

Appendix GP to Policy No. 246, 346, 446, 546 – Attachments A-J

Attachment A

Designation of Title IX Coordinator and Contact Information

Title IX Coordinator	Megan Shafer
Office Address	301 E. Montgomery Ave., Ardmore, PA 19003
Email	shaferm@lmsd.org
Telephone Number	610-645-1928

Lower Merion School District is committed to complying fully with all Federal and state laws banning discrimination on the basis of gender, sexual orientation, gender identity/expression with regard to instructional programs, extracurricular activities, and employment practices. Any person who believes themselves to be a victim of sex discrimination by the School District should contact the Title IX Coordinator.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- A. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- B. 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 program or activity; or
- C. Sexual assault, dating violence, domestic violence, or stalking.

Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Dating violence means violence committed by a person:

- A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.

Domestic violence includes 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.

Stalking means 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.

- The parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
- The parties may inspect and review evidence as provided in the Grievance Process.
- The District's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the Grievance Process.
- If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in this notice, the District must provide notice of the additional allegations to the parties whose identities are known.

Title IX Coordinator

Enclosure: Title IX Grievance Process

Attachment D

Dismissal of Formal Complaint of Sexual Harassment under Title IX

Complaint No. _____

Date: _____

To all parties and advisors:

This Formal Complaint is dismissed for the following reason(s) checked below:

- The complainant has notified the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein.
- The conduct alleged in the formal complaint would not constitute sexual harassment as defined above even if proved.
- The conduct alleged did not occur in the District's education program or activity.
- The respondent is no longer enrolled or employed by the District.
- Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. List details:

A dismissal does not preclude action under another provision of the District's code of conduct.

Please refer to the enclosed Grievance Process for rights to appeal this dismissal.

Title IX Coordinator
Enclosure: Title IX Grievance Process

Attachment E

Notice of Investigative Interview, Hearing or Other Meeting

Complaint No. _____

Date: _____

The following meeting has been scheduled in connection with the above referenced complaint:

Type of meeting (check whichever applies):

Investigative Interview

Hearing

Other meeting (specify): _____

Date and Time of meeting:

Location of meeting: _____

Date of notice: _____

Each party has an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

By: _____

Title: _____

Cc: Title IX Coordinator
Complainant advisor, if any
Respondent advisor, if any

Attachment F

Investigator Disclosure of Evidence

Complaint No. _____

Date: _____

To all parties:

I enclose any and all evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Each party has 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

By: _____
Investigator

Cc: Title IX Coordinator
Complainant advisor, if any
Respondent advisor, if any

By: _____
Investigator

Enclosure: Title IX Grievance Process

Please refer to the enclosed Grievance Process for rights to appeal this dismissal. The permissible bases for appeal are:

- 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.
- 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.

By: _____
Decision-maker

Enclosure: Title IX Grievance Process

Attachment I

Notification of Appeal of Final Determination.

Complaint No. _____

Date: _____

To all parties and advisors:

This is to notify you that an appeal has been filed by Complainant Respondent

The bases for the appeal is/are:

Procedural irregularity that affected the outcome of the matter. The specific procedural irregularities are:

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. The New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made is:

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. The specific conflict of interest:

Be advised that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

Each party may submit a written statement in support of, or challenging, the outcome within 10 days of the date of this notice by submitting at the address below.

By: _____
Appeal decision-maker
[insert contact information]

Enclosure: Title IX Grievance Process

Attachment J

Notification Regarding Facilitated Informal Resolution

Complaint No. _____

Date: _____

To all parties and advisors:

The District may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the District may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the District:

- (i) Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that 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 that will be maintained or could be shared;
- (ii) Obtains the parties' voluntary, written consent to the informal resolution process; and
- (iii) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

The allegations are:
