



# THE TRUST

2024

UDALL | SHUMWAY  
COUNSELORS AT LAW SINCE 1965

**[School/District Name]**

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**TITLE IX TEMPLATES  
AND  
CHECKLISTS**

Revised September 2024

## **Table of Contents**

Title IX Definitions	4
Definitions of Terms related to Sexual Orientation and Identity from U.S. DOE	17
Title IX Coordinator Checklist	18
Title IX Complaint Form	22
Written Notice for Complaint	24
Written Invitation to Participate in Informal Resolution	26
Consent to Participate in Informal Resolution	28
Informal Resolution FAQ's	29
Informal Resolution Agreement	34
Notice to Parties re: Dismissal	36
Good Cause Delay	38
Investigator Checklist	39
Notice of Interview	42
Sample Interview Questions	43
Interview Notices and Questions	45
Non-Disclosure Agreement	47
Consent to Use Confidential Records in Title IX Investigation	49
Notice of Inspection and Review of Evidence With Signed NDA	50
Notice of Inspection and Review of Evidence Without Signed NDA	51
Notice of Other Party's Response to Evidence	52
Notice of Investigation Report	53
Investigation Report	54
Decision Maker Checklist	58
Notice of Opportunity to Submit Questions	59
Determination of Responsibility	60
Appeal Checklist	66
Notice of Appeal	67
Written Determination of Appeal	69

\*\* Note that template letters that include both Parties do so on a single template to demonstrate that both Parties are to receive the letter. Parties' addresses and other contact information should remain confidential so please generate two of each of those types of letters with only one Party's address on each letter.

## TIX DEFINITIONS

Term	Federal Definition	Citation	Practical Definition
<p>Administrative Leave</p>	<p>Nothing in this part precludes a recipient* from placing an employee respondent on administrative leave from employment responsibilities during the pendency of the recipient’s grievance procedures. This provision must not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.</p> <p>*recipient = District</p>	<p><u>34 CFR 106.44(i)</u></p>	<p>A District may place an employee respondent on administrative leave with pay during the pendency of a grievance process that complies with § 106.45, provided that this does not modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.</p>
<p>Appeal</p>	<p>A recipient must offer both parties an appeal from a determination regarding responsibility, and from a recipient's dismissal of a complaint or any allegations therein.</p> <p>(A) Procedural irregularity that affected the outcome of the matter;</p> <p>(B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and</p> <p>(C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.</p>	<p><u>34 CFR 106.45(i); 106.45(d)(3); 106.46(i)(1)</u></p>	<p>Under Title IX regulations, appeal refers to the right of an individual or institution to contest an written decision issued by the decision maker in response to a Title IX complaint.</p> <p>The Title IX Coordinator or designee will review the initial request for appeal and determine if it meets the criteria to proceed with an appeal. If it does, the Coordinator issues written notice to the parties of the request for appeal and assigned an Appellate Decisionmaker. If it does not meet the criteria, the Coordinator issues written notice that the appeal will not be heard.</p> <p>In a K-12 setting, the appeal of a Title IX decision will typically be</p>

			heard by a higher-level administrative official or a committee designated by the school or district. This may include the superintendent or a body comprised of faculty and staff members. It can also be an outside Decision Maker retained for this purpose.
Complainant	An individual who is alleged to be the victim of conduct that could constitute sexual harassment.		
Deliberate Indifference (2020 Regs)			Deliberate indifference is a standard of liability used to determine whether an educational institution violated Title IX regulations. Under this standard, a school may be held liable for its failure to respond to a known act of sexual harassment or discrimination if the school had actual knowledge of the harassment or discrimination and responded in manner that was clearly unreasonable in light of the known circumstances.
Discrimination			Title IX regulations prohibit discrimination on the basis of sex in any educational program or activity that receives federal financial assistance. This includes discrimination in admission, recruitment, athletics, housing, counseling, financial aid,

			academic programs, and employment. Discrimination can take many forms, including sexual harassment, unequal treatment based on gender stereotypes, and exclusion from educational opportunities.
Elementary and secondary school	<p>A local educational agency (LEA), as defined in the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, a preschool, or a private elementary or secondary school.</p> <p>In general The term “local educational agency” means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.</p>	<p><u>34 CFR 106.3(b)</u></p> <p><u>20 USC § 7801(30)(A)</u></p>	<p>Note: A charter school is not a local educational agency (LEA) defined in the Elementary and Secondary Education Act of 1965. According to the U.S. Department of Education, charter schools “are public schools that are typically independent of school district organization and are operated under the terms of a charter with a local or state authority.” However, Title IX applies to all schools that receive federal funding, including charter schools. This includes any schools that receive funds from the Department of Education or other federal programs or services. Title IX protects students from discrimination based on sex or gender in educational programs and activities, including athletics.</p>
Emergency Removal  (2020 Regs require “physical threat”)	Nothing in this part precludes a recipient from removing a respondent from the recipient's education program or activity on an emergency basis, provided that the recipient undertakes an individualized safety and risk	<u>34 CFR 106.44(h)</u>	A District must conduct an individualized safety and risk analysis and determine that an immediate threat to the health or safety of any student or other

	<p>analysis, determines that an immediate threat to the health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.</p>		<p>individual arising from allegations of sexual harassment justifies removal of the respondent from the recipient's education program or activity on an emergency basis. The respondent must be provided with notice and an opportunity to challenge the decision immediately following the removal. This provision does not modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.</p>
<p>Complaint (2020 Regs require written complaint)</p>	<p>An oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX.</p> <p>When filing a complaint, a complainant must be or have been participating in or attempting to participate in the education program or activity of the recipient with which the complaint is filed at the time the conduct occurred. A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under § 106.8(a), and by any additional method designated by the recipient.</p> <p>Where the Title IX Coordinator signs a complaint, the Title IX Coordinator is not a complainant or otherwise a party under this part or under § 106.45, and must</p>	<p><u>34 CFR</u> <u>106.2</u></p>	

	comply with the requirements of this part, including § 106.45(b)(1)(iii).		
Informal Resolution	<p>A District may not require the parties to participate in an informal resolution process under this section.</p> <p>Requires the parties' voluntary, written consent to the informal resolution process.</p> <p>District may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.</p> <p>At any time prior to reaching a determination regarding responsibility, the recipient may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.</p> <p>At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records produced could be shared.</p>	<u>34 CFR 106.44(k)</u>	<p>A voluntary process in which a school and the parties involved work together to reach a mutually acceptable agreement to resolve a Title IX complaint.</p> <p>This process may involve mediation, conciliation, or other methods of dispute resolution that are appropriate to the circumstances.</p> <p>The process is non-adversarial and does not involve a formal hearing or a decision by a neutral third party.</p> <p>2020 Regs allow Informal Resolution AFTER a complaint is filed. 2024 Regs do not require the filing of a complaint prior to an Informal Resolution session.</p>
Investigator			<p>A Title IX investigator is a person who investigates complaints of sexual discrimination and harassment in educational institutions. The investigator is responsible for gathering evidence, conducting interviews, and writing</p>

			and submitting an investigative report that fairly summarizes relevant evidence. The investigator must have an understanding of the law and be familiar with the school's policies and procedures.
Materials	All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available upon request for inspection by members of the public.	<u>34 CFR 106.8(f)(3)</u>	Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sex discrimination.
Respondent	An individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.		
Retaliation			Under Title IX regulations, retaliation is defined as an adverse action taken against an individual for filing a complaint or participating in any manner in an investigation or hearing related to a complaint under Title IX. This includes intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or

			<p>privilege secured by Title IX.</p> <p>Adverse actions can include, but are not limited to, denying the respondent due process by, for example, not providing notice of the proceedings or disciplining under school policy only for conduct that would fall under Title IX prior to an investigation.</p>
Sex-based Harassment	<p>Sexual harassment and other harassment on the basis of sex, including the bases described in 34C.F.R. 106.10 that is:</p> <p>(1) <i>Quid pro quo harassment</i>. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;</p> <p>(2) <i>Hostile Environment Harassment</i>. 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 recipient’s education program or activity (i.e. creates a hostile environment).</p> <p>(3) <i>Specific Offenses</i>.</p>	<u>34 CFR 106.2</u>	<p>A District should conduct a fact-specific inquiry for hostile environment harassment that includes consideration of the following factors in 106.2:</p> <ul style="list-style-type: none"> <li>i) the degree to which the conduct affected the complainant’s ability to access the recipient’s education program or activity;</li> <li>ii) the type, frequency, and duration of the conduct;</li> <li>iii) the parties’ ages, roles within the recipient’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;</li> <li>iv) the location of the conduct and the context in which the conduct occurred;</li> <li>v) other sex-based harassment in the recipient’s education program or activity</li> </ul>

	<p>(i) Sexual assault meaning an offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;</p> <p>(ii) Dating violence meaning violence committed by a person:</p> <p>(A) Who is or has been in a social relationship of a romantic or intimate natures with the victim; AND</p> <p>(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:</p> <p>(1) Length of the relationship</p> <p>(2) Type of the relationship</p> <p>(3) Frequency of interaction between the persons involved in the relationship</p> <p>(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:</p> <p>(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;</p>		
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	<p>(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;</p> <p>(C) shares a child in common with the victim; or</p> <p>(D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or</p> <p>(iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:</p> <p>(A) Fear for the person's safety or the safety of others; or</p> <p>(B) Suffer substantial emotional distress</p>		
Sexual Assault	An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.	20 U.S.C. 1092(f)(6)(A)(v)	This refers to a crime involving sexual contact without the consent of the victim. Examples include rape, sexual assault, and statutory rape.
Sex Offenses – Forcible* <ul style="list-style-type: none"> <li>• Forcible Rape</li> <li>• Forcible Sodomy</li> <li>• Sexual Assault</li> </ul>	Any sexual act directed against another person, forcibly and/or against that persons will; or not forcibly or against the persons will where the victim is incapable of giving consent.	National Incident-Based Reporting System (NIBRS) Edition of the Uniform Crime Reporting (UCR) Program	Sexual assault is any unwelcome sexual contact that is committed without the consent of the other person. This can include touching, kissing, or any other kind of sexual activity that is done without consent or against

<p>with an object</p> <ul style="list-style-type: none"> <li>• Forcible Fondling</li> </ul>			<p>someone's will. It may also include any sexual activity with someone who is unable to give consent due to age, mental incapacity, or the influence of drugs or alcohol.</p>
<p>Forcible Rape</p>	<p>(Forcible Sex Offense) The carnal knowledge of a person, forcibly and/or against that persons will; or not forcibly or against that persons will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).</p>	<p><u>National Incident-Based Reporting System (NIBRS) Edition of the Uniform Crime Reporting (UCR) Program</u></p>	<p>Rape is when someone is forced to have sexual intercourse without their consent. It can also happen when someone is unable to give consent due to mental or physical incapacity or because of their age.</p>
<p>Forcible Sodomy</p>	<p>(Forcible Sex Offense) Oral or anal sexual intercourse with another person, forcibly and/or against that persons will; or not forcibly against that persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.</p>	<p><u>National Incident-Based Reporting System (NIBRS) Edition of the Uniform Crime Reporting (UCR) Program</u></p>	<p>Forcible sodomy is a form of sexual assault where one person forces another to engage in oral or anal sexual intercourse without their consent. This could be done through physical force or by taking advantage of a person who is unable to give their consent, such as someone who is too young or someone with a mental or physical disability.</p>
<p>Sexual Assault with an Object</p>	<p>(Forcible Sex Offense) The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that persons will; or not forcibly against the persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical in capacity.</p>	<p><u>National Incident-Based Reporting System (NIBRS) Edition of the Uniform Crime Reporting (UCR) Program</u></p>	<p>Using an object to force someone to have sex against their will or when they are unable to give consent.</p>

