in-person and virtual educational instruction, employment, extracurricular activities, athletics, community engagement and outreach programs. The term applies to all activity on school grounds, school transportation or other property owned or occupied by the Board. It also includes events and conduct that takes place off school property but over which the District asserts disciplinary authority.

“Pregnancy or Related Conditions” means pregnancy, childbirth, termination of pregnancy or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

“Respondent” means a person who is alleged to have violated the Board’s prohibition on sex discrimination.

“Retaliation” means intimidation, threats, coercion, or discrimination against any person by the District, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or service under the District’s education program or activity, for the purposes of interfering with a right or privilege under Title IX, or because the person has reported information, made a complaint, assisted or participated or refused to participate in any manner in an investigation under these Grievance Procedures. Peer retaliation means retaliation by a student against another student.

“Sexual Harassment” is a type of sex discrimination and is defined as conduct on the bases of sex that satisfies one or more of the following:

1. An employee, agent, or other person with authority to provide an aid, benefit, or service under the District’s education program or activity explicitly or impliedly conditions the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct (*i.e. quid pro quo* sexual harassment);
2. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the District’s education programs or activities (*i.e. hostile environment* sexual harassment); or
3. Sexual assault, dating violence, domestic violence or stalking (as defined in §106.2 of the Title IX amendments).

Whether a “hostile environment” has been created based on the sex-based conduct alleged is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the complainant’s ability to access the District’s education program or activity;
- The type, frequency and duration of the conduct;
- The parties’ ages, roles within in the District’s educational program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in the District's education program or activity.

Complaints

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:

- A "complainant," which includes:
 - a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the District's education program or activity; or
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The District's Title IX Coordinator(s).

A person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint. In making the decision to initiate a complaint of sex-based harassment, the Title IX Coordinator will consider multiple factors, including: the complainant's wishes; the complainant's reasonable safety concerns; the risk of additional acts of sex discrimination if the grievance procedures are not initiated; the severity and scope of the allegations of sex discrimination; the age and relationship of the parties; the availability of evidence; and whether the District could end the sex discrimination and prevent its recurrence without initiating the grievance procedure.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee of the District; or
- Any person other than a student or employee who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.

The District may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Requirements of Title IX Grievance Procedure

The District will treat complainants and respondents equitably.

The District requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The District has established the following timeframes for the major stages of the grievance procedures:

Evaluation: The Title IX Coordinator will determine whether to dismiss a complaint or investigate it within five (5) days.

Investigation: The Title IX Coordinator, or designated investigator, will complete the investigation (i.e., collect relevant evidence) within thirty (30) days of receipt of the complaint. If the Title IX Coordinator, or designated investigator, determines that the investigation will take longer, the Title IX Coordinator will notify the parties and will keep the parties informed of the status of the matter.

Access to Evidence: Once the Title IX Coordinator, or designated investigator, provides the parties access to either the relevant evidence and/or an accurate description of the evidence, the parties will have five (5) days to respond in writing to the evidence or description of the evidence. A party may request an extension of this time, which must be approved by the Title IX Coordinator, or designated investigator. If approved, the extension will apply to both parties.

Determination: The Title IX Coordinator, or designated investigator, will issue a determination as to whether sex discrimination occurred within sixty (60) days of receipt of the complaint.

Appeal: A party filing an appeal of the determination or dismissal of a complaint must do so within five (5) days of the receipt of the dismissal or determination.

Reasonable extensions of the timeframes identified above are to be made by the Title IX Coordinator on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay or extension.

The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, consulting with their family members, confidential resources, or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

The District will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used, regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations

Upon initiation of the District's Title IX grievance procedures, the District will notify the parties of the following:

- The District's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the District provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the District decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the District will notify the parties of the additional allegations.

Dismissal of a Complaint

The District may dismiss a complaint of sex discrimination if:

- The District is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the District's education program or activity or is not employed by the District;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The District determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint for this reason, the District will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the District will notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent of the dismissal and the basis for the dismissal following notification to the complainant, or simultaneously if notification is in writing.

The District will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed pursuant to the "Appeal of Determination or Dismissal" procedures outlined below.

When a complaint is dismissed, the District will:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the District's education program or activity.

Investigation

The District will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on the District to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The District will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The District will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The District will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- The District will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the District provides a description of the evidence, the District will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- The District will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- The District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses

The Title IX Coordinator, or designated investigator, will ask relevant and otherwise impermissible questions of the specific party or witness during individual meetings and/or follow-up meetings, if necessary, with the party or witness. If the investigator and decisionmaker are two separate individuals, the decisionmaker will have the opportunity to question the parties and/or witnesses, if determined necessary by the decisionmaker. The purpose of questioning is to adequately assess a party's or witness's credibility to the extent credibility is in question or dispute or relevant to evaluating the allegations of sex discrimination.

