



Title IX
TITLE IX INVESTIGATION STEPS

- Actual Notice:** If any employee of the district has notice of conduct that may violate Title IX's prohibition against sexual harassment, report it to the Title IX Compliance Officer and building principal.
 - When a district has notice of possible sexual harassment, the school must take a different path than any other (i.e., non-sexual harassment) disciplinary incidents.
 - The principal should only take the initial statement, notify the Title IX Coordinator, offer supportive measures.

- Initial Discussion/Supportive Measures:** Title IX Compliance Officer contacts the complainant (i.e., the individual alleged to be the victim of harassment) and:
 - A. offers supportive measures, and
 - B. Explains how to file a formal complaint.
 - C. Document what supportive measures were taken or denial of supportive measures by parents.
 - D. Take non-disciplinary steps to ensure conduct does not continue and both parties are safe. Do not Discipline yet.

- Law Enforcement/DHS/State Dept. of Education Referral:** Does the allegation require a law enforcement, DHS referral and/or State Department of Education Report?
 - If the allegations could constitute a crime or child abuse, immediately contact law enforcement and/or DHS.

- Formal Complaint: To proceed under Title IX, a formal complaint must be submitted by the complainant or the Title IX Compliance Officer?**
 - Formal Complaint - Written Notice
 - Signed by either the complainant (definition limited to the alleged victim), the complainant's parents or the Title IX Coordinator.
 - Alleges sexual harassment against a respondent.
 - Requesting an investigation.

- A formal complaint may be filed:
 - In person
 - By mail
 - Email
 - An additional method designated by the recipient
- No Formal Complaint
 - Provide supportive measures if alleged conduct covered under Title IX.
 - Title IX Coordinator may initiate Title IX complaint.
 - If alleged conduct would not be covered under Title IX, address under student code of conduct.
- Supportive Measures:** The Title IX Compliance Officer determines whether supportive measures are necessary for both parties.
- Jurisdictional Determination:** Determine whether the district has jurisdiction over the subject matter, the people, and the place, event or activity at which the conduct allegedly occurred.
- Assign Investigator:** If the district has jurisdiction, assign an employee to investigate the Allegations.
- Informal Resolution:** If the district offers an informal resolution process, determine whether it is appropriate in the matter being investigated. (Informal resolution is not appropriate if the respondent is an employee of the district.)
- Notice to Parties:** Provide written notice to parties that meets the requirements of 34 C.F.R. 106.45(b)(2).
- Emergency Removal:** Before an emergency removal, the district must perform an individualized risk analysis, determine that an immediate threat to the health or safety of students or employees justifies removal, and provide the respondent with notice and an opportunity to challenge the decision immediately following removal.
- Notice of Interviews:** Provide notice of interviews that provides the date, time, place and purpose.
- Interviews:** Interview the complainant and respondent, and any witnesses that may have relevant information to contribute.

- Evidence:** Obtain any evidence that will help the district make a determination (e.g., text messages, emails, social media posts, surveillance video, medical documentation, etc.). **This should begin after notice of the possible conduct and continue throughout the Investigation.**

- Opportunity to Inspect:** Prior to completion of the investigatory report, provide all evidence directly related to the allegation(s) to both parties and their advisors in electronic or hard copy format, and allow both parties ten (10) days to provide a written response. These responses must be considered before finalizing the investigatory report.

- Report:** Write a report that contains all relevant evidence and analyzes the issues under investigation. Witness statements, interview notes and other evidence should be attached as exhibits.

- Submit Report to Parties:** The report must be submitted to the parties and their advisors, and they must be given at least ten (10) days to review and provide written responses. Review the responses and determine whether any aspect of the responses should be added to the report.

- Submit Report to Decision-Maker:** The final report must be submitted to the decision-maker.

- Live Hearing (optional):** Determine whether a live hearing should be held.

- Follow-up Questions:** With or without a live hearing, the decision maker must ask each party and any witnesses any relevant questions and follow-up questions, including that challenging credibility, that a party wants asked of any party or witnesses.
 - Afford each party the opportunity to submit written questions;
 - Provide each party with the answers: and
 - Allow for additional, limited follow-up questions from each party.

- Outcome Letter:** Send a written notice of the determination, that complies with 34 C.F.R. 106.45(b)(7), to both parties.

- Appeal:** Ensure that the parties are aware of their rights to appeal the final determination. If an appeal is filed, follow the steps in district policy.