<p>Forcible Fondling</p>	<p>(Forcible Sex Offense) The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that persons will; or not forcibly or against that persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary mental incapacity.</p>	<p><u>National Incident-Based Reporting System (NIBRS) Edition of the Uniform Crime Reporting (UCR) Program</u></p>	<p>Forcible fondling is the unwanted touching of someone's private body parts for sexual pleasure, either against their will or when they are unable to give consent due to age or mental disability.</p>
<p>Sex Offenses - Non forcible Unlawful, non-forcible sexual intercourse</p> <ul style="list-style-type: none"> <li>• Incest</li> <li>• Statutory Rape</li> </ul>			
<p>Incest (Non forcible Unlawful, non-forcible sexual intercourse)</p>	<p>Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.</p>	<p><u>National Incident-Based Reporting System (NIBRS) Edition of the Uniform Crime Reporting (UCR) Program</u></p>	<p>Incest is sexual activity between people who are closely related, such as parent-child, siblings or cousins, that is not allowed by law.</p>
<p>Statutory rape (Non forcible Unlawful, non-forcible sexual intercourse)</p>	<p>Non-forcible sexual intercourse with a person who is under the statutory age of consent.</p>	<p><u>National Incident-Based Reporting System (NIBRS) Edition of the Uniform Crime Reporting (UCR) Program</u></p>	<p>Statutory rape is sexual activity with someone under the age of legal consent.</p>

<p>Supportive Measures</p>	<p>Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.</p>		<p>Consider the complainant's wishes with respect to supportive measures.</p> <p>Offer to both the complainant and respondent.</p> <p>Offered with or without the filing of a complaint.</p> <p>Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.</p> <p>Based on what is not clearly unreasonable in light of the known circumstances and does not second guess a school's disciplinary decisions.</p>
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<p>Title IX Coordinator</p>			<p>A Title IX Coordinator is responsible for coordinating an organization's compliance with Title IX. This person is responsible for educating staff, students, and other stakeholders on the organization's Title IX policies, procedures, and resources. They also oversee the investigation, adjudication, and resolution of all allegations of Title IX violations.</p>
<p>Record Keeping</p>		<p><u>34 CFR 106.45(b)(10)</u></p>	<p>Under Title IX regulations, institutions must keep records of all reports of sex discrimination, including sexual harassment and sexual violence, as well as investigations, resolutions, and any other actions taken related to the report. Records must include all relevant documents, such as contact information for the complainant and respondent, statements, emails, and any other materials related to the report. Records must be kept for at least seven years from the date of the report.</p>

## **Definition of Terms re Transgender Students (Department of Education Guidance)**

**Asexual** refers to a person who is not sexually attracted to others.

**Cisgender** describes a person whose gender identity corresponds to their assigned sex at birth.

**Gender expression** refers to the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

**Gender identity** refers to a person's deeply felt internal sense of being male or female, regardless of their sex assigned at birth.

**Gender nonconforming** describes people whose gender expression differs from stereotypic expectations. The terms gender variant or gender atypical are also used. Gender nonconforming individuals may identify as male, female, some combination of both, or neither.

**Gender transition** refers to the process in which a person goes from living and identifying as one gender to living and identifying as another.

**Intersex** describes individuals born with chromosomes, hormones, genitalia and/or other sex characteristics that are not exclusively male or female as defined by the medical establishment in our society.

**LGBTQ** is an acronym that stands for "lesbian, gay, bisexual, transgender, and queer/questioning."

**Sex assigned at birth** refers to the sex designation, usually "male" or "female," assigned to a person when they are born.

**Sexual orientation** refers to a person's emotional and sexual attraction to another person based on the gender of the other person. Common terms used to describe sexual orientation include, but are not limited to, heterosexual, homosexual, lesbian, gay, and bisexual. Sexual orientation and gender identity are different.

**Transgender or trans** describes a person whose gender identity does not correspond to their assigned sex at birth.

## TITLE IX COORDINATOR CHECKLIST

**COMPLAINANT NAME:** \_\_\_\_\_

**RESPONDENT NAME:** \_\_\_\_\_

**DETERMINATION OF RESPONSIBILITY DUE:** \_\_\_\_\_

**Date Initial Report Received (no Complaint):** (   /   /   )

<i>Date Completed</i>	<i>Task</i>
	<p>Contact Complainant and discuss:</p> <ul style="list-style-type: none"> <li>• Supportive measures available</li> <li>• Complainant’s wishes for supportive measures</li> <li>• Inform that supportive measures are available with or without the filing of a complaint; and</li> <li>• The process for filing a Complaint and grievance process if it is filed</li> </ul> <p>Document that it was discussed and offered.</p>
	Provide supportive measures and document what was provided.
Notes	<p>A written complaint is not required. You can request they fill out a complaint form, but if in the verbal discussion it is reasonable to believe they want an investigation then that is considered a complaint and there cannot be a delay to wait for a written one. The Title IX Coordinator would still provide the Written Notice of Complaint.</p> <p>The scope of sex discrimination includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. 34 CFR 106.10.</p>

**Date Complaint Received:** (   /   /   )

<i>Date Completed</i>	<i>Task</i>
	<p>Does the complaint contain all required information:</p> <ul style="list-style-type: none"> <li>• Complainant name</li> <li>• Respondent name</li> <li>• Location of Incident</li> <li>• Conduct alleged (Details of incident sufficient to demonstrate that if true, a Title IX violation has been alleged)</li> </ul>
	Issue written notice of the Complaint to both Complainant and Respondent.

	<p>Does either Complainant or Respondent have a 504 plan or an IEP?  <input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>If yes, communicate with a member of the student's 504/IEP team to discuss whether any supports or accommodations are needed throughout the investigation process for student to participate and understand.</p>
	<p>Contact Respondent and discuss:</p> <ul style="list-style-type: none"> <li>• Supportive measures available</li> <li>• His/her wish for supportive measures</li> </ul> <p>Provide supportive measures and document what was provided/or offered and declined.</p>
	<p>Do you dismiss the complaint?  <input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>Dismissal may occur if one of the following apply:</p> <ul style="list-style-type: none"> <li>• The Complaint does not state an allegation of sex-based harassment, even if all facts are found to be true</li> <li>• The sex-based harassment, even if it did occur, did not occur in a School program or activity ("operations")</li> <li>• Complainant wishes to withdraw the complaint</li> <li>• The respondent is unable to be identified despite reasonable steps to identify him/her</li> <li>• Respondent is no longer employed by or enrolled in the District, or otherwise participating in the District's program or activities.</li> </ul>
	<p>Does the Complaint need to be dismissed for another permissive reason?  <input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>May dismiss if:</p> <ul style="list-style-type: none"> <li>• Complainant wishes to withdraw the formal Complaint</li> <li>• Respondent is no longer employed or enrolled in the School/District</li> <li>• Other circumstances prevent the gathering of sufficient evidence as described below.</li> </ul> <p>Explain:</p>
	<p>Is the Complaint acceptable for informal resolution?  <input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>If yes:</p> <ul style="list-style-type: none"> <li>• Must obtain written voluntary consent from both parties and provide the parties with written notice of their rights</li> <li>• Assign facilitator, ensuring no conflict of interest exists</li> </ul> <p>If no, proceed with assigning investigator</p>

	<b><i>Remember: Informal Resolution is not available in matters where Respondent is a staff member and Complainant is a student.</i></b>
Notes	
<b><i>Date Completed</i></b>	<b><i>Task</i></b>
	Assign investigator, ensuring that no conflict of interest exists between the investigator and all involved parties  *Can be the same as the Title IX Coordinator and/or the Decisionmaker
	Provide Investigator with copies or access to all written notices, complaint form, supportive measures implemented, etc.
	Assign Decision Maker, ensuring that no conflict of interest exists between the Decision Maker and all involved parties  *Can be the same as the Title IX Coordinator and/or the Decisionmaker
	Determine if there is a need for good cause delay <ul style="list-style-type: none"> <li>• Is there concurrent law enforcement or child services involvement? <ul style="list-style-type: none"> <li>• If yes, reach out and inquire if you can proceed or if it will impact their investigation(s)</li> </ul> </li> </ul> If there is a need for good cause delay, send out letter to parties

**Following Determination of Responsibility:**

<b><i>Date Completed</i></b>	<b><i>Task</i></b>
	Written Determination of Responsibility sent to all parties
	Was the determination that Respondent was responsible? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes: Review and work with decision maker and administration to ensure implementation of remedies and/or discipline needed to restore or preserve equal access to the education program/activity. If Respondent has an IEP or 504, consider whether an MDR is required. Remember that no discipline is allowed until the time for appeal has run.

	<p>Document:</p> <ul style="list-style-type: none"> <li>• Measures taken to restore or preserve equal access to program/activity <ul style="list-style-type: none"> <li>• Action</li> <li>• Name of person responsible for action</li> <li>• Deadline by which action is completed</li> </ul> </li> <li>• If did not provide supportive measures to Complainant, document the reasons why that was not clearly unreasonable.</li> </ul>
	Safely preserve all evidence and records related to the Complaint to meet record keeping requirements

**Appeals:**

<i>Date Completed</i>	<i>Task</i>
	<p>Was an appeal received in a timely manner? (i.e., within 10 calendar days of receipt of Determination of Responsibility or per your Board policies)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Date Received: _____</p>
	<p>Does the request for appeal meet one of the 3 criteria for acceptance?</p> <ul style="list-style-type: none"> <li>• Procedural irregularity that affected the outcome of the matter</li> </ul> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> <li>• New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter</li> </ul> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> <li>• The Title IX Coordinator, investigator(s), or decision-makers(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.</li> </ul> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes to any, forward appeal to person designated to hear the appeal noting the reason the appeal was granted.</p>

**[DISTRICT/SCHOOL]  
TITLE IX COMPLAINT FORM**

[School/District name] (“the [District/School]”) complies with federal and state laws prohibiting unlawful discrimination based on race, color, national origin, sex, disability and age in its programs and activities. Any person that believes they have been harassed or discriminated against based on his/her sex can file a complaint under this procedure by contacting the [District/School]’s Title IX Coordinator as follows:

Name  
Title IX Coordinator (other title also if applicable)  
Address  
Phone (with extension if applicable)  
Email address

Date: \_\_\_\_\_

Complainant Name: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip

Telephone: \_\_\_\_\_  
Home Work

Respondent Name: \_\_\_\_\_ (person whom complaint is made)

1. Describe the alleged sex-based discrimination in specific terms (attach additional pages if necessary). Include:
  - a. The specific incident or activity that is alleged to be in violation of Title IX
  - b. The name of all individuals involved;
  - c. Dates, times, and locations involved.
2. Describe any relevant communication that has already occurred to address the issue. Please specify the types of communication, dates of communication, and names of individuals with whom any communication has occurred.
3. Do you want this Complaint to be formally investigated and addressed by the School?  
 Yes  No. If “No”, please clarify:  
 I do not want a formal investigation. I am just bringing this to the School’s attention.

I do not want a formal investigation. I would like to speak with the Title IX Coordinator about my complaint.

Other (please explain): \_\_\_\_\_

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date Signed

PLEASE RETURN THIS FORM TO THE TITLE IX COORDINATOR LISTED ON THIS FORM.

