

**RICHMOND PUBLIC SCHOOLS**  
**TITLE IX ADMINISTRATIVE PROCEDURES**

**Introduction**

The following administrative procedures are to be followed in instances when receiving a complaint of student-on-student or other sexual violence and/or harassment. At all times, students should be encouraged to report all instances of student-on-student or other sexual violence and/or harassment to a trusted adult.

These procedures support School Board Policy 8-1.3 – “*Sexual Harassment*”/ Harassment Based on Race, National Origin, Disability and Religion and federal Title IX requirements. If there is any conflict between these procedures and School Board Policy 8-1.3, School Board policy should be followed. [Please see Attachment A]

**Receipt of Complaint**

1. If the initial report is not made to the principal of the school building, the principal must be notified immediately;
2. The principal or administrative designee(s) must take the following steps upon receipt of a complaint:
  - a. Report the receipt of the complaint to the following School Division officials in writing within twenty-four (24) hours of receiving the complaint by:
    - i. Immediately completing the **Administrative Investigation Form**; Principals only complete pages one (1) and two (2) of the form.
    - ii. Principals are to send notification of the complaint along with pages one (1) and two (2) of the **Administrative Investigation Form** via email to [titleixreferrals@rvaschools.net](mailto:titleixreferrals@rvaschools.net). **Principals are to use the sample correspondence format provided on page two (2) of the Administrative Investigation Form when submitting notification of the complaint via email.**
  - b. Call Richmond Police Department (RPD) immediately if the act constitutes a crime; if the complaint does not constitute an eminent threat to a student, staff or school, contact RPS Safety and Security;
  - c. Take steps prior to the next regularly scheduled school day to ensure the safety of the complainant (victim) while still allowing the complainant to access his or her education;
  - d. The investigation will be conducted by the Title IX Response Team, which may be wholly or partially include personnel from the School Division’s Office of Safety and Security and/or the Office of Family and Community Engagement (FACE). **The investigation should be completed within ten (10) days of the receipt of the complaint. Circumstances preventing completion within 10 days should be documented and the Title IX Coordinator should be immediately notified via email at [title.ix.coordinator@rvaschools.net](mailto:title.ix.coordinator@rvaschools.net).**

**Complaints**

1. Complaints do not have to be in writing for an investigation into the allegations to begin; nor must the formal complaint form offered by the

School Division for the reporting of such complaints be used for an investigation into the allegations to begin. If the complaint is reported to the Principal verbally, the principal must reduce the Complaint to writing within twenty-four (24) hours;

## **Procedures for Safety and Security/Family and Community Engagement (FACE) Upon Receipt of Complaint**

### **Title IX Response Team**

The Title IX Referrals designee/point-of-contact will communicate with the Principal to discuss the next steps and will determine if the Title IX Response Team will be dispatched. If the Title IX Response Team is dispatched, the team will complete the Title IX investigation. The Title IX Response Team will consist of no more than six (6) people and will be comprised of personnel from the School Division's Office of Safety and Security and/or the Office of Family and Community Engagement (FACE). It is expected that school administration, school staff, the complainant (victim), and the respondent (aggressor) cooperate with members of the Response Team during the course of the investigation.

### **Investigation**

The investigation into a Title IX complaint will be completed by the Title IX Response Team. The investigation should be completed within ten (10) days of the receipt of the complaint by the Response Team. The Response Team will complete Section II (pages 3-7) of the Administrative Investigation Form.

1. The investigation should attempt to gather the following information:
  - a. Whether the incident occurred;
  - b. The nature of the behavior;
  - c. How often the behavior occurred;
  - d. Whether there were past incidents or past continuing patterns of behavior;
  - e. The relationship between the parties involved;
  - f. The sex and age of the complainant and the respondent;
  - g. The identity of the respondent, including whether the respondent was in a position of power over the student;
  - h. The number of students involved in the incident;
  - i. The age of the respondent;
  - j. Where the behavior occurred;
  - k. Whether there have been other incidents in the school or at school related events involving the same or other students;
  - l. Whether the conduct has adversely, or continues to adversely affect the student's education or educational environment; and
  - m. The context in which the alleged incidents occurred.
2. All witnesses to the incidents that led to the complaint, as well as the complainant and the respondent, are to be interviewed. If either the complainant or the respondent wish to have his or her parent(s) and/or an attorney present, the other party must be able to have the same parties present at the time of his or her interview. Witnesses are not permitted to have an attorney present, but may have a parent present during the interview.
3. Witnesses may refuse to be interviewed. However, the person conducting the

investigation must attempt to the interview the witness at least two (2) times prior to abandoning attempts to interview the witness. Attempts to interview witnesses must be documented in writing.

