



Title IX Training Materials



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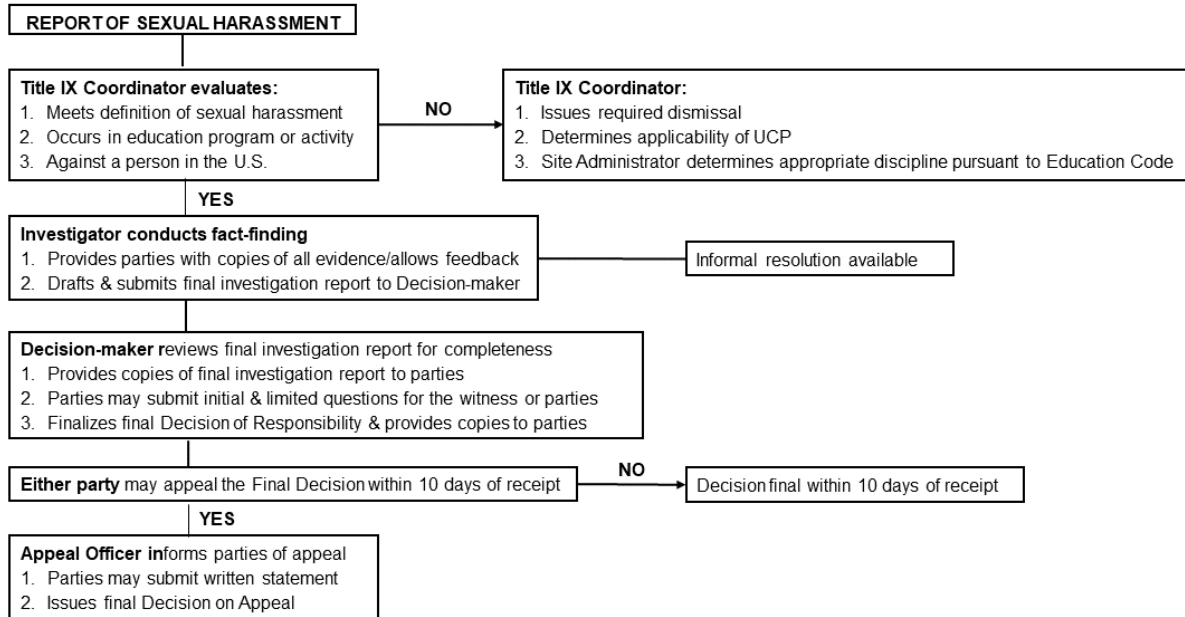
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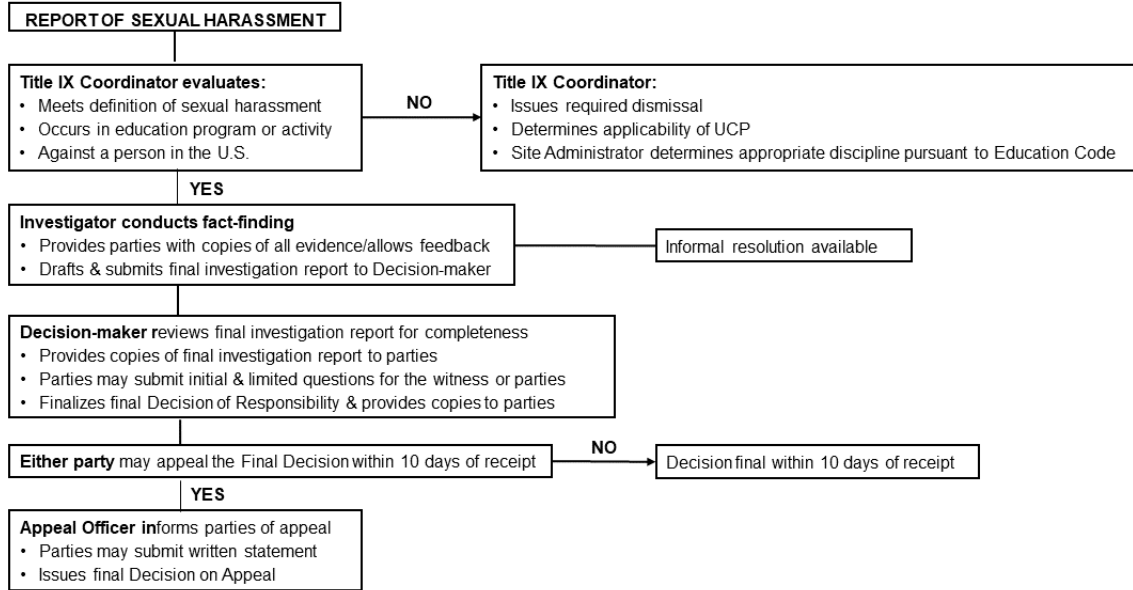
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TITLE IX GRIEVANCE PROCESS FLOW CHART