[TEMPLATE: WRITTEN NOTICE OF COMPLAINT]

LETTERHEAD

Date

Party Name

Party Address

Re: Written Notice of Formal Title IX Complaint

Dear [name]:

On [date], the [School] received a complaint from [name] (the Complainant) against [name] (the Respondent) that includes allegations of sex-based harassment pursuant to Board Policy \_\_\_\_\_. This letter constitutes the [District's] notice to the Complainant and Respondent, herein the "Parties," of these allegations and the [District's] grievance process.

The [District] has been notified of the following allegations, which are contained in the formal complaint:

1. Insert specific details, known at the time – identity of parties involved, conduct that allegedly constitutes sex-based harassment, date and location of alleged incident/s.
2. Number each allegation separately if more than one incident.
  - a. It is these allegations that the parties will respond to and the decision-maker will rule upon, so be as specific as possible. If new allegations arise, additional notice must be provided. This means if the District does not set out a specific allegation in this or a subsequent notice, such allegation cannot be investigated and/or ruled upon and cannot be the basis for any disciplinary sanctions, as it relates to this Complaint.

Included with this letter is Policy \_\_\_\_\_, which outlines the steps involved in addressing complaints of this sort. Please take the time to read it thoroughly, as it outlines your rights in the grievance process. This includes the right to be interviewed, submit any relevant documents or information, and name witnesses with pertinent information. You will also be able to review and respond to the evidence collected and the final investigation report. Additionally, you will be able to submit written questions to any party or witness before a final determination of responsibility is made.

You may choose to bring an advisor with you during the grievance process, such as an attorney, who can provide guidance and inspect and review evidence. However, the advisor is not allowed to take part in the interview.

At the conclusion of the grievance process, a written determination regarding responsibility for sex-based harassment will be made. Until that time, ***the Respondent is presumed to be not responsible for the alleged conduct.*** Please contact me if you would like supportive measures, as defined in Policy \_\_\_\_\_, such as [add suggestions if appropriate].

If, while carrying out the investigation, the District finds evidence of any other issues concerning the Complainant or Respondent that are not stated here, the District will provide you with notice of the additional allegations.

At this point, per Policy \_\_\_\_\_, an investigation will ensue. [NAME] has been designated as the investigator, to gather facts relevant to this Complaint. [NAME] will be reaching out to you soon to schedule an interview. If after reviewing this letter and the attached policy you still have questions, please contact me or the assigned investigator.

- My [Title] ~~IX~~ Coordinator] contact information is – [email and phone]
- [Investigator’s] contact information is – [email and phone]

If the Complaint is eligible for informal resolution, and both parties provide their written voluntary consent, the Title IX Coordinator will facilitate the informal resolution process as an alternative to the grievance process.

The Title IX Coordinator is responsible for appointing both an investigator and a decision maker to the grievance process, who have no vested interest in the involved parties. The decision maker will evaluate all evidence objectively, according to the preponderance of the evidence standard, and complete the investigation within a maximum of sixty days, barring any good cause exception.

Sincerely,

[Name]  
[School/District name] Title IX Coordinator

cc: Assigned Investigator name

[TEMPLATE WRITTEN AGREEMENT TO PARTICIPATE – INFORMAL RESOLUTION]

LETTERHEAD

Date

**Delivered Via Electronic Mail**

NOTICE TO PARTIES:

Re: Invitation to Participate in Informal Resolution

Dear [name]:

On [DATE], the [School/District name] received a complaint (“the Complaint”) alleging a violation under Title IX of the Education Amendments of 1972 (“Title IX”). This letter is to notify you that the Complaint is eligible for informal resolution, to explain that process, and to offer you the opportunity to participate in the process if you would like to do so.

On [DATE WRITTEN NOTICE OF COMPLAINT SENT TO PARTIES], you received a written notice of the allegation(s) in the Title IX complaint and an explanation of the grievance process, including that informal resolution could be an option. Based on the facts in this matter, this Complaint is eligible for informal resolution if both parties voluntarily agree to participate and sign written consent. Participation in the informal resolution process is **voluntary** and a party’s refusal to participate will not affect the investigation process or determination outcome in any way.

If both complainant and respondent voluntarily agree to participate in the informal resolution process, a facilitator will reach out to you within \_\_ days of the District receiving written consent from both parties. The informal resolution process may include a face-to-face meeting between the parties (and advisors, if any) or the facilitator may speak with both parties separately without the need for a face-to-face meeting.

The goal of the informal resolution process is to develop an agreement between the parties that resolves the Complaint without requiring the parties to go through the formal grievance process. Either party may change his/her mind at any time and return to the formal grievance process. For more information on what informal resolution is and whether it is the right decision for you, please see the attached Informal Resolution FAQ. If an agreement is reached through informal resolution, it will be in writing and will be signed by both parties (or their parents/legal guardians if the parties are minor students). If the parties cannot reach an agreement, or if either party chooses to end the informal resolution process prior to reaching an agreement, the formal grievance process will continue and a determination regarding responsibility made. There will be no negative consequence to either party if the informal resolution process is unsuccessful.

Please complete the enclosed form indicating whether you would like to participate in the informal resolution process and return it to me at [EMAIL AND PHYSICAL ADDRESS OF TIX COORDINATOR]. Please contact me with any questions. Thank you.

Sincerely,

[Name]  
[School/District name] Title IX Coordinator

**FORM – CONSENT TO “INFORMAL RESOLUTION”**

Rights of Parties Regarding Informal Resolution Process

Please know that acceptance of this option is **not** a condition of your continuing enrollment OR employment with the District (as applicable).

Please know that a record that the Informal Resolution Process was agreed to and was engaged in (but not the content of those discussions), will be maintained by the District. Please know that participation in the Informal Resolution Process may also result in the creation of additional records of that process and its outcome, depending upon the terms of any agreement reached.

Any agreement by you to pursue the Informal Resolution Process must be in writing – accordingly this form is provided for your convenience. The Informal Resolution Process may only be employed if both parties – Complainant and Respondent – agree in writing.

Both parties retain the right to withdraw their agreement to participate in the Informal Resolution Process at any time prior to reaching a resolution.

**By my signature below I attest that I have read this entire form and I agree to participate in the Informal Resolution Process. I understand that my continued enrollment (if a student) or employment (if an employee) is NOT conditioned upon my agreement to participate in the Informal Resolution Process. I understand that by agreeing to participate in the Informal Resolution Process I do NOT waive my right to an Investigation of Sexual Discrimination. I understand I can withdraw this agreement at any time.**

\_\_\_\_\_ (Signature)      Date: \_\_\_\_\_

\_\_\_\_\_ PRINTED FULL NAME (Student/Employee)

(Where student is a minor)

\_\_\_\_\_ (Signature)      Date: \_\_\_\_\_

\_\_\_\_\_ PRINTED FULL NAME (Parent/Guardian)

## F.A.Q.s for Informal Resolutions

### **1. What is an Informal Resolution?**

An Informal Resolution is an alternative to formal investigation and adjudication procedures in which both sides voluntarily agree to “informally” resolve issues or concerns involving harassment, discrimination, or retaliation. The goal of an Informal Resolution is to provide flexibility and the option for the parties to agree on any of a wide range of possible outcomes. Informal Resolution is a voluntary agreement between parties involved in an issue that has come up related to these policies or a climate-related issue. If both parties agree, an Informal Resolution agreement takes the place of a “formal resolution.” (Please see Question 2 below for more information on formal resolution.) Any Informal Resolution must be consistent with the law, [District Policy] and [District Non-Discrimination Policy].

### **2. What is a formal resolution or investigation?**

A formal resolution involves conducting a fact-finding investigation, reporting the results to a decision maker for review and possible discipline for students and employees.

### **3. Who decides whether to resolve a concern by Informal Resolution?**

Both parties must agree to participate in an Informal Resolution process and also agree to the terms of an Informal Resolution agreement in order to finalize it. Any party in a formal Title IX Complaint can request to enter into an Informal Resolution process, but there are some situations where our policies or other factors may not permit it (see #10 below). Unless informal resolution is prohibited by District policy or law, the Title IX Coordinator will share with both parties the option to participate in the informal resolution process. (see Question #10 for additional information)

### **4. When can I decide to seek an Informal Resolution?**

Either party may tell the Title IX Coordinator at any time that they would like to seek an Informal Resolution. However, the Title IX Coordinator may determine that further actions or further investigation are necessary before helping the parties to explore and reach an Informal Resolution.

For Title IX sex-based harassment issues, Informal Resolution is only possible after a formal Title IX formal complaint. (Consult with the Title IX Coordinator if you are unsure under which category your concern falls.) For Non-Title IX sexual misconduct issues, or situations involving discrimination or non-sex-based harassment, an Informal Resolution is possible at any point after an issue has been raised with the Title IX Coordinator.

### **5. How will I know if the Informal Resolution process has started?**

In eligible situations, the Title IX Coordinator will provide the parties with written notice that an Informal Resolution is being offered to resolve the matter. No Informal Resolution process can begin unless both parties agree.

### **6. Do I have to talk to the other party during the Informal Resolution Process?**

No. The parties do not have to speak to each other during the process, unless they agree/want to do so. Once the parties choose to participate, the Title IX Coordinator or a third-party facilitator can serve as the intermediary to help the parties come to an agreement.

**7. What kinds of things do parties agree to in an Informal Resolution agreement?** Parties have flexibility under an Informal Resolution to agree together on what will help address the concern that was originally raised to Title IX Coordinator. For example, the parties might agree to terms such as (but are not limited to): requiring one or both parties to participate in educational or training programs, administrative resolution (such as a mutual agreement to abide by a No Contact Order), acceptance of responsibility and penalty, mediation or other alternative dispute resolution, modification of work or academic assignments, or an apology.

**8. What are some possible advantages or disadvantages of Informal Resolution?**

Some parties may prefer Informal Resolution because it is a flexible process that enables parties to achieve many of the same outcomes as a formal process, but often more quickly. An Informal Resolution may decrease future uncertainty associated with the possibility of participation in a disciplinary hearing in which particular sanctions are determined by a decision maker. However, there are reasons why the parties may wish to choose the formal resolution process. For example, some parties may not feel that the Informal Resolution process will achieve their desired outcome. Others may desire a determination through the formal process, even though that process may or may not result in their desired outcome/ determination.

**9. Does agreeing to an Informal Resolution mean that one party is admitting to any wrongdoing?**

No. Unless the parties agree to do so, choosing to pursue an Informal Resolution does not require any party to admit to any alleged misconduct. In addition, if (for reasons discussed in these FAQs, including #13 and #19) a formal investigation resumes in the future, the decision maker will not consider participation in an Informal Resolution as evidence toward whether or not the alleged behavior occurred.

**10. Are there situations in which Informal Resolution is unavailable?**

Yes. The Informal Resolution process is not available in Title IX sex-based harassment cases involving allegations by a student against an employee. In situations where the most serious sanctions are possible if misconduct is found—including possible suspension or expulsion for students or termination from the District for employees, Informal Resolution is not likely to be the appropriate course of action. In addition, at the discretion of the Title IX Coordinator, certain factors may be considered when determining whether Informal Resolution is appropriate. Considerations may include the nature or severity of the alleged offense; when there is an ongoing threat of harm or safety to the campus community; when the accused is a repeat offender; or when the parties are unable or unlikely to participate in good faith in, or comply with the terms of, the Informal Resolution process.

Finally, if one of the parties does not agree to participate in the Informal Resolution process, then Informal Resolution is not available.