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the District will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the preponderance of the evidence standard that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal.
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.

- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent.
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred. The District may still address false statements by initiating a disciplinary process under the Code of Conduct as long as there is evidence independent of the determination whether sex discrimination occurred.

Appeal of Determination or Dismissal

The District offers the following process for appeals from a determination whether sex discrimination occurred or dismissal of a complaint:

Both parties will be provided notice of right to appeal the determination or dismissal to the Superintendent.

A party may appeal based on the following bases: (1) a procedural irregularity that would change the outcome; (2) new evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and (3) the Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party intends to file an appeal, they must submit the appeal in writing to the Superintendent no later than five (5) days following the receipt of the determination or dismissal. The appeal must include the specific reason for the appeal and the requested relief.

The opposing party will be provided with a copy of the written appeal and given an opportunity to submit a written response, no later than five (5) days following the receipt of the appeal.

The Superintendent will review the written appeal and any written response and issue a written determination within fifteen (15) days of the receipt of the appeal, which will be delivered to both parties.

The Superintendent's decision shall be final.

Informal Resolution

In lieu of resolving a complaint through the District's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process (*e.g.* restorative practices, mediation, etc.). The District does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with Federal, State, or local law.

Before the informal resolution process takes place, the parties will be notified of the following:

- The allegations;
- The requirements of the informal resolution process, which include:
 - That any party has the right to withdraw from the informal resolution process and initiate or resume the grievance procedures at any time before agreeing to a resolution; and
 - That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations.
- The potential terms that may be requested or offered in an informal resolution, including notice that an informal resolution is binding on the parties.

Supportive Measures

The District will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education program or activity or provide support during the District's Title IX grievance procedures or during the informal resolution process. The Title IX Coordinator will determine appropriate supportive measures on a case-by-case basis. Supportive measures may vary depending on what the Title IX Coordinator deems to be reasonable and available. Supportive measures will not unreasonably burden either party and are designed to protect the safety of the parties and/or the District's educational environment. The Title IX Coordinator may modify or terminate supportive measures at the conclusion of the grievance procedures or informal resolution process, or the Title IX Coordinator may determine to continue them.

Supportive measures may 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 (including paid administrative leave), emergency removal, and increased monitoring and support.

Consult with IEP Team

If a party is a student with a disability (as defined under Section 504 of the Rehabilitation Act of 1973, as amended ("Section 504") or the Individuals with Disabilities Education Act ("IDEA")), the Title IX Coordinator will consult with one or more members, as appropriate, of the student's IEP and/or Section 504 team to determine how to comply with requirements of the IDEA and/or Section 504 in the implementation of supportive measures.

Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, the District may impose disciplinary sanctions, which may include informal or formal disciplinary action under the Student Code of Conduct or under the District's Board policies and procedures which include suspension up to permanent expulsion or discipline up to and including termination. Restorative practices will also be considered in any circumstance involving student disciplinary action. Discipline of an employee will be implemented in accordance with the law, Board Policy, and any applicable collective bargaining agreement.

The District may also provide appropriate remedies, which may include supportive measures and/or disciplinary sanctions or consequences.

Retaliation

The District prohibits retaliation and peer retaliation. Retaliation against a person who makes a complaint or participates in the Grievance Procedures is a serious violation of Board Policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies. Complaints alleging retaliation should be filed with the Title IX Coordinator. Charging an individual with a Code of Conduct violation for making a false statement in bad faith in the course of these Grievance Procedures shall not constitute retaliation.

Confidentiality

The District will maintain confidential the identity of any individual who has made a complaint of sex discrimination, a respondent or witness, except as may be permitted or required by law, the Family Educational Rights and Privacy Act ("FERPA") regulations or to carry out the purposes of the Title IX Grievance Procedure.

Training

All employees will receive annual training related to their duties and responsibilities under Title IX and Board Policy.

Recordkeeping

The District will maintain for a period of seven (7) years the following records: (1) each complaint of sex discrimination; (2) records documenting the Grievance Procedure or informal resolution; (3) records documenting the actions the District took in responding to information or complaints about conduct that may constitute sex discrimination; and (4) materials used to provide District training.

Outside Appointments

The Superintendent may appoint qualified persons who are not Board employees to fulfill a function under this Grievance Procedure including, but not limited to, investigator, decisionmaker, appeal decisionmaker, or facilitator of the information resolution process.

Changes to Grievance Procedure

The District reserves the right to change, modify, amend, or repeal all or any part of these Grievance Procedures.

Revised August 2024

Adopted September 2025