TITLE IX GRIEVANCE PROCESS FLOW CHART



TITLE IX SEXUAL HARASSMENT COMPLAINT

This form is to make a formal complaint because of sexual harassment as defined in federal regulations (34 C.F.R. §106.30) issued under Title IX of the Education Amendments of 1972 (20 U.S.C. §§1681-1688) which includes the following:

1. A school employee conditioning the provision of an aid, benefit, or service on participation in unwelcome sexual conduct.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to GHC's education program or activity.
3. Sexual assault, dating violence, domestic violence, or stalking as defined in federal law (20 U.S.C. §1092 or 34 U.S.C. §12291).

All other sexual harassment complaints shall be investigated and responded to pursuant to GHC's Uniform Complaint Procedures.

Name of Complainant _____

Mobile Phone Number _____ **Alternate Phone Number** _____

Email Address _____

Name(s) of Respondent(s) _____

Contact information (if known) _____

What happened (be as detailed as possible)? (use a separate sheet if you need more room)

Where did the incident happen? _____

When did the incident happen (date and time) _____

Who saw what happened? _____

What contact information do you have for those who saw what happened? (please identify each person and then provide their contact information) _____

I declare that the above information is true and correct.

_____ **Date:** _____
Complainant's (or Coordinator's) Signature

DATE RECEIVED: _____

TITLE IX COORDINATOR PROCEDURES CHECKLIST

The Title IX Coordinator does the following upon receiving a report of sexual harassment from the victim or some other source:

- _____ Inform the Complainant/Victim of the process to file a formal complaint.

- _____ Determine from the Complaint if the incident was in fact sexual harassment as defined in Title IX. If not a Title IX violation, advise the complainant of the Uniform Complaint Procedures.

- _____ Determine if the Complaint should be dismissed under Title IX regulations and, if so, dismiss and give written notice to the parties.

- _____ If applicable, sign a document initiating a Title IX Investigation.

- _____ Discuss the availability of supportive measures with the victim which are nondisciplinary, nonpunitive, and do not burden the alleged perpetrator while considering the victim's wishes.

- _____ Consider an emergency removal of the respondent.

- _____ Give notice of allegations to the parties with all the elements required by the Title IX regulations.

- _____ Assign Investigator, Decision Maker, Informal Resolution Facilitator, if applicable, Appeal Decision Maker, if applicable.

- _____ Responsible for effective implementation of remedies.

DETERMINATION IF A TITLE IX VIOLATION HAS OCCURRED

After receiving a report of sexual harassment, the Title IX Coordinator's first step to determine if the incident fits one of more of the Title IX definitions:

"SEXUAL HARASSMENT" means conduct on the basis of sex that satisfies one or more of the following:

1. A school employee is conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct;
2. 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 school's education program or activity;
3. **"Sexual assault"** defined under 34 U.S.C. §1092(f)(6)(v) as "an offense classified as a forcible or nonforcible sex offense under the uniform reporting system of the Federal Bureau of Investigation." The offenses under this category are "any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent" including the following:
 - a) **"Fondling"**—the touching of the private body arts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity;
 - b) **"Incest"**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
 - c) **"Statutory rape"**—Sexual intercourse with a person who is under the age of consent;
 - d) **"Rape"**—The penetration, no matter how slight, of the vagina or anus with any body part of object, or oral penetration by a sex organ of another person, without the consent of the victim."
4. **"Dating Violence"** defined under 34 U.S.C. §12291(a)(10) as "violence committed by a person—
 - a) Who is or has been in a social relationship or 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.”