**11. If the Title IX Coordinator raises the possibility of Informal Resolution, does that mean they think my issue or complaint is less serious or not likely to be substantiated?**

No. Every issue raised is treated with seriousness. The Title IX Coordinator must consider every eligible situation for Informal Resolution. Discussion of Informal Resolution does NOT mean that investigators do not believe the concern is serious or that the allegations as described are false.

Rather, Informal Resolution is a different (and sometimes more expedient) way of resolving an issue or complaint. Likewise, discussion of Informal Resolution does not mean that investigators have concluded that the allegations are true or that any misconduct occurred.

**12. What if I do not want to file a complaint with the Title IX Coordinator, but still want to resolve a concern through an Informal Resolution?**

Prior to filing a complaint, you may inform the Title IX Coordinator of your desire to resolve your concern through an Informal Resolution; the Coordinator will then advise you whether Informal Resolution is an available option to resolve the concern under our policies, and, if so, will work with both parties to resolve the concern through the Informal Resolution process, assuming both parties agree.

**13. What is required to resolve a concern through an Informal Resolution?**

Resolving a concern through the Informal Resolution process must be acceptable to both parties and the Title IX Coordinator.

**14. Who will facilitate the Informal Resolution process?**

In situations involving allegations of discrimination or sex-based harassment, the Title IX Coordinator will work with the parties in the informal resolution process. In situations that involve allegations of sexual misconduct, the Informal Resolution process is led by an Informal Resolution Facilitator, a qualified staff or faculty member designated by the Title IX Coordinator, in coordination with the District Administration (for students) or Human Resources (for employees).

**15. What if I do not want to proceed with an Informal Resolution?**

Both parties have choice to proceed with an Informal Resolution process, and the process cannot take place unless both parties agree. Likewise, either party can choose to end the Informal Resolution process at any time prior to finalizing the Informal Resolution, in accordance with District Policy. If the Informal Resolution process ends, the Title IX Coordinator will proceed with a formal process

**16. How would I know if an Informal Resolution agreement has been reached?**

When a concern involves a claim of sex discrimination and/or sex-based harassment, both parties will be involved in discussion with the Title IX Coordinator regarding possible terms of the Informal Resolution before it becomes final. Once all terms have been agreed upon, the Title IX Coordinator will prepare and send to both parties a written memorandum memorializing the agreed-upon resolution and the consequences for non-compliance.

In situations involving sexual misconduct allegations, the Informal Resolution Facilitator designated by the Title IX Coordinator will complete the above steps.

Once finalized, the Informal Resolution agreement will be treated as a binding contract and the allegations of discrimination or sexual misconduct (and for Title IX Sexual Harassment matters, the Title IX Complaint) will be deemed resolved.

**17. What information may be included in an Informal Resolution?**

In general, the informal resolution memorandum will include the agreed-upon terms, the

consequences for a violation of the terms, the duration of the informal resolution agreement, and any other information or terms needed to reflect the agreed-upon terms by both parties or required by law and policy.

Terms may include (but are not limited to): participation in educational or training programs, mediation by a third party, no-contact or stay-away agreements between the parties for a set period of time, modification of work or academic assignments, an apology, or placement of certain terms of the agreement in a student's or employee's file or record.

**18. What if the parties involved fail to reach a mutually agreeable outcome through the Informal Resolution process?**

The Title IX Coordinator will check on progress toward reaching Informal Resolution every thirty days. If an agreement is not reached by both parties to resolve the concern within a reasonable time frame, the individual who brought the concern to the Coordinator will have the option to file a complaint with the Coordinator or continue the formal investigation process if a complaint has already been filed (see Question #2) or take no further action.

**19. How long does the Informal Resolution process last?**

Informal Resolution suspends the formal complaint process for a reasonable but not unlimited period of time; this time period can be extended upon consent of both parties, at the discretion of the Title IX Coordinator. The time frame for investigations will be suspended while the parties engage in the Informal Resolution process. The Title IX Coordinator must reevaluate the parties' progress towards informal resolution every thirty (30) days and has the discretion to terminate the Informal Resolution process and resume the investigation at any time. If an Informal Resolution is not reached within a reasonable time frame, then the individual who brought the concern to the Coordinator will have the option to initiate or continue the formal investigation process or to take no further action.

**20. What is the duration of an Informal Resolution agreement?**

The duration of an Informal Resolution agreement varies; it may last only a few weeks or significantly longer than that. The precise duration should be reasonable given the nature of the allegations and will be determined by mutual agreement of the parties and Title IX Coordinator or his/her designee (for situations involving sexual misconduct allegations).

**21. What happens if one or both parties violates a term of the Informal Resolution?**

The parties should notify the Title IX Coordinator immediately if they have reason to believe a term has been violated. Violations of Informal Resolution agreements can be referred for discipline or other appropriate action in accordance with District Policy.

**22. Will the Informal Resolution go on my record?**

In many instances, an Informal Resolution is not placed in a student or employee's permanent file or "record" that is housed by the Registrar or Human Resources or communicated with any other individual. For students, all Informal Resolutions are sent to the Title IX Coordinator and maintained in a file by his/her office until their expiration. In some circumstances, the parties may seek or agree to placement of certain terms or the agreement in a student or employee file or record. You should discuss the possibility and ramifications of this with the Title IX Coordinator or the Informal Resolution Facilitator. However, once finalized, the agreement will be maintained for seven (7) years

by the District.

- 23. Who should I contact to have more information about the Informal Resolution process?**  
Title IX Coordinator [name, address, email, phone].

[Insert School District]

### INFORMAL RESOLUTION AGREEMENT

This agreement documents the terms of resolution regarding the Complaint that was filed by under [School District name] (“District”) Formal Grievance Procedures (“Policy”). In lieu of a formal finding of a violation or no violation of the Policy, the parties have agreed to an informal resolution of the Complaint. The Informal Resolution Process is a voluntary, structured interaction between the involved parties and a facilitator to resolve the allegations following the filing of a Complaint and before a determination. All parties, the informal resolution facilitator, and the Title IX Coordinator must accept the terms outlined for the Informal Resolution Agreement to be effective.

Case Number (if applicable)/Case Name:

Complainant:

Respondent:

Informal Resolution Facilitator:

Incident Date(s):

Informal Resolution Agreement Date:

Informal Resolution Type:

The parties have agreed to the following specific actions to resolve the allegations:

If for any reason a party does not adhere to any of the terms, the parties agree that the following consequences will apply:

For the purpose of consideration in the event of any further allegations of misconduct, and/or discipline, the Respondent’s discipline record will indicate:

The outcome of this informal resolution agreement will be shared with:

The outcome of this informal resolution agreement includes the following additional understandings:

By signing this agreement, the parties affirm the following:

- I voluntarily agree to the terms of this informal resolution as outlined above and understand by doing so that I am relinquishing my right to have this matter resolved through the applicable formal grievance procedures.
- I acknowledge and am agreeable to the terms of this Informal Resolution Agreement as outlined above.
- I understand that engaging in conduct inconsistent with this Informal Resolution Agreement may result in a finding of a violation of the District’s policy and formal sanctions.
- I can choose to not sign this document and instead have this matter resolved through the applicable formal grievance procedures.
- I understand that the outcome of an Informal Resolution Process is not appealable.
- I understand that the District deems this matter resolved, and the allegations addressed by this Informal Resolution Agreement will not be subject to further investigation, adjudication, remediation, or discipline by the District, except as otherwise provided in this Informal Resolution Agreement.
- I am aware that the District will maintain a record of this Informal Resolution Agreement and associated information in accordance with District policy and applicable laws.

---

Complainant Signature (Parent/Legal Guardian if under 18) Date

---

Complainant Printed Name

---

Respondent Signature (Parent/Legal Guardian if under 18) Date

---

Respondent Printed Name

---

Facilitator’s Signature Date

As the Title IX Coordinator, I have reviewed and approved this Informal Resolution Agreement, thereby resolving this matter.

---

TIX Coordinator’s Signature Date

---

TIX Coordinator’s Name

[NOTICE TO PARTIES RE: DISMISSAL]

**CONFIDENTIAL**

LETTERHEAD

Date

**Delivered Via Electronic Mail**

NOTICE TO PARTIES:

Re: Dismissal of Complaint Prior to Determination Regarding Responsibility

Dear [name]:

On [DATE], the [School/District name] received a formal complaint (“the Complaint”) alleging a violation under Title IX of the Education Amendments of 1972 (“Title IX”). This letter is to notify you that the [District/School] is dismissing the Complaint [OR “allegation \_\_\_ of the Complaint”] prior to the conclusion of an investigation and a determination regarding responsibility.

The [District/School] is dismissing the complaint because one of the following is true:

- The Complaint does not state an allegation of sex-based discrimination or harassment, even if all facts are found to be true.
- The sex-based discrimination, even if it did occur, did not occur in a District program or activity.
- Complainant wishes to withdraw the Complaint.
- The Respondent is unable to be identified despite reasonable steps to identify him/her.
- Respondent is no longer employed by or enrolled in the [District/School], or otherwise participating in the District’s program or activities.

[Include brief explanation of relevant facts/factors leading to permissive dismissal]

Appeal

Either party has the right to appeal the dismissal of the Complaint. Appeals must be based on one or more of the following:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator(s), or decision-makers(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affect the outcome of the matter.

Requests for appeal must be submitted in writing to the Title IX Coordinator no later than ten (10) days after receipt of this determination. The Title IX Coordinator will forward any appeal based on one or more of the allegations set out above to the individual designated to hear the appeal, which will not be the Title IX Coordinator, the investigator, or the decision-maker in this case. The individual hearing the appeal will provide a copy of the appeal request to the non-appealing party and will provide that party an opportunity to submit a written response to the appeal.

The decision of the person hearing the appeal will be final. Sincerely,

[Name]

[School/District name] Title IX Coordinator

[TEMPLATE NOTICE TO PARTIES RE: GOOD CAUSE DELAY]

LETTERHEAD

Date

**Delivered Via Electronic Mail**

NOTICE TO PARTIES:

Re: Good Cause for Temporary Delay in Grievance Process Timelines

Dear [name]:

On [DATE], the [School/District name] received a complaint (“the Complaint”) alleging a violation under Title IX of the Education Amendments of 1972 (“Title IX”). The [District/School]’s Title IX policy requires that the grievance process be complete promptly and effectively, typically no later than 60 days [INSERT TIMELINE FROM POLICY IF DIFFERENT] from the date a complaint is received. This letter is to notify you that the District has good cause for a temporary delay in completing the grievance process.

[INSERT REASON FOR GOOD CAUSE DELAY AND HOW MANY ADDITIONAL DAYS YOU ANTICIPATE NEEDING TO COMPLETE THE PROCESS. EX: The Complaint was received two working days prior to a 10 day school break. The school break has created good cause for a temporary delay and, therefore, the District anticipates that the grievance process will be completed 70 days from the date the Complaint was received.].

