#### PROCESS MAP OF A TITLE IX COMPLAINT

### **REPORT**

- Conduct reported to any district employee that is
- Sex Based
- Unwelcome
- Objectively offensive

### **INITIAL RESPONSE**

Title IX Coordinator

- Offer supportive measures and consider Complainant's wishes
- •Explain Fomal Complaint Process
- Assist with filing Formal Complaint Form if Complainant wants to move forward
- •If No Formal Complaint:

Proceed to process reported conduct under student discipline process and proceed with supports

- •Document on Title IX Initial Contact Form
- Consider whether Title IX
   Coordinator files
   Formal Complaint if complainant doesn't proceed

# FORMAL COMPLAINT

- Written notice to parties
- Allegations: Parties, conduct, dates, location
- Respondent presumed not responsible
- Right to have advisor of choice including attorney
- Right to inspect and review evidence
- Warning against false statements or information from code of conduct
- •Copy of Policy 522 & Procedures

# STATUS OF RESPONDENT

- Safety and risk assessment
- •Consider supportive measures
- •Consider whether respondent presents immediate threat
- •Emergency Removal of a Student: Must provide for alternative educational services and consider SPED change of placement issues
- Paid
   Administrative
   Leave for
   Employee: Non-disciplinary action
   pending
   determination

# INFORMAL RESOLUTION

- OPTIONAL
- Only offer after formal complaint and anytime before determination
- Not for employeeon-student conduct
- •Tell parties about consequences before obtaining voluntary written consent
- Parties may withdraw at any point before a written agreement is reached
- Resolved issues may not be reinvestigated, even if breach of agreement

## MANDATORY DISMISSAL

- Must dismiss if conduct alleged:
- Would not meet the definition of sexual harassment even if proven
- Did not occur in the school district's education program or activity
- •Did not occur in the United States
- May dismiss if:
- Respondent no longer enrolled or employed in the district
- Complainant withdraws complaint in writing
- Facts preventing from gathering sufficient information
- Must notify both parties in writing of dismissal and reasons

# DEFINITION OF SEXUAL HARASSMENT

- Quid Pro Quo: Employee leveraging power for inappropriate sexual conduct
- •Hostile Environment:
- •Unwelcome conduct
- Determnined by a reasonable person
- •To be so severe, pervasive and objectively offensive that it effectively denies access to educational program or activity
- Sexual assault, dating violence, domestic violence or stalking (as defined in Clery Act and Violence Against Women Act)

#### **INVESTIGATION**

Investigator

- •Written notice to parties before interviews with "sufficient time to prepare."
- •Right to advisors at meetings
- Limitations on certain evidence
- •Equal opportunity to present witnesses and evidence
- Evidence collected provided to parties with 10 days to review and respond
- Written investigative report with summary of evidence and credibility of witnesses to parties
- •10 days for parties to review and respond

### **DETERMINATION**

Decision Maker

- •Each party must have the opportunity to submit written, relevant questions for any other party or witness and receive written responses
- •Limited follow-up questions
- •Standard of
  Evidence:
  Preponderance of
  the Evidence: more
  likely than not to be
  true
- Written Decision Summarizing:
- Allegations
- Procedures taken
- Findings of fact
- Apply code of conduct to facts
- Result, rationale and responsibility for each allegation
- Remedies
- Notice of appeal process 5 Days

# APPEAL Appeal Officer

- Each party must have the opportunity to appeal either
- Determination regarding responsibility; or
- Dismissal
- Mandatory reasons for appeal:
- Procedural irregularities that affected the outcome;
- •New evidence; or
- •Conflict of interest
- Additional reasons are optional
- Both parties get notice and may submit written questions
- Written decision with result and rationale
- Appeal decision is final and no further review permitted