5. **“Domestic Violence”** defined under 34 U.S.C. §12291(a)(8) as “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 . . . , or by any other person against an adult or youth victim who is protected from the person’s acts under the domestic or family violence laws of the jurisdiction.”
6. **“Stalking”** defined under 34 U.S.C. §12291(a)(30) as “engaging in a course of conduct directed at a specific person that would cause of reasonable person to-
 - a) Fear for his or her safety or the safety of others; or
 - b) Suffer substantial emotional distress.”

FINDING THE ALLEGATIONS CONSTITUTE SEXUAL HARASSMENT UNDER TITLE IX

After reviewing the report of sexual harassment, if the Title IX Coordinator concludes the alleged offense is included within the Title IX definitions, the Coordinator must next determine that the sexual harassment occurred in an educational program or activity of the district and that the conduct was against a person in the United States. If all the criteria are met, the Title IX Coordinator then informs the victim of the process to file a formal complaint. Should the victim not wish to file a complaint, the Title IX Coordinator may file the formal complaint if a safety threat exists.

FINDING THE ALLEGATIONS DO NOT CONSTITUTE SEXUAL HARASSMENT UNDER TITLE IX

After reviewing the report of sexual harassment, if the Title IX Coordinator concludes the alleged offense is not included within the Title IX definitions, or doesn’t meet the additional jurisdictional criteria, the Coordinator must issue a Required Dismissal Notification of the Title IX complaint or allegations, determine if the victim should be informed of the Uniform Complaint Procedures and consider referral for discipline under the student code of conduct as appropriate.

TITLE IX VIOLATION CHECKLIST

IS THE CONDUCT “SEXUAL HARASSMENT?”

- Quid pro quo**-- School employee conditioning aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
- Hostile Environment**--Unwelcome conduct a reasonable person would find to be so severe, pervasive, and objectively offensive effectively denying equal access to education program or an activity.
- Sexual Assault**—Fondling private body parts of another person for the purpose of sexual gratification, without the consent of the victim, or incest, or statutory rape, or rape.
- Dating Violence**—Committed by one in or has been in a social relationship or romantic or intimate nature with the victim.
- Domestic Violence**—Crimes of violence committed by a current or former spouse or intimate partner of the victim, or by any other person against an adult or youth protected from the person's acts under a court order.
- Stalking**--A course of conduct that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

DID THE CONDUCT OCCUR IN A DISTRICT PROGRAM OR ACTIVITY?

- Yes
- No

IS IT APPROPRIATE TO PROCEED WITH A TITLE IX INVESTIGATION?

- Yes
- No

NOTICE TO PARTIES OF ALLEGATIONS IN A TITLE IX INVESTIGATION

Investigation No. _____

Name of Person(s) Complaining (Complainant):

Name of Person(s) Complained About (Respondent):

You are receiving this Notice as a party to the above-numbered Investigation as required by federal Title IX regulations (34 C.F.R. §106.45) and Board Policy 5145.71 – Title IX Grievance Procedures, to inform you that the Complainant(s) has filed a formal complaint against the Respondent(s) alleging that on:

Date(s) _____

Time(s) _____

Location(s) _____

Respondent(s) committed acts constituting sexual harassment by

The following procedures will be followed in this investigation:

1. THE PROCESS: The filing of a complaint alleging sexual harassment as defined in federal Title IX regulations (34 C.F.R. §106.30) and Board Policy 5145.71 – Title IX Grievance Procedures requires a formal grievance process including an investigation of the underlying claims, an opportunity for you to provide relevant information and state your position, and a decision-making procedure to determine if the evidence establishes responsibility for prohibited conduct. All parties will receive the following information about the complaint and have these specific rights:

- Sufficient details of the allegations known at the time, including the identity of the parties involved in the incident and the conduct allegedly constituting sexual harassment, with time to prepare before any initial interview.

