

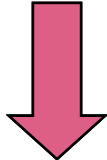
The New Title IX Investigative Process

START

Any school employee has actual knowledge of harassment **OR** there is a written complaint filed with Title IX Coordinator (Coordinator) **OR** there is an oral complaint made to Coordinator.

Supportive measures are offered AND implemented by Coordinator.

Coordinator gives both parties **written notice** of the allegations and the grievance process and an equal opportunity to select an advisor.



Coordinator or investigator provide each party copies of all evidence. The Parties have **ten days** to respond in writing.

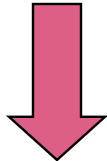
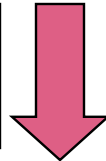
Coordinator or investigator either uses the **preponderance of the evidence** standard or the **clear and convincing evidence** standard. They must use the **same** standard for complaints against students as for complaints against employees.

Coordinator or other investigator **conducts an investigation**. That individual objectively evaluates all relevant evidence without prejudgment of the facts at issue. The individual applies a **presumption of innocence** to the respondent.

Parties must be offered the ability to participate in an interview or proceeding with counsel or an advisor. K-12 schools do not need to hold a hearing, but parties may submit written questions for other party and witnesses to answer.

All inculpatory or exculpatory evidence is presented. The Coordinator or investigator must protect all complainants from inappropriately being asked about prior sexual history ("rape shield" protections).

The Coordinator or investigator prepares an **investigative report** and issues it to **both** of the parties.



The Coordinator must effectively implement remedies and supportive measures for a complainant if a respondent is found responsible for sexual harassment.

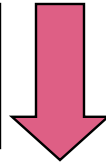
A written determination is issued explaining **how and why** conclusions were reached. Schools must ensure the decision-maker is **not the same person** as the investigator or the Coordinator (no "single investigator models").

Both parties must be offered the opportunity to submit further written and relevant questions for the other party or witnesses to answer. Once the submitting party receives answers they can then submit limited follow-up questions.

Both parties must be offered an **equal opportunity** to appeal. They may appeal to a person other than the Coordinator, decision-maker, or investigator, for limited reasons.

Coordinator must protect any individual, including complainants, respondents, and witnesses from retaliation for reporting harassment or participating (or refusing to participate) in any grievance process.

Coordinator must document and keep records of complaint and investigation for **seven (7) years**.



FINISH

At any point during the grievance process, an optional informal resolution process may be offered. The parties' voluntary, written consent must be obtained before any kind of informal resolution process, such as mediation or restorative justice. Further, an informal process may **not** be utilized where an employee allegedly sexually harassed a student.

A written dismissal of some or all of the allegations may be issued if the conduct alleged would not constitute sexual harassment even if proved, the conduct did not occur in the LEA's education program or activity, the complainant withdraws the complaint in writing, the respondent is no longer employed or participating in the LEA's program or activities, or specific circumstances prevent gathering sufficient evidence.