



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING


RICK SNYDER  
GOVERNOR

BRIAN J. WHISTON  
STATE SUPERINTENDENT

**MEMORANDUM**

**DATE:** February 6, 2018

**TO:** Local and Intermediate School District Superintendents  
Public School Academy Directors

**FROM:** Brian J. Whiston, State Superintendent 

**SUBJECT:** Sexual Assault and Harassment

Recent events and reports involving universities, athletics, and celebrities, have brought necessary attention to sexual assaults and harassment taking place across this nation. As these have prompted critical conversations and action, we must continue to make progress in our K-12 realm, as well.

Sexual harassment or assault not only is morally reprehensible, it's against state and federal law. Michigan's Elliott-Larsen Civil Rights Act of 1976 includes within its protections a prohibition against discriminatory practices, policies, and customs based upon sex, such as, sexual harassment. At the federal level, Title IX of the Education Amendments Act of 1972 prohibits sex discrimination in federally-funded education programs and activities. The prohibition protects all people—students, employees, parents, and guardians—from sexual harassment and violence.

Under Title IX, all districts must adopt and publish a Title IX grievance procedure. Districts also must designate at least one employee to serve as the Title IX Coordinator who shall assist with Title IX compliance and the corresponding responsibilities. This staff member should be independent of conflicts; report to leadership; and have meaningful authority to fulfill the job obligations.

A Title IX Coordinator's complete address and telephone number must also be published with the school's nondiscrimination notice and on the district's website. In addition, District Title IX Coordinators must be reported to the Michigan Department of Education annually through the Center for Educational Performance and Information's Registry of Educational Personnel Report.

But your district's responsibilities do not stop there.

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Action is required. School administrators, counselors, and teachers with reasonable cause to suspect child abuse or neglect are required to make an immediate report to child protective services (See [MCL 722.623](#)). Schools and Title IX Coordinators also must take immediate and appropriate steps to investigate and determine the circumstances surrounding alleged instances of sex discrimination. This is critical. All Michigan districts need to monitor outcomes, identify patterns, and assess the effects on school climate to avoid systemic failures.

School districts looking to adopt a policy addressing sexual abuse of children may do so, but it must be substantially consistent with the recommendations and guidelines set by the task force on the prevention of sexual abuse of children created under section 12b of the child protection law (See [MCL 380.1505](#)).

We live in a world where sexual harassment and violence can take many forms—graffiti, bullying, inappropriate touching, name-calling, and postings from our devices. As leaders in the education community, it is our responsibility to shine light on harassment and create a safe and productive learning environment for all our students, employees, parents, and guardians.

Please take this moment to review Title IX requirements available at the U.S. Department of Education's [website](#). Ms. Elizabeth Collins, [MDE's](#) Title IX Coordinator, is also available to assist with questions. She can be reached at 517-241-2091 or [collinse2@michigan.gov](mailto:collinse2@michigan.gov).

Thank you for taking the necessary steps to ensure that your district is a safe environment for everyone. It's not only the law, it's the right thing to do.

cc: Michigan Education Alliance