Sincerely,

[Name]

[School/District name] Title IX Coordinator

## TITLE IX INVESTIGATOR CHECKLIST

**COMPLAINT NO. OR COMPLAINANT NAME:** \_\_\_\_\_

**Upon Receipt of Complaint (Within 10 days):**

<i>Date Completed</i>	<i>Task</i>
	<p>Email the Complainant(s) and Respondent(s), individually, introducing yourself, letting them know you are currently gathering evidence and will be reaching out to schedule an interview.</p> <p>Potential evidence to consider gathering</p> <ul style="list-style-type: none"> <li>• Administration Notes</li> <li>• Student Records</li> <li>• Attendance</li> <li>• Discipline Records</li> <li>• Employment Records</li> <li>• Video, Social Media, Text Messages, Screen shots</li> <li>• Call/communication log</li> <li>• Security Footage</li> <li>• Other Records</li> </ul> <p>Identify witnesses and all individuals you will need to interview and decide on the order of interviews (ex. administration, Complainant, witnesses, Respondent, witnesses)</p>
	<p>Offer Respondent the opportunity to provide a written response to the allegations prior to scheduling any interviews.</p>

**Initiate Investigation (Between 10-20 days):**

<i>Date Completed</i>	<i>Task</i>
	<p>Verify neither Complainant nor Respondent have a 504 plan or IEP that require accommodations or supports during the investigative process.</p>
	<p>Send written notice of interview to Complainant that includes time, date, location, purpose and participants at least 48 hours prior to interview.</p> <ul style="list-style-type: none"> <li>• If party has an advisor, alter time/date of meeting if needed to facilitate presence of advisor at interview</li> </ul>
	<p>Interview Complainant</p> <ul style="list-style-type: none"> <li>• Explain interview process per summary sheet</li> <li>• Provide party, his/her advisor, and his/her parent a hard copy of the non-disclosure agreement, explain purpose and get signature</li> <li>• Ask for list of witnesses to interview</li> <li>• Ask for any additional documents in Complainant's possession</li> <li>• Ask for list of additional documents that Complainant(s) thinks you need but does not possess</li> </ul>
	<p>Interview witnesses. No written notice required. Advise witnesses of prohibition on retaliation and advise not to discuss this matter outside of the parties.</p>

	<p>Send written notice of interview to Respondent that includes time, date, location, purpose, and participants.</p> <ul style="list-style-type: none"> <li>• If party has an advisor, alter time/date of meeting if needed to facilitate presence of advisor at interview</li> </ul>
	<p>Interview Respondent</p> <ul style="list-style-type: none"> <li>• Explain interview process per summary sheet</li> <li>• Provide party, his/her advisor, and his/her parent a hard copy of the non-disclosure agreement, explain purpose and get signature</li> <li>• Ask for list of witnesses to interview</li> <li>• Ask for any additional documents in Respondent's possession</li> </ul> <p>Ask for list of additional documents that Respondent(s) thinks you need but does not possess</p>
	<p>Interview additional witnesses and or re-interview Complainant and/or original witnesses as necessary. Send written notice of interview to Complainant (as above), no written notice required for witnesses. Advise witnesses of prohibition on retaliation and advise not to discuss this matter outside of the parties.</p>

**Review all Evidence Obtained/Prepare to Share Evidence:**

<i>Date Completed</i>	<i>Task</i>
	<p>Identify and obtain documents or other evidence necessary for investigation</p> <ul style="list-style-type: none"> <li>• Cannot compel medical, counseling, or psychiatric documents</li> <li>• Obtain written consent if the party does want to share those documents</li> </ul>
	<p>As appropriate, request that IT search the server for emails</p>
	<p>As appropriate, request review of camera footage where conduct occurred</p>
	<p>Is there a temporary delay for good cause in gathering further evidence?  <input type="checkbox"/> Yes   <input type="checkbox"/> No            If yes: send written notice to both parties explaining the reason for the delay</p>
	<p>Verify all parties have signed the non-disclosure agreement prior to release of evidence.</p>
	<ul style="list-style-type: none"> <li>• Only provide evidence directly related to the allegations in the formal complaint.</li> <li>• Do not provide Student Records.</li> <li>• Redact any confidential information (social security numbers, addresses, phone numbers) from evidence.</li> <li>• Create witness key for decision maker and keep on file if a Party requests additional information regarding witnesses</li> <li>• Redact any non-relevant information from evidence (for example, if you have counseling records, redact anything not related to the issues in the formal complaint)</li> </ul>

	Once you have verified you have signed non-disclosure agreements (for all parties and their advisors), send a copy of evidence related to the allegation(s) to the parties and their advisors (if any) individually, AT THE SAME TIME, and notify parties of their right to submit written responses to the evidence within 10 days from the date evidence was sent out.
	<p><b>Wait 10 days</b> for written responses to the relevant evidence from the parties</p> <ul style="list-style-type: none"> <li>• If you receive a response that indicates to you that additional evidence needs to be obtained, collect that evidence.</li> </ul>
	<ul style="list-style-type: none"> <li>• Share any additional evidence with the Parties (Parties do not get another 10 days to respond to additional evidence, but must be provided a copy)</li> </ul>

**Investigation Report (Between 10-20 days)**

<i>Date Completed</i>	<i>Task</i>
	Draft investigation report
	Send investigation report to decision maker and parties and their advisors (if any) individually, AT THE SAME TIME, and notify parties of their right to submit written questions regarding the report to the decision maker within 10 days from the date investigative report was sent out.

[TEMPLATE: NOTICE OF INTERVIEW]

CONFIDENTIAL

LETTERHEAD

Date

Delivered Via Electronic Mail and First Class Mail

[Complainant's/Respondent's Name/Complainant's/Respondent's Parent or Guardian] [Email Address]

RE: Notice of Interview of Party

Dear [Complainant/Respondent/Parent or Guardian]:

On [date], the [School] has scheduled an interview with [name] regarding the complaint filed against [Respondent name] by [Complainant name] alleging sex-based harassment in line with [Policy]. The scheduled interview is intended to provide the [Complainant/Respondent] enough time to prepare in advance and will take place on [date], [time] at [location]. If this time does not work for the [Complainant/Respondent], please contact [Title IX Investigator name] to arrange an alternate time. The investigator, [name], and [any others] will be present at the interview. The purpose of the interview is [insert purpose]. The [Complainant/Respondent] may bring an advisor of his or her choice to the interview, however, the advisor may not ask questions or participate in any way. If the [Complainant/Respondent] intends to bring an advisor, the party must provide me with the name and relationship of the advisor to them by [date]. Thank you for your cooperation in this matter.

Sincerely,

Title IX Investigator

cc: Title IX Coordinator

## Sample Questions for Interviews

### Questions for Complainants:

- What happened?
- When did it happen? What was the date, time, and duration of the incident or behavior?
- How many times did this happen?
- Where did it happen?
- How did it happen?
- Was anyone else present/see it happen? If so, who and for how long? What did they say? What did they do?
- Was there physical contact? If so, describe it/demonstrate it?
- What did you do in response to the incident or behavior?
- How did the respondent react to your response?
- Have you spoken to anyone in District Administration about this? If so, to whom and when? What did they say and/or do?
- Have you spoken to anyone else at all? If so, to whom and when? What did they say and/or do?
- Do you know whether the respondent has been involved in any other incidents?
- Do you know why the incident or behavior occurred?
- Do you know anyone else who can shed light on this incident?
- Have you provided a written statement to anyone? If so, do you have a copy?
- Have you posted anything about this online, including on social media or in blogs/comments?
- Have you created or kept any notes, diary entries, or other written records that have anything to do with the allegations?
- Do you know of any other students/employees who may have a similar complaint or concern?
- How do you know the respondent?
- Have you had any interactions with the respondent, apart from those being discussed today?
- Did the respondent threaten you in any way?
- How have you been affected by this?
- Is there anything else you want to tell me that I have not asked you?

### Questions for the Respondent:

- What happened?
- If the respondent denies that the incident occurred, ask:
  - Is there any reason anyone would invent or not be truthful about the incident?
  - Where were you when the alleged incident occurred?
  - Do you have any witnesses who can corroborate your whereabouts at the time of the incident?
- If the respondent does not deny that the incident occurred, ask:
  - When and where did this happen?
  - Who else was involved?
  - What is your connection to the complainant?
  - Are you aware of any other complaints by this person?
  - Recount the dialogue that occurred in order of what was said.
  - What did the complainant do or say?
  - Is there any evidence to support your account of what happened?
  - Is there anyone else we should talk to who had knowledge of the incident or the circumstances

surrounding it?

- Have you talked to anyone about the incident? Who? What did you tell them?
- Is there anything else you want to tell me that I have not asked you?

**Questions for Witnesses:**

- What did you witness?
- What was the date, time, and duration of the incident or behavior you witnessed?
- Where did it happen?
- Who was involved?
- What did each person do and say?
- Did anyone else see it happen? Who?
- What did you do after witnessing the incident or behavior?
- Did you say anything to the parties involved in response to what you witnessed?
- How did the complainant and respondent react to your response?
- Did you report this to anyone in District administration? To whom? When? What did they say and/or do?
- Did you tell anyone about the incident or behavior? Who?
- Do you know why the incident or behavior may have occurred?
- Do you know anyone else who can shed light on the incident?
- Is there anything else you want to tell me that I have not asked you?

**Concluding the Interview:**

- Ask “what else” multiple times during the interview, and finish with “is there anything else you want me to know”
- Thank the individual for cooperating
- Invite the person to return to the investigator with any additional information he/she remembers
- Remind the interviewee about the need for confidentiality
- Provide your contact information

[TEMPLATE: INTERVIEW NOTICES AND QUESTIONS]

**Individual Interviewed:**

**Date of Interview**

**Time and Total Length of Interview:**

Investigator explained the following at the outset of the interview:

- [NAME] was being interviewed as part of an investigation into a complaint of sex-based harassment.
- There has been no determination of responsibility or non-responsibility for the allegations at this time.
- [IF a PARTY INTERVIEW AND AN ADVISOR IS PRESENT]: Your advisor may be present but may not speak on your behalf. Your advisor may prompt you, such as asking you to explain something more fully. If you need to take a short break to consult with your advisor, please let me know.
- Information sought is necessary to ensure that complaints of sex-based harassment are thoroughly investigated, and an accurate determination of responsibility or non-responsibility can be made by the decision-maker.
- Both parties will receive a copy of all relevant evidence, but names of non-party witnesses may be redacted.
- Please answer all questions thoroughly and honestly.
- If any information sought is protected by a legally recognized privilege, such as spousal privilege, attorney-client privilege, or patient-doctor privilege, please say so and you do not need to answer the question.
- If you would like to provide medical, psychological, or other treatment records, your parent/legal guardian may do so by providing voluntary, written consent for the investigator to consider those records.
- No retaliation against any person who participates or refuses to participate in the investigation process will be tolerated and if witness feels s/he has experienced retaliation as a result of participating in this process, s/he should contact the Title IX Coordinator at [email/phone number].

[List questions asked, responses received, interviewer observations]

<b>No.</b>	<b>Question</b>	<b>Response</b>	<b>Interviewer Observation (Credibility)</b>

1.	(e.g. Relevant question re: incident(s))	(student answer)	[e.g., Interviewee was reluctant to answer this question and had to be prompted several times to provide the information; interviewee became visibly upset while answering this question and was [crying, sweating, Appeared nervous, etc.]; interviewee provided contradictory responses to this question; interviewee sounded earnest and sincere when answering this question].
2.			
3.			
4.			

**[End of interview questions]:**

1. Do you have or know of any documents or records that are relevant to the incident we have been discussing?
2. Are there any other people you think I should talk to about the incident we have been discussing?
3. If you think of anything else that is relevant, please contact me at [phone number/email].
4. Also, I may need to reach out to you again for some clarification once I talk to the rest of the parties and witnesses, Ok?