- The dates and location of the alleged incident.
- Notice of additional allegations should any become included in the investigation.
- The opportunity to have an advisor of each party's choice who may be, but need not be, an attorney. An advisor may inspect and review the evidence.
- The party responding to the allegations in the complaint is presumed not responsible for the alleged conduct. The determination regarding responsibility is made at the conclusion of the investigation.
- The parties are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

2. INFORMAL RESOLUTION PROCESS: An informal resolution process to mediate the complaint is available as an alternative at any time before a decision is made regarding responsibility. This process is voluntary and is initiated by written request of any party and includes these elements:

- The other parties in this investigation must give written voluntary consent to an informal resolution process.
- No party is obligated to engage in the informal resolution process or to waive the right to a formal investigation of the complaint.
- The parties will receive notice of the allegations in the complaint.
- Prior to agreeing to a resolution, any party may withdraw from informal resolution and resume the formal complaint investigation process.
- Participating in the informal resolution process will result in a record that may be shared.
- Informal resolution is not available if there are allegations against a school employee.

3. INVESTIGATION PROCESS: The Coordinator's designated investigator before issuing an investigation report will take these steps:

- The parties will receive and be able to inspect and review all evidence related to the allegations in the formal complaint.
- After receiving the evidence, each party has ten (10) calendar days to submit a written response to the evidence that the investigator must consider.
- After receiving any written responses, the investigator will draft a Final Investigative Report to be provided to the decision maker.

4. DECISION MAKING PROCESS: The Coordinator's designated decision maker before issuing a written determination of responsibility will take these steps:

- Provide the parties with a copy of the investigation report before a determination is made on responsibility.
- Each party has an opportunity to submit relevant questions in writing the party wants asked of any party or witness.
- Each party will receive answers to the questions and have the right to submit additional, limited follow-up questions.
- The party proposing any question that is excluded as not relevant will be provided with an explanation of the decision to exclude the question.

5. STAFF IN THIS INVESTIGATION: These individuals will serve in this Investigation in the following capacities:

a. Investigator:

b. Informal Resolution Process Facilitator:

c. Decision maker:

You have three (3) calendar days from receipt of the Notice of Allegations to raise concerns of conflict of interest or bias regarding any of these individuals to the Coordinator.

Title IX Investigation No. _____

Complainant _____

Respondent _____

NOTICE TO PARTIES OF ADDITIONAL ALLEGATIONS

You are receiving this Notice as a party to the above-numbered Investigation. The Title IX Coordinator as required by federal Title IX regulations (34 C.F.R. §106.45) and Board Policy 5145.71 – Title IX Grievance Procedures, is informing you of additional allegations that have come to light since the original Notice to you. The grievance procedures identified in the original Notice will apply to the additional allegations listed below. These additional allegations are as follows:

Title IX Investigation No. _____

Complainant _____

Respondent _____

NOTICE OF DISMISSAL OF TITLE IX ALLEGATIONS

You are receiving this notice as a party to the above-numbered Title IX investigation that after review of the allegations in the complaint:

____ This Title IX investigation is dismissed in its entirety.

____ The following allegations, only, are dismissed from this investigation:

The reasons for the dismissal are as checked below:

Mandatory Dismissal:

____ The alleged conduct would not constitute sexual harassment as defined under the Title IX regulations, even if proved.

____ The events alleged did not occur in the district’s education program or activity.

____ The events alleged did not occur against a person in the United States.

Permissive Dismissal:

_____ The Complainant has notified the Title IX Coordinator in writing that the complainant would like to withdraw the complaint or an allegation in the complaint.

_____ The respondent is no longer enrolled in or employed by the District

_____ Sufficient circumstances prevent the school from gathering evidence sufficient to reach a determination with regard to the complaint.