4. The person(s) conducting the investigation may have access to any and all documents and any other information that may be relevant to the particular allegations, including the educational records of those involved as the complaint(s), respondent(s), and/or witness(es).
5. Police should not be present during the investigation unless the federal and state laws regarding the privacy of student information has been followed.
6. Upon the conclusion of the investigation, the Response Team shall issue a written report regarding the results of the investigation. Investigation reports should be in summary format and attempts should be made to protect the confidentiality of student records, and the identity of witnesses. The signatures of all members of the Response Team should be on the submitted report.
7. The Response Team's duty to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded. Upon completion of the investigation, the Response Team shall submit the completed Administrative Investigation Form (all pages should be submitted) via electronic mail to: [titleixreferrals@rvaschools.net](mailto:titleixreferrals@rvaschools.net). The Title IX Referrals designee will perform quality control by ensuring that all documentation has been received as a complete packet prior to submitting it to the Title IX Coordinator. The Title IX Referrals designee shall submit the complete report to the Title IX Coordinator at [title.ix.coordinator@rvaschools.net](mailto:title.ix.coordinator@rvaschools.net).
8. The Title IX Coordinator will make the decision as to whether there has been an instance of sexual violence and/or sexual harassment under Title IX based on the facts of the investigation and the summary report issued by the investigator. The Title IX Coordinator will issue his or her findings in writing and this decision, along with the results of the investigation report, shall be transmitted to both the complainant and the respondent simultaneously.

## Appeals

1. The decision of the Title IX Coordinator may be appealed by either party **in writing** within seven (7) calendar days of the receipt of the decision. **Oral appeals and appeals submitted by fax will not be accepted.** Appeals should be forwarded to:

Richmond Public Schools  
Title IX Officer  
301 North Ninth Street, 17th Floor  
Richmond, VA 23219

Appeals may either be mailed or sent by electronic mail to [title.ix.coordinator@rvaschools.net](mailto:title.ix.coordinator@rvaschools.net).

2. Appeals will be considered by a committee chaired by either the Associate Superintendent of Academic Services/Chief Academic Officer or the Assistant Superintendent of Exceptional Education and Student Services or the Director of Student Services. Each appeal committee will consist of the following:
  - a. An Assistant Superintendent of Schools<sup>1</sup>;
  - b. The Chief of Safety and Security or his or her designee (**only** senior staff such as a “white shirt” officer). If the Chief had direct involvement in investigating the underlying complaint, an alternate senior staff member must be the one that serves on the appeal committee in his or her place. Additionally, a member of the Response Team cannot serve on the appeal committee;
  - c. The Director of the Exceptional Education Office or his or her designee (**only** those in the position of coordinator<sup>1</sup>). If the Director had direct involvement in investigating the underlying complaint, his or her designee must be the one that serves on the appeal committee in his or her place. Additionally, a member of the Response Team cannot serve on the appeal committee;
3. Appeals shall be decided within thirty (30) days of the receipt of the appeal.
4. Appeals shall be decided upon a review of the record submitted by the investigator. No additional statements, documents, and/or information can be submitted or will be considered upon appeal.
5. Any disciplinary measures imposed on the respondent(s) and any interim measures put in place to protect the complainant will remain in effect during the pendency of the appeal.

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## **Discipline**

1. If discipline is going to be imposed on the respondent based on the results of the investigation, the School Division must begin the discipline process in the timelines required by federal and state laws and regulations, but in any case, no later than ten (10) days after the issuance of the report.
2. If the discipline process is commenced, discipline shall be in accordance with what is allowed by federal and state law as well as School Board policy and the Student Code of Responsible Ethics. Appropriate actions may include, but are not limited to, counseling, awareness training, parent-teacher conferences, warning, suspension, exclusion, expulsion, transfer, or remediation.
3. Discipline may and can be imposed on the respondent in addition to any remedial measures taken to ensure the safety of the Complainant and the Complainant’s access to education (e.g. changing the perpetrator’s class schedule, school, and/or bus route);

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<sup>1</sup> An Instructional Specialist may be substituted for a coordinator, with written permission from the Director of Exceptional Education, only in limited circumstances, if there is not any coordinator available to serve on the committee in the time frame the appeal is to be considered. Limited circumstances include extended medical leave or illness and/or vacancy in two (2) out of the three (3) coordinator positions.

4. If the investigation reveals that the complainant made a false allegation, disciplinary procedures maybe imposed on the complainant. Appropriate discipline for reporting a false claim may include, but are not limited to, counseling, awareness training, parent-teacher conferences, warning, suspension, exclusion, expulsion, transfer, or remediation.

### **Confidentiality**

1. Anyone who reports an incident to be investigated under Title IX must report the names of the alleged complainant(s) and respondents(s), as well as any relevant facts known to the reporter at the time of the report;
2. The student involved in the making of the report must be told the following by a member of the Response Team:
  - a. The student has the option to keep his or her identity confidential and that the request will be considered by the Title IX Coordinator;
  - b. The Title IX Coordinator will make every effort to respect the request for confidentiality;
  - c. The Title IX Coordinator must evaluate the request in light of the school's responsibility for providing a safe and non-discriminatory environment for all students;
  - d. Honoring the request may limit the School Division's ability to fully investigate the incident, protect the complainant, and/or discipline the respondent(s).
  - e. Information will only be shared with those handling the response to the complaint;
  - f. The complainant will be notified if his or her identity must be disclosed to the respondent.

<sup>1</sup> *It is expected that if the appeal arises from a school that the Assistant Superintendent supervises, he or she will sit on that committee.*