[Insert School District Name]

Title IX Non-Disclosure Agreement (Parties and Advisors)

Complainant:  
Respondent:  
Title IX Coordinator:  
Title IX Investigator:

This Non-Disclosure Agreement (the "Agreement") is entered into by and between \_\_\_\_\_ (name of party or party's advisor), and [name of School District] ("Disclosing Party for the purpose of preventing the unauthorized disclosure of Confidential Information as defined herein. I acknowledge that I am a party or the advisor to a party in the above titled Title IX investigation and matter. I hereby agree to enter into a confidential relationship regarding the disclosure of certain information that is considered confidential ("Confidential Information").

Confidential Information

As a party or a party's advisor in this Title IX matter, I understand that I may have access to confidential information, which includes discussions related to the allegations under investigation, access to evidence, both exculpatory and inculpatory, and review of the investigative report issued by the assigned investigating officer (collectively referred to as "confidential information").

I agree to use the confidential information provided solely for the purpose of the Title IX Grievance Process or Procedures.

I will not disseminate, disclose, copy, share, provide, or otherwise make the confidential materials or their contents available to any individuals, organizations, groups, or entities, whether in person, in writing, through electronic technology, social media, or by any other means.

Return or Destruction of Confidential Information

Upon the conclusion of the Title IX matter, I agree to promptly return or destroy any and all confidential information provided in connection with the Title IX complaint and investigation.

Injunctive Relief

I acknowledge that any breach of this Agreement may result in irreparable harm to [name of District] and other involved parties. In addition to any other remedies available, the [name of District] shall be entitled to seek injunctive relief to prevent any further breach and or discipline under school policy, if applicable.

Non-Disclosure Obligation

By my participation in the Title IX investigation, I agree not to further disclose or disseminate the confidential information, including any copies and reproductions thereof, beyond what is

expressly permitted under this Agreement.

Entire Agreement

This Agreement constitutes the entire agreement with respect to maintaining confidential information associated with this Title IX investigation and supersedes all prior discussions, negotiations, and agreements, whether oral or written.

Amendments

This Agreement may not be amended except in writing and signed by myself and an authorized representative of the [name of District].

Execution

I hereby acknowledge that I understand and agree to the terms and conditions set forth in this Agreement by signing below:

[NAME OF DISTRICT]

Title IX Coordinator Signature \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_ Date: \_\_\_\_\_

**PARTY RECEIVING CONFIDENTIAL INFORMATION**

Signature \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_ Date: \_\_\_\_\_

**ADVISOR OF PARTY RECEIVING CONFIDENTIAL INFORMATION**

Signature \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_ Date: \_\_\_\_\_

**DISTRICT LETTERHEAD**  
**Consent to Use Records**  
**For Title IX Grievance Process**

Name of Complainant:

Name of Complainant advisor, if any:

Name of Respondent:

Name of Respondent advisor, if any:

Name of Party: \_\_\_\_\_

Date of Birth of Party: \_\_\_\_\_

I, \_\_\_\_\_, on behalf of myself and my minor child, \_\_\_\_\_ (“the Party”), voluntarily consent to the District’s use of the Party’s (check as appropriate)

- medical
- psychological
- counseling
- educational evaluation/special education
- legal

records as evidence in the Title IX grievance process that the District is completing related to the formal complaint of sexual harassment received by the District on [DATE].

I understand that the District will only include such records as evidence for consideration in making a determination related to the formal complaint Title IX if I have provided this consent and the records are directly related to the Title IX allegations. I further understand that all evidence utilized in the Title IX investigation will be provided to both Parties to the formal complaint, as well as each Party’s advisor (if any), and the decision-maker assigned by the District.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**CONFIDENTIAL**

LETTERHEAD

Date

Delivered Via Electronic Mail

[Complainant's/Respondent's Name/Complainant's/Respondent's Parent or Guardian] [Email Address]

NOTICE TO PARTIES:

RE: Inspection and Review of Evidence

Dear [Complainant/Respondent/Parent or Guardian]:

On \_\_\_\_\_, a complaint was filed alleging sex-based discrimination. Pursuant to [Policy] and applicable Title IX regulations, both the Complainant and Respondent will be provided an equal opportunity to review any evidence obtained as part of the sex-based discrimination investigation that is directly related to the allegations raised in the complaint and to provide a written response.

Enclosed please find evidence obtained in the investigation directly related to the allegations of sex-based harassment raised in the complaint. The enclosed evidence may include evidence that the [District] does not intend to rely upon in reaching a determination and/or inculpatory or exculpatory evidence. Exculpatory evidence is evidence that tends to show the respondent did not commit the alleged sex-based harassment; inculpatory evidence is evidence that tends to show the respondent did commit sex-based harassment.

As provided in [Policy], you have an opportunity to review the evidence and submit any response you would like the investigator to consider prior to completing the Investigative Report. You will have ten (10) school days, or until [date], to submit a written response to me at [Investigator contact information].

[If redaction and log/key used] Evidence related to the complaint may contain details that cannot be disclosed to the parties or are otherwise precluded from use due to legally recognized and unaltered privilege. The investigator is allowed to eliminate such information and also omit information that is not connected to the allegations.

You are reminded that the NDA you signed at the start of this investigation strictly forbids any copying, sharing, publishing, printing, emailing or other distribution of the investigative data. However, you are allowed to talk about the investigation and the information you gain from it for the purpose of obtaining more information or answering questions.

If you have any questions or issues accessing the attached information, please contact me at your earliest convenience.

Sincerely,

Name/Title IX Investigator

cc: Title IX Coordinator

**CONFIDENTIAL**

LETTERHEAD

Date

**Delivered Via Electronic Mail**

[Complainant's/Respondent's Name/Complainant's/Respondent's Parent or Guardian]  
[Email Address]

**NOTICE TO PARTIES:**

RE: Inspection and Review of Evidence

Dear [Complainant/Respondent/Parent or Guardian]:

On \_\_\_\_\_, a formal complaint was filed alleging sex discrimination based on sexual harassment. Pursuant to [Policy] and applicable Title IX regulations, both the Complainant and Respondent will be provided an equal opportunity to review any evidence obtained as part of the sexual harassment investigation that is directly related to the allegations raised in the formal complaint and to provide a written response.

We have now compiled the evidence obtained in the investigation directly related to the allegations of sexual harassment raised in the formal complaint. The evidence may include evidence that the [District] does not intend to rely upon in reaching a determination and/or inculpatory or exculpatory evidence. Exculpatory evidence is evidence that tends to show the respondent did not commit the alleged sexual harassment; inculpatory evidence is evidence that tends to show the respondent did commit sexual harassment.

As provided in [Policy], you have an opportunity to review the evidence and submit any response you would like the investigator to consider prior to completing the Investigative Report. You will have ten (10) school days, or until [date], to submit a written response to me at [Investigator contact information]. As you have elected not to sign a Nondisclosure Agreement, we cannot provide you with copies of the evidence, but if you would like to schedule an appointment to come in and review the evidence, please contact me immediately.

[If redaction and log/key used] Evidence related to the formal complaint may contain details that cannot be disclosed to the parties or are otherwise precluded from use due to legally recognized and unaltered privilege. The investigator is allowed to eliminate such information and also omit information that is not connected to the allegations.

If you have any questions or issues accessing the attached information, please contact me at your earliest convenience.

Sincerely,

Name/Title IX Investigator

cc: Title IX Coordinator

[TEMPLATE: NOTICE OF OTHER PARTY'S WRITTEN RESPONSE TO THE EVIDENCE]

CONFIDENTIAL

LETTERHEAD

Date

**Delivered Via Electronic Mail**

RE: Notice of Other Party's Written Response to the Evidence

Dear [Complainant/Respondent/Parent or Guardian]:

On [date], both parties were provided an opportunity to review the evidence in the investigation into the complaint into allegations of sex-based discrimination filed on [DATE] and submit any response they would like the investigator to consider prior to completing the Investigative Report. I am enclosing with this letter a copy of the written response to the evidence submitted by the [complainant/respondent]. The investigator will consider this response prior to completing the Investigative Report.

Please contact me at [contact information] if you have any questions. Sincerely,

Title IX Coordinator

[TEMPLATE: NOTICE OF INVESTIGATION REPORT]

**CONFIDENTIAL**

LETTERHEAD

Date

Delivered Via Electronic Mail and First Class Mail

[Complainant's/Respondent's Name/Complainant's/Respondent's Parent or Guardian] [Email Address]

Decision-Maker Name [Email Address]

RE: Notice of Investigative Report

Dear [Complainant/Respondent/Parent or Guardian]:

On [Date], a Complaint was lodged by [insert name of Complainant] against [insert name of Respondent] concerning [Policy]. I am writing to notify you that I have completed the investigation in this matter. Included with this notice is the investigative report, which contains an impartial analysis of the data gathered during the investigation, including statements from both parties as well as any other related evidence.

After review, you have the right to submit a written response to the report. Please send your response to my attention at [Contact Information] by [Date] at [Time]. Your response will be shared with the Title IX Decision-maker, [name of decision-maker], assigned to this Complaint and the Title IX Coordinator.

Should you have any questions, please contact me at [Contact Information] at your earliest convenience.

Sincerely,

[Title IX Investigator]

[TEMPLATE: INVESTIGATIVE REPORT]

**CONFIDENTIAL**

LETTERHEAD

Date

Delivered Via Electronic Mail and First Class Mail

[Complainant's/Respondent's Name/Complainant's/Respondent's Parent or Guardian]  
[Email Address]

Decision-Maker Name  
Email Address

Re: Title IX Sex-based Discrimination Investigative Report – [Complainant] v. [Respondent]

This Report has been compiled as part of an investigation into an alleged incident of sex discrimination in violation of Title IX and Policy \_\_\_\_, as defined in the Complaint. It summarizes the evidence collected throughout the inquiry.

On or around the date of \_\_\_\_, (Name), a (student/staff member) of (District name), submitted a Complaint with the Title IX Coordinator (name). (Name) is responsible for investigating the allegations as outlined below, in accordance with Policy \_\_\_\_: [name] and Title IX regulations contained in 34 C.F.R. Part 106.

This Report is an unbiased document that contains a summary of all relevant evidence obtained in the investigation. Both the Complainant and Respondent were given the opportunity to present their evidence and comment on the evidence collected. All information was then assessed by the investigator(s) prior to the completion of the Report. The parties were allowed a period of ten (10) days to review the evidence and provide a written response before the Report was finalized. These responses were taken into consideration by the investigator(s).

This Report outlines the evidence collected and reviewed throughout the investigation and does not include any conclusions or a determination of responsibility. As stated in Policy \_\_\_\_, this Report and the related evidence will be submitted to an independent and impartial decision-maker to reach conclusions and make a determination of responsibility. On \_\_\_\_\_, the Report was given to the parties and they were provided with (at least 10 days) to respond.

**Jurisdiction**

The District has the legal authority to examine this case in accordance with Policy \_\_\_\_\_

as the Respondent is a [student/staff] of the District and the incident is suggested to have happened in the USA and in a District educational program or activity. If it is true, the reported conduct would be in violation of Policy \_\_\_\_\_, which prohibits sex-based discrimination, including sexual harassment.

### **Allegations Investigated**

- Allegation #1 [set out specific allegations from complaint with dates/timeframe of incidents]
- Allegation #2

#### **Additional Allegations**

[If relevant, list any accusations that came up throughout the inquiry. Note that people involved may become people who report or make a complaint that should be sent to the Title IX Coordinator. Additionally, multiple grievances that originated from the same facts may be combined together.]