To the extent that this dismissal is because the alleged conduct did not constitute sexual harassment under Title IX, the conduct still may be addressed under the Uniform Complaint Procedures or the California Education Code, as applicable.

You have a right to appeal the dismissal of a formal complaint or any allegation therein. You will be sent a separate notice of your right to appeal this decision.

Dated: _____

_____ Title IX Coordinator

TITLE IX EMERGENCY REMOVAL PROCEDURES DETERMINATION WHETHER TO REMOVE A RESPONDENT FROM SCHOOL

The Title IX Coordinator, upon receiving a report of Title IX Sexual Harassment, determines whether on an emergency basis the respondent alleged to be the perpetrator should be removed from the school campus during the pendency of the investigation following these guidelines:

1. As soon as the report of sexual harassment comes in, even if no formal grievance procedure is under way, begin an individualized safety and risk analysis.
2. Determine from the allegations if the respondent presents an immediate threat to the physical health or safety of any student or other individual to the extent that an emergency removal from the school is justified through the following steps:
 - Individualize the analysis on the particular respondent and do not rely upon generalized, hypothetical or speculative beliefs or assumptions that a respondent could pose a risk to someone's physical health or safety.
 - Focus upon the specific circumstances arising from the allegations of sexual harassment to determine if they pose an immediate threat to a person's physical health or safety. Do not limit this part of the analysis only to the complainant's health and safety, e.g., look to the physical health and safety of witnesses, other individuals on campus, or even the respondent.
 - A finding of "immediate threat" should include weighing the complainant's subjective fear versus an objective "reasonable person" standard.
 - If the facts indicate the threat is to emotional health as opposed to physical health or safety of others, consider supportive measures only.
 - Consider the respondent's propensity, opportunity, and ability to commit a stated or potential threat.
 - Consider if there are other less restrictive measures that will remove or reduce the likelihood of a threat's occurrence.
3. Check to see if the student has an IEP or has a Section 504 Plan. If so, alert the special education administrator or 504 coordinator to ensure appropriate procedures are followed with a change of placement and continuity of services.
4. If removal is indicated, note that it is not a determination of responsibility for the alleged incident.
5. Arrangements should be made for the removed student to receive work assignments to minimize the academic impact of the removal.

6. If the respondent is an employee, place the individual on paid administrative leave consistent with HR procedures and the relevant collective bargaining agreement.
7. Provide the removed respondent immediately with notice and opportunity to challenge the decision to remove.

TITLE IX EMERGENCY REMOVAL RISK ANALYSIS CHECKLIST

DOES THE RESPONDENT PRESENT AN IMMEDIATE HEALTH OR SAFETY THREAT REQUIRING PHYSICAL REMOVAL FROM THE SCHOOL?

_____ The analysis of the respondent is not based on generalized, hypothetical or speculative beliefs or assumptions of a health or safety risk.

_____ The specific circumstances show an immediate threat to any person's health or safety, whether the victim, a witness, others, or the respondent as well.

_____ The threat to emotional health as opposed to physical safety cannot be met by supportive measures to the victim alone.

_____ The respondent has the propensity, opportunity and ability to commit a stated or potential threat.

_____ Less restrictive measures will not remove or reduce the likelihood of a threat's occurrence.

REQUEST TO CHALLENGE EMERGENCY REMOVAL

I am appealing the decision of my emergency removal from school for the following reasons (fill in below or attach a written statement):

_____ I wish to meet with the Title IX Coordinator to discuss why I am appealing the emergency removal rather than only filing this written request.

I understand that this appeal is solely to determine whether the emergency removal will stand and is not a hearing of the merits of the allegations against me.

I understand that if I meet with the Title IX Coordinator about this appeal that I may have an advisor of my choice accompany me who may be an attorney but does not need to be an attorney.

I understand that the determination on my appeal by the Title IX Coordinator of the emergency removal is final.

