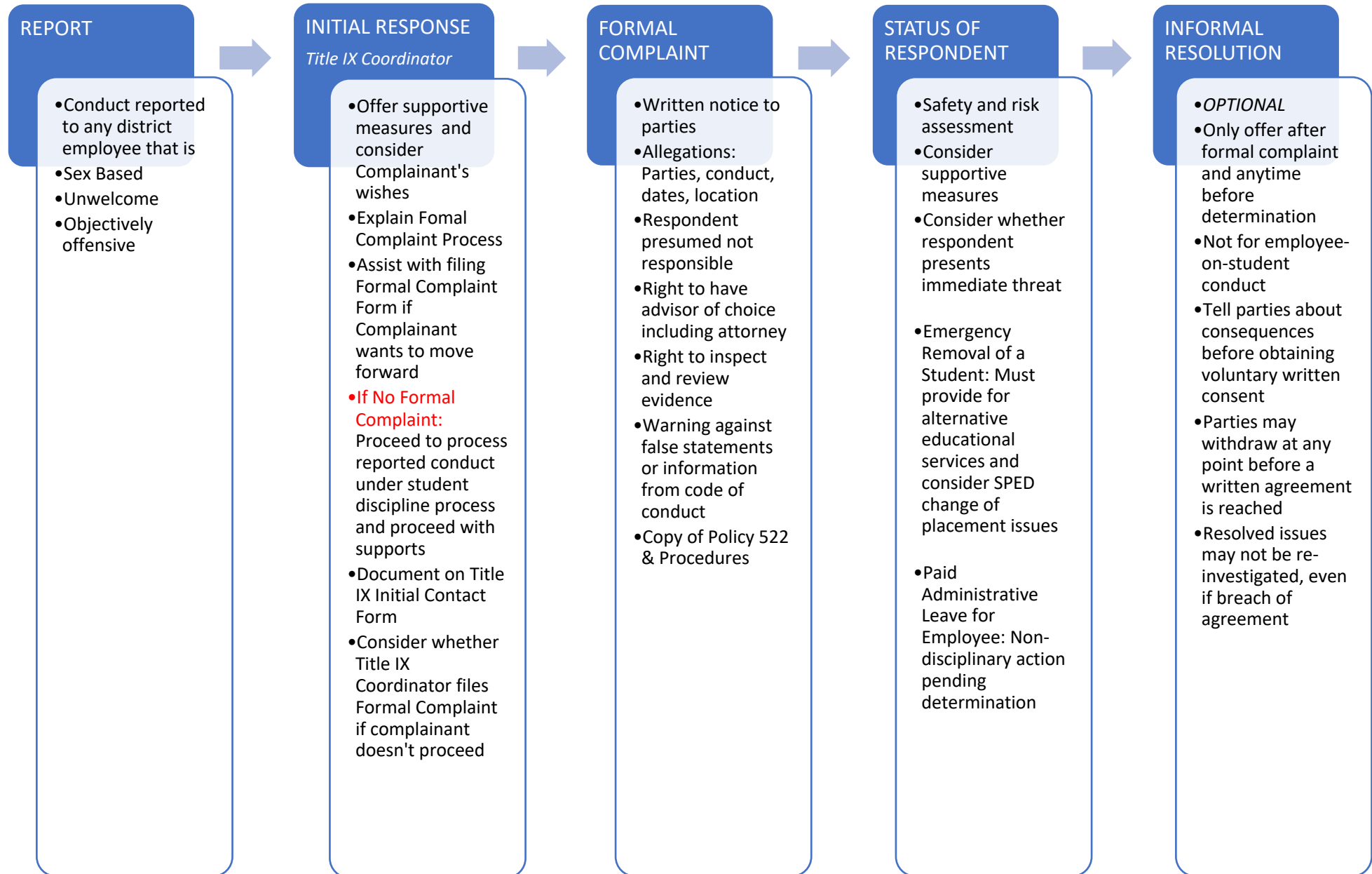


## PROCESS MAP OF A TITLE IX COMPLAINT



## 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
- Determined 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