[If more complaints are reported, provide the dates and times of the incidents, the person who reported the allegations, the date of referral to the Title IX Coordinator (if applicable), and the date of the written Notice of Additional Allegations issued by the Title IX Coordinator to the parties involved.]

### **Other Applicable School Policies and Code of Conduct Provisions**

This investigation is focused upon the alleged violation of the sex-based harassment policy. There may be other school policies and Code of Conduct provisions that are violated and may be investigated by other school personnel and for which there may be other discipline-related issues.

### **Investigation Timeline**

The Investigation included the following:

- [date] – Alleged incident/s underlying complaint occurred.
- [date] – Complaint filed with Title IX Coordinator [Appendix --]
- [date] – Parties Notified of Complaint of Title IX Sexual Harassment [Appendix--]
- [date] – Notice of Title IX Interview (Complainant/Respondent) [Appendix --]
- [date] – Investigative Interview with Complainant
- [date] – Investigative Interview with Respondent
- [date] – Investigative Interview with Witness (for each witness)
- [date] – Notice of Follow-up Interview with Party [Appendix --]
- [date] – Follow-up Interview with Witness

- [date] – Notice of Directly Related Evidence [Appendix --] (evidence sharing with parties)
- [date] – Complainant responded to Evidence [Appendix --]
- [date] – Respondent responded to Evidence [Appendix --]
- [date] – Investigator(s) reviewed responses to evidence
- [date] – Investigation concluded
- [date] – Investigative Report to Parties

### **Individuals Interviewed with Relevant Information**

1. Complainant Interviews and Submitted Information
  - a. Date(s):
  - b. Location:
  - c. Individuals Present:
  - d. Summary of Interview: [Summarize what was said in the investigative interviews with each party you interviewed. Details that make it into this portion should be relevant to the analysis of the underlying charge].
  - e. Notes/Transcript of Interviews with Complainant are included with Appendix ---, Evidence.
  - f. Relevant Additional Information Provided by Complainant: [List additional information submitted by Complainant – documents, emails, texts, etc. with dates, identification of sender/recipient, and relevance/relationship to allegations. Include all actual documents/records submitted which directly relate to the allegations as attachments in Appendix ---, Evidence.]
2. Respondent Interviews and Submitted Information
  - a. Date(s):
  - b. Location:
  - c. Individuals Present:
  - d. Summary of Interview: [Summarize what was said in the investigative interviews with each party you interviewed. Details that make it into this portion should be relevant to the analysis of the underlying charge].
  - e. Relevant Additional Information Provided by Respondent: [List additional information submitted by Respondent – documents, emails, texts, etc. with dates, identification of sender/recipient, and relevance/relationship to allegations. Include all actual documents/records submitted which directly relate to the allegations as attachments in Appendix ---, Evidence.]
3. Witness Interview with Submitted Information
  - a. Date(s):
  - b. Location:
  - c. Individuals Present:
  - d. Summary of Interview: [Optional – with witnesses you may only want to include the notes/transcript]. [Summarize what was said in the investigative interviews with each party. Details that make it into this portion should be relevant to the analysis of the underlying charge. May want to have a separate paragraph to for each allegation].
  - e. Relevant Additional Information Provided by Witness: [List additional information submitted by

witness – documents, emails, texts, etc. with dates, identification of sender/recipient, and relevance/relationship to allegations. Include all actual documents/records submitted which directly relate to the allegations as attachments in Appendix ---, Evidence.]

Repeat for each witness

4. [Explain any unsuccessful attempts to interview a party and/or witness].

### **Relevant Evidence**

5. List Additional Relevant Evidence Obtained
  - a. The investigator reviewed the following evidence gathered in the investigation:
    - [name of document], [description]
    - [List any additional relevant information gathered such as file inspections, surveillance video, attendance records, any correspondence. Include any/all evidence that directly relates to the allegations in Appendix---, Evidence.]
      - If you have kept an Evidence Log, rather than listing here, you can reference.
6. List Relevant Evidence Sought But Not Obtained

### **Summary of Relevant Evidence**

[Identify all facts and information deemed relevant to the allegation/s in a numbered list. Conflicting assertions should be identified with appropriate description/explanation. May want to organize by allegation].

- 1.
- 2.
- 3.
- 4.

This Report summarizes relevant evidence obtained as a result of a thorough, objective, and impartial investigation, and is submitted this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

Sincerely,

[Name]  
[School/District name] Title IX Investigator

## TITLE IX DECISION MAKER CHECKLIST

**COMPLAINT NO. OR COMPLAINANT NAME:** \_\_\_\_\_

<i>Date Completed</i>	<i>Task</i>
	Receipt of written investigative report. Note 10-day deadline for parties' written, relevant questions that the party wants asked of any party or witness no later than 10 days after receipt of the investigation report. 10-day deadline: _____
	<p>Assess the relevance of submitted written questions (including questions designed to test credibility).</p> <ul style="list-style-type: none"> <li>• If deemed not relevant or excluded, provide written notice to submitting party explaining why.</li> <li>• If relevant, submit questions to investigator copy parties. Advise all parties the investigator will be addressing with the appropriate party.</li> </ul>
	Allow for limited follow-up questions to clarify answers from Parties. The parties have at least __ days but until the conclusion of the process. Ongoing questions cannot draw out the grievance procedures.
	Consider and review all evidence using a preponderance of the evidence standard, including the evidence received during exchange of written questions.
	Complete written Determination of Responsibility.
	Send Complainant(s) and Respondent(s) the final written Determination of Responsibility (and a copy to Title IX Coordinator).
	Provide all records to the Title IX Coordinator for record keeping.

[TEMPLATE: NOTICE OF OPPORTUNITY TO SUBMIT QUESTIONS]

**CONFIDENTIAL**

LETTERHEAD

Date

Delivered Via Electronic Mail

NOTICE TO PARTIES:

RE: Notice of Opportunity to Submit Questions

Dear [Complainant/Respondent/Parent or  
Guardian]:

On [date], you were provided with a copy of the Investigative Report related to the [District]'s investigation under [Policy] into allegations raised in a Complaint filed by [Complainant] against [Respondent].

Pursuant to [Policy], you have an opportunity to submit written, relevant questions that you want asked of any party or witness prior to the written determination regarding responsibility in this matter. Questions about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless offered to prove that someone other than the Respondent committed to conduct alleged in the Complaint or if the questions concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Additionally, you are not permitted to request, and a party is not required to answer, any questions regarding medical records or legally privileged information.

Written questions must be submitted directly to me at [contact information for Decision-maker] within [10] days of your receipt of this letter. Be sure to clearly identify the individual to whom the question should be referred. Upon receipt, I will facilitate exchange with the appropriate parties.

Additional information concerning this process is described in [Policy], which you were provided with the Notice of Allegations you were issued at the outset of this matter, and which you are encouraged to review.

If you have any questions, please contact me at [contact information for Decision-maker] at your earliest convenience.

Sincerely,

[Decision-Maker]

cc: Title IX Coordinator

[TEMPLATE: DETERMINATION OF RESPONSIBILITY]

LETTERHEAD

Date

Delivered Via Electronic Mail and First Class Mail

Re: Determination – [Complainant] v. [Respondent]

This Determination addresses a Complaint alleging sex discrimination [based on sexual harassment] in violation of Title IX of the Education Amendments Act of 1972 (Title IX) and [District Name] [Policy ], as set forth in more detail below. The Complaint was filed by [name of appealing party], on [date], within the timeline prescribed by policy.

**I. Allegations Investigated**

1. [State Allegation #1:]
2. [State Allegation #2]

**II. Compliance with Grievance Procedures**

1. The complaint was received by the Title IX Coordinator on [DATE].
2. The Title IX Coordinator or his/her designee provided written notice of the complaint to both parties on [DATE].
3. The investigator interviewed the following individuals [FROM INVESTIGATION SUMMARY]:
  - a. Complainant: interviewed on [DATE] between [TIME OF INTERVIEW]. Complainant was provided written notice of the date, time, location, participants, and purpose of interview on [Date notice provided]. [IF APPROPRIATE: Complainant’s advisor, [NAME], was present at the interview.] [Repeat as needed for all interviews of Complainant]
  - b. Respondent: interviewed on [DATE] between [TIME OF INTERVIEW]. Respondent was provided written notice of the date, time, location, participants, and purpose of interview on [Date notice provided]. [IF APPROPRIATE: Respondent’s advisor, [NAME], was present at the interview(s).] [Repeat as needed for all interviews of Respondent]
  - c. [NAME of Witness]: interviewed on [DATE] between [TIME OF INTERVIEW].

- d. [Repeat for each witness]
4. The following documentary evidence was gathered as part of the investigation [FROM INVESTIGATION SUMMARY]:
  - a. [Describe each document/email string]. [Identify who gave you the document or where you got it—for example: District server search of emails to or from the parties to one another between DATE and DATE revealed the following relevant communications: [then list each email]].
  - b. [Repeat for each document]
  - c. [Describe each video or audio recording]. [Identify who gave you the evidence or where you got it—for example: District surveillance camera footage from [location] recorded on [Date]].
  - d. Repeat for each item].
5. On [DATE], both parties, and their advisors (if any), received a copy of all evidence gathered during investigation that directly related to the allegations and had ten calendar days to review and submit written responses regarding the relevancy and importance of such evidence.
6. The investigator received a written response to the evidence from Complainant on [DATE] and from Respondent on [DATE].
7. On [DATE], the investigator sent the parties, their advisors (if any), and me the investigation report that summarized the relevant evidence.
8. On [DATE], I sent each party written notification that they could submit written, relevant questions that the party wanted asked of any party or witness no later than 10 days after the date they received the investigation report.
  - a. Complainant's questions:
    - i. On [DATE], I received written questions from Complainant to ask of Respondent. After I determined that the questions were relevant, I provided them to Respondent. I received written answers to the questions on [DATE] and provided the answers to Complainant on [the same date or the date]. [Include ONE of the following statements: Complainant had no follow up questions OR Complainant provided limited follow-up question to clarify Respondent's answers on DATE, to which Respondent provided responses on DATE].
    - ii. On [DATE], I received written questions from Complainant to ask of [NAME OF WITNESS]. After I determined that the questions were relevant, I provided them to [NAME]. I received written answers to the questions on [DATE] and provided the answers to Complainant on [the

same date or the date]. [Include ONE of the following statements: Complainant had no follow up questions OR Complainant provided limited follow-up question to clarify NAME's answers on DATE, to which NAME provided responses on DATE].

b. Respondent's Questions:

- i. On [DATE], I received written questions from Respondent to ask of Complainant. After I determined that the questions were relevant, I provided them to Complainant. I received written answers to the questions on [DATE] and provided the answers to Respondent on [the same date or the date]. [Include ONE of the following statements: Respondent had no follow up questions OR Respondent provided limited follow-up question to clarify Complainant's answers on DATE, to which Complainant provided responses on DATE].
- ii. On [DATE], I received written questions from Respondent to ask of [NAME OF WITNESS]. After I determined that the questions were relevant, I provided them to [NAME]. I received written answers to the questions on [DATE] and provided the answers to Respondent on [the same date or the date]. [Include ONE of the following statements: Respondent had no follow up questions OR Respondent provided limited follow-up question to clarify NAME's answers on DATE, to which NAME provided responses on DATE].

### **III. Standard of Evidence**

Preponderance of the evidence standard is the evidentiary standard used in Title IX cases to determine whether a student has been subject to discrimination or harassment. Under this standard, a finding of sex discrimination must be supported by a preponderance of the evidence, meaning that it is more likely than not that discrimination or harassment occurred. Using a preponderance of the evidence standard, I considered all relevant evidence provided by the investigator and any testimonial evidence obtained during the exchange of written questions to determine whether the Respondent has responsibility for the allegations of sex-based harassment made against [him/her].

