**PROCESS MAP OF A TITLE IX COMPLAINT**

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

**INITIAL RESPONSE**
- Offer supportive measures and consider Complainant's wishes
- Explain Formal 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 employee-on-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 re-investigated, 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 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

- 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

- 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

- 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