

Title IX Determination of Responsibility – Sexual Harassment Decision

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex in educational institutions that receive federal financial assistance. This decision must be issued simultaneously to the Complainant and Respondent.

CASE INFORMATION *(Please Print)*

Case Number: _____

Complainant: _____ Campus: _____

Respondent: _____ Campus: _____

Type of Complaint:

Discrimination based on: *(Check all that apply)*

- Sexual Harassment Sexual Assault Gender Based Harassment Dating Violence
 Stalking Retaliation Cyber Bullying Other

Nature of Allegations:

- A school employee conditioning an educational benefit or service upon a student's participation in sexual conduct
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education programs or activities
- Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a))

Specific Allegations

Identify the allegations potentially constituting sexual harassment: _____

Procedural Steps

Describe the procedural steps taken from the receipt of the Formal Complaint to date:

- A report of alleged sexual harassment was received by the campus/Title IX Coordinator's office on **[date]**
- The alleged victim was contacted by the Title IX Coordinator's office and provided with information about the grievance process and supportive measures
- A Formal Complaint was filed on **[date]**

- The Title IX Coordinator provided the Complainant and Respondent with written notice of their rights in the grievance process and information about the availability of supportive measures.
- Campus administration and the Title IX Coordinator made a determination regarding Emergency Removal of the Respondent. **[or]** The Title IX Coordinator and Human Resources made a determination regarding Administrative Leave for the Respondent.
- The Title IX Coordinator appointed the undersigned to investigate the Formal Complaint. Investigator.
- The Investigator reviewed the Formal Complaint and relevant district policy and student code of conduct provisions beginning **[date]**.
- The Investigator sent written notice of interviews and right to an advisor on **[date]**.
- The Investigator interviewed the Complainant on **[date]**.
- The Investigator interviewed witnesses provided by Complainant on **[dates]**.
- The Investigator interviewed the Respondent on **[date]**.
- The Investigator interviewed witnesses provided by the Respondent on **[dates]**.
- The Investigator **[add other steps taken during investigation—review of physical evidence, location]**.
- The parties were given the opportunity to submit evidence, which was reviewed by the Investigator.
- The Investigator completed secondary interviews with Complainants, witnesses, additional witnesses, or Respondent.
- The parties were given the opportunity to inspect and review evidence and submit a written response.
- The parties did/did not submit written responses that were considered by the Investigator.

Summary of Evidence and Findings of Facts

- I. Factual information about the parties
- II. The allegations in the Formal Complaint
- III. Timeline/dates
- IV. Relevant sections of board policy and the student of code of conduct
- V. Whether a CPS report was necessary
- VI. Whether there is a related criminal/juvenile investigation
- VII. Evidence from witnesses
- VIII. Physical or other evidence
- IX. Consideration of written responses to draft investigative report.

Conclusion regarding the Code of Conduct and Rationale

Based on a preponderance of the evidence *[or beyond a reasonable doubt, depending on the burden of proof selected by the district in its regulations]*, it is determined that:

- I. Allegation 1 [Fully listed]
 - a. The Respondent has been determined to have/have not engaged in sexual harassment or other prohibited conduct under the district's FFH policy and/or student code of conduct....

- b. The reasoning for the finding. . .
- II. Allegation 2 [Fully listed]
 - a. The Respondent has been determined to have/have not engaged in sexual harassment or other prohibited conduct under the district's FFH policy and/or student code of conduct....
 - b. The reasoning for the finding. . .
- III. Allegation 3 [Fully listed]
 - a. The Respondent has been determined to have/have not engaged in sexual harassment or other prohibited conduct under the district's FFH policy and/or student code of conduct....
 - b. The reasoning for the finding. . .

Remedies Provided

Disciplinary Sanctions

The following disciplinary sanctions are to be imposed upon the Respondent:

- Sanction 1
- Sanction 2
- Etc.

Supportive Measures to Complaint:

(Select only those that apply and provide details. Delete the options below that will not be implemented.)

- Counseling of students regarding appropriate behavior expectations
- Review of district and code of conduct expectations with students by administrator
- Change of class schedule/lunch schedule/locker location
- Campus/class escort
- Increased school monitoring of [location] for [time period e.g., next 9 weeks]
- School counseling
- Stay away agreement/No contact directives
- Limitation on extracurricular activities
- Training
- Change of work schedule
- Other: _____

Supportive Measures to Respondent:

(Select only those that apply and provide details. Delete the options below that will not be implemented.)

- Counseling of students regarding appropriate behavior expectations
- Review of district and code of conduct expectations with students by administrator
- Change of class schedule/lunch schedule/locker location
- Campus/class escort
- Increased school monitoring of [location] for [time period e.g., next 9 weeks]
- School counseling
- Stay away agreement/No contact directives
- Limitation on extracurricular activities

- Training
- Change of work schedule/reassignment
- Other: _____

The remedies and measures listed above are designed to restore or preserve equal access to the district's educational programs.

Appeal

Either party may appeal this determination of responsibility on a form provided by the District **within 10 calendar days** of issuance of this decision. The only allowable bases for appeal are:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the decision that could affect the outcome; and
3. The Title IX Coordinator, Investigator(s), or Decision Maker has a conflict of interest or bias for or against Complainants or Respondents.

[Name]

Date

Title IX Decision Maker

cc: Title IX Coordinator