



Title IX Formal Process

Designate

- **Investigator** (cannot be decision maker but could be the Title IX Coordinator)
 - investigates following best practices and policy
- **Decision Maker** (cannot be the Title IX Coordinator)
 - reviews all evidence
 - cannot be the person who received the formal complaint
 - cannot be the investigator
 - may not issue determination until the report has been circulated to all parties for 10 days

Notice of Formal Complaint to Both Parties

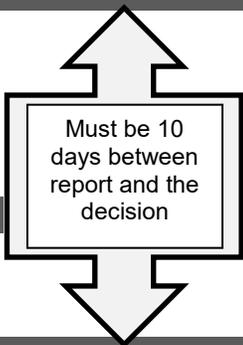
- The written notice to the parties (email is fine) must include:
 - the allegations of harassment
 - statement that the respondent is presumed NOT responsible for the alleged conduct until a determination is made at the conclusion of the grievance process
 - inform parties that they may have an advisor of their choice (may or may not be a lawyer)
 - inform of policy/student code of conduct that prohibits knowingly making false statements/submitting false information during an investigation

Formal Investigation Done by Investigator

- generate witness and evidence list
- give all parties advanced notice, in writing, of interview
- both parties must have equal opportunities to inspect and review the evidence obtained
- parties must be allowed to submit written questions to be provided to the other party
- parents and advisor must be allowed to be present

Formal Investigation Done by Investigator

- give written report to both parties
- do NOT reach a conclusion
- summary of evidence and facts
- remove names instead using "witness one" or "student one"



Parties May Submit Questions

- parents, student, or advisor may request and submit follow up questions to be asked of any involved party
- may provide additional evidence (must be shared with all parties)

Decision

- can only be made by the designated decision maker
- cannot be made by the Title IX Coordinator
- can only be made after the 10-day review period

Written Decision

- must include identification of harassment allegations
- descriptions of steps the school took including notifications to parties, evidence gathering, methods, etc.
- conclusion and statement of rationale including any disciplinary action and remedies
- address how remedies will restore or preserve equal access
- explanation of the district's procedures for appeal (deadline for appeal)
- must be sent to both parties simultaneously

Appeal

- designate an appeal decision maker (cannot be original decision maker)
- notify parties in writing of the appeal and their right to submit statements supporting or challenging the outcome
- the Appeal Decision Maker reviews statements and evidence and simultaneously issues a written FINAL decision