Sex-based harassment is conduct on the basis of sex that meets one or more of the following:

1. Quid pro quo conduct;
2. Hostile environment conduct;
3. Sexual Violence.

[IF #3 is at issue, state here the definition of the appropriate term or terms as follows: (if #3 is not implicated, you can omit)]

Sexual assault is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. 20 U.S.C. § 1092(f)(6)(A)(v).

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- the length of the relationship
  - the type of relationship
  - the frequency of interaction between the persons involved in the relationship
- 34 U.S.C. § 12291(a)(10).

Domestic violence is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. 34 U.S.C. § 12291(a)(8).

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. Fear for his or her safety or the safety of others; or
  - B. Suffer substantial emotional distress
- 34 U.S.C. § 12291(a)(30)

A preponderance of the evidence standard weighs to evidence to determine if it is more likely than not that the alleged conduct occurred.

#### IV. Determination

##### A. Allegation 1: [RESTATE ALLEGATION]

Findings of Facts: I have determined the following facts to be relevant, and the facts outlined in **bold** both relevant and substantiated (verified by the evidence).

[IDENTIFY EACH RELEVANT AND SUBSTANTIATED FACT. BOLD FACTS VERIFIED BY THE EVIDENCE (UNDISPUTED FACTS).]

Conclusions as to application of facts to the code of conduct: Governing Board Policy ACAA/Trust Policy Number, Title IX Sexual Harassment, prohibits sexual harassment in its education programs and activities. In addition, Governing Board Policies and Regulations JIC, Student Conduct; JICFB, Harassment of Students; and JK/JK-R, Student Discipline provide that all students are to be treated with respect and to have access to an educational environment that is free of discrimination.

The following conduct, substantiated as a finding of fact above, constitutes prohibited sexual harassment under District policy:

[IDENTIFY ANY CONDUCT SUBSTANTIATED THAT CONSTITUTES SEX-BASED HARASSMENT AND ARTICULATE HOW YOU APPLIED THE RULE TO THE FACTS TO MAKE THIS DETERMINATION].

Determination: based on the above findings of fact and conclusions, I find that Respondent [is/is not] responsible for the alleged conduct under Title IX. [IF IS RESPONSIBLE: and that the conduct constitutes sexual harassment under Title IX.]

[IF RESPONSIBLE UNDER TIX: District discipline policy provides that students who engage in sexual harassment will be subject to disciplinary consequences ranging from [STATE DISCIPLINE RANGE SET OUT IN DISCIPLINE MATRIX]. In the present situation, [IDENTIFY THE CONSEQUENCE. Possible examples:

[IF NOT RESPONSIBLE UNDER TIX: Based on the above finding of fact and conclusions, I was unable to substantiate by a preponderance of the evidence that Respondent's alleged conduct was a violation defined under the [ School District], Title IX Sex-based Harassment Policy AACA. However, Respondent may still be subject to discipline for the alleged conduct under [School District] [Insert policies] and as such, refer this matter back to the District for it to make the determination of whether discipline is appropriate.]

Respondent will be removed from [IDENTIFY ACTIVITY] AND/OR

[Examples: Respondent will receive a nine day out of school suspension for the conduct.

OR

Respondent will receive a ten day short term out of school suspension and will be referred for expulsion. Student will receive all appropriate due process under Governing Board Policy JKE related to expulsion.]

The following remedies will be provided to the Complainant to restore or preserve his/her equal access to the District's education program or activity:

[IDENTIFY REMEDIES ONLY FOR COMPLAINANT'S VERSION OF LETTER]

**B.** Allegation 2: [RESTATE ALLEGATION & REPEAT ABOVE]

## **V. Appeals**

Either party has the right to appeal this determination regarding responsibility. Appeals must be based on one or more of the following:

- Procedural irregularity that affected the outcome of the matter;

- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator(s), or decision-makers(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affect the outcome of the matter.

Requests for appeal must be submitted, in writing, to the Title IX Coordinator no later than ten (10) days after receipt of this determination. The Title IX Coordinator will forward any appeal based on one or more of the allegations set out above to the individual designated to hear the appeal, which will not be the Title IX Coordinator, the investigator, or the decision-maker in this case. The individual hearing the appeal will provide a copy of the appeal request to the non-appealing party and will provide that party an opportunity to submit a written response to the appeal.

The decision of the person hearing the appeal will be final.

Sincerely,

[Name]

[School/District name] Title IX Decision-Maker

## TITLE IX APPEAL CHECKLIST

**COMPLAINT NO. OR COMPLAINANT NAME:** \_\_\_\_\_

<i>Date Completed</i>	<i>Task</i>
	Receipt of appeal and all relevant documents. Written notice of the appeal was provided to the other party and each party was provided ten (10) school days to submit a written statement in support of, or challenging, the outcome. 10-day deadline: _____
	<p>Assess the relevance of submitted written questions (including questions designed to test credibility).</p> <ul style="list-style-type: none"> <li>• If deemed not relevant or excluded, provide written notice to submitting party explaining why.</li> <li>• If relevant, submit questions to investigator copy parties. Advise all parties the investigator will be addressing with the appropriate party.</li> </ul>
	Consider and review all evidence using a preponderance of the evidence standard, including the evidence received during exchange of written questions.
	Complete written Determination of Appeal.
	Send Complainant(s) and Respondent(s) the final written Determination of Responsibility (and a copy to Title IX Coordinator).
	Provide all records to the Title IX Coordinator for record keeping.

[TEMPLATE: NOTICE OF APPEAL OF TITLE IX WRITTEN DETERMINATION]

**CONFIDENTIAL**

LETTERHEAD

Date

Delivered Via Electronic Mail

NOTICE TO PARTIES:

Re: Appeal of Title IX Written Determination

Dear [name]:

On [DATE OF DETERMINATION], [School/District name] issued a written determination regarding the complaint (“the Complaint”) of sexual harassment under Title IX of the Education Amendments of 1972 (“Title IX”) submitted by [COMPLAINANT’S NAME] against [RESPONDENT’S NAME]. Under the [Policy ], any party who objects to the written determination regarding responsibility for allegations of sex-based harassment included in the Complaint filed on [date] can file an appeal to the Title IX Coordinator within ten (10) days from the date of the Written Determination, which expires on [DATE]. The appeal can be submitted either electronically to [insert email address] or in hard copy to [insert address].

Notice of the Appeal must include the following:

1. Name of Appealing Party: \_\_\_\_\_
2. Date Appeal is being submitted: \_\_\_\_\_
3. Ground/s asserted for Appeal (include all that are believed to apply):
  - a. Grounds procedural irregularity that affected the outcome of the matter;
  - b. New evidence that was not available at the time the determination regarding responsibility was made that could affect the outcome of the matter; and
  - c. The Title IX Coordinator, investigator(s), or decision-makers(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

*No right to appeal exists with respect to remedies, sanctions, or for any other reason not set forth above.*

4. A brief statement detailing how the selected ground/s for appeal applies to your situation.
5. Signature of Appealing Party

Any appeal will be reviewed pursuant to the appeal procedures set forth in [Policy ].

Once I determine the appeal meets the requirements of [Policy], I will inform both parties in writing that the appeal has been filed. After the other party is alerted that the appeal has been filed, each side will have ten (10) school days to submit a written statement, either defending or opposing the reason for the appeal. Ten (10) school days after the submission of the written statements from the parties, the individual in charge of the appeal will deliver a written decision that outlines the result of the appeal and their reasoning.

Sincerely,

[Name]

[School/District name] Title IX Coordinator

[TEMPLATE: WRITTEN DETERMINATION ON APPEAL]

**CONFIDENTIAL**

LETTERHEAD

This Appeal Determination addresses an appeal to a Written Determination filed following an investigation into a Formal Complaint alleging sexual harassment in violation of Title IX of the Education Amendments Act of 1972 (Title IX) and [District Name] [Policy ], as set forth in more detail below. The Appeal was filed by [name of appealing party], on [date], within the timeline prescribed by policy for such an appeal.

Pursuant to policy, the appeal was directed to the Title IX Coordinator, [name], and referred to the undersigned, [name of Appeal Decision Maker], as the designated Appeal Decision-Maker. Written notice of the appeal was provided to the other party and each party was provided ten (10) school days to submit a written statement in support of, or challenging, the outcome.

This Appeal Determination was drafted and completed following provision of an equal opportunity for each party to submit written statements and/or evidence in support of, or in opposition to, the appeal. As set forth in policy, this Appeal Determination was reached based upon the preponderance of the evidence.

The Appeal Decision-Maker was provided the following documentation [*for example*]:

- Policy [...]
- Complaint
- Notice of Allegations
- Investigatory Materials
- Complainant Response to Investigatory Materials
- Respondent Response to Investigatory Materials
- Investigation Report (with all evidence)
- Complainant Response to Investigation Report
- Respondent Response to Investigation Report
- Written Determination of Sexual Harassment Complaint
- Notice of Appeal
- Complainant Statement on Appeal
- Respondent Statement on Appeal

**I. Procedural History**

*[Summary of procedural steps taken from the date of the Written Determination through the date of the Appeal Determination. You may want to include the entire procedural history, which should be set forth in the Written Determination and add the following:]*

- Issuance of Written Determination  
Date/Mode of Delivery

Sender  
Recipients

- Filing of Appeal by Appealing Party  
Date/Mode of Delivery
- Notice of Appeal to Parties  
Date/Mode of Delivery
- Submission of Written Statement and/or Evidence by Appealing Party  
Date/Mode of Delivery
- Submission of Written Statement and/or Evidence by Responding Party  
Date/Mode of Delivery

## **II. Basis for Appeal**

In accordance with Policy [...]: Sex-based Harassment and the Title IX Regulations published at 34 C.F.R. Part 106, an appeal of the Written Determination of Responsibility for Title IX Sexual Harassment may be brought on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator (s), or decision-makers(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The Appealing Party bases its appeal on \_\_\_\_\_. [Discuss whether the Appealing Party has adequately stated or identified one of the grounds permitting an appeal, including a brief rationale why or why/not].

## **III. Asserted Reasons for Appeal**

[Describe the reasons for the Appellant's appeal as included within Appellant's appeal and supporting statement. Briefly summarize any supporting arguments and list any evidence submitted in support thereof. You may want to include a numbered list of the reasons for appeal. Describe the responding party's arguments in opposition to the appeal and list any evidence submitted in support of the responding party's written statement.]

## **IV. Determination of Appeal**

In accordance with Policy [] and the Title IX Regulations, after addressing the adequacy of the grounds asserted for appeal, you must next address whether the Appeal Party has established, or

proven, one of the bases asserted in support of the appeal and whether the Written Determination should be modified as a result.

- [State outcome as either being granted or denied. Discuss the arguments from both parties and provide rationale for the outcome for each bases found to be adequate and sufficient in section II above. Include a discussion of any new evidence submitted and each party's arguments].
- [Discuss whether any modification of the Written Determination is necessary and/or justified as a result of the outcome reached above and describe in detail what aspects will be modified – i.e. Disciplinary sanctions, remedies, etc.].

This Appeal Determination is the result of an objective and impartial review of the Appeal, the Written Determination, and the submissions of the parties.

Submitted this \_\_ day of \_\_, 20\_\_.

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[Name of Appeal Decision-Maker]