DATE: _____ SIGNATURE: _____

PRINTED NAME: _____

TITLE IX INVESTIGATOR CHECKLIST

Investigator Duties and Responsibilities

The school must conduct an investigation of the allegations in the formal complaint without reaching a conclusion on responsibility for the alleged incident following these requirements:

- Ensure the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the district.
- The investigator will not access, consider, disclose, or otherwise use a party's confidential medical records which are made and maintained in connection with the provision of treatment to the party, unless the investigator obtains voluntary, written consent to do so.
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
- Not limit the choice of presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the school may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to all parties.
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate.
- Send in an electronic form or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report.
- Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness.
- Create an investigative report that fairly summarizes relevant evidence and send it to the Decision Maker with all evidence collected.
- Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal law.
- If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

NOTICE OF PARTY INTERVIEW

Your interview in this Title IX investigation is scheduled as follows:

Date: _____

Time: _____

Location: _____

Participants: _____

Purpose: _____

Contact the Investigator as soon as possible if you are unable to make this appointment to reschedule.

Name of Investigator: _____

Email: _____

Phone Number: _____

EVIDENCE TRANSMITTAL COVERSHEET

Title IX Investigation No. _____

Complainant _____

Respondent _____

Attached is the evidence submitted regarding the allegations in this Title IX investigation for your inspection and review.

You have five calendar days to submit a written response to this evidence which the Investigator must consider.

Your response is due on _____. Submit your response to Investigator _____ at _____.

List of included evidence:

Title IX Investigation No. _____

Complainant _____

Respondent _____

FINAL INVESTIGATIVE REPORT

This is the Final Investigative Report in this Title IX Investigation.

EVIDENCE REVIEWED:

The Title IX Investigator reviewed and considered the following written documents submitted by the parties and witnesses:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

(List additional documents on an attachment)

The Title IX Investigator heard and considered the statements of the following parties and witnesses (expert witnesses are identified by their areas of expertise):

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

(List additional witnesses on an attachment)

[The Title IX Investigator visited and made observations at _____.

[The Title IX Investigator gathered additional evidence by _____ which included _____.

EVALUATION OF RELEVANT EVIDENCE

(Objective conclusions of both inculpatory and exculpatory evidence and determination of credibility not based on a person’s status as a complainant, respondent, or witness)

(Attach additional text if needed)

INVESTIGATOR’S SUMMARY OF THE EVIDENCE

(Attach additional text if needed)

After receipt of the Final Investigative Report, the parties may submit relevant written questions to other parties or witnesses through the Title IX Decision-Maker as described in a separate notice you will receive.

DATE: _____ SIGNATURE: _____
Title IX Investigator

Title IX Investigation No. _____

Complainant _____

Respondent _____

REQUEST TO APPEAL

I am requesting to appeal the following:

- ___ The Written Decision in this Investigation;
- ___ Dismissal of a formal complaint; or
- ___ Dismissal of an allegation in the complaint.

The appeal is based on the following grounds:

- ___ The party believes that a procedural irregularity affected the outcome;
- ___ New evidence is available that could affect the outcome; or
- ___ A conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome.

State any relevant information in support of your appeal:

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal.

Appeals may be filed by sending the Request to Appeal and supporting documentation to the Title IX Coordinator at _____.

Appeals submitted after the 10-day deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Print Name

Date

Signature

Date Appeal Received by District: _____

Title IX Investigation No. _____

Complainant _____

Respondent _____

NOTICE TO PARTIES OF APPEAL AND RIGHT TO SUBMIT WRITTEN STATEMENT

An appeal has been submitted in this Title IX Investigation. A copy of this appeal and supporting documentation are attached.

You have the right to submit a written statement regarding this appeal to the Appeal Officer on or before _____.

Submit your written statement to:

Name of Appeal Officer: _____

Email: _____

Phone Number: _____

Title IX Investigation No. _____

Complainant _____

Respondent _____

DECISION ON APPEAL

INTRODUCTION

This is a decision on an appeal from a Decision of Responsibility on a complaint of sexual harassment, made by *[name/title of Decision-Maker]* on *[date of the Decision of Responsibility]*. The *[District's]* Title IX Coordinator, *[name/title]*, appointed this Appeal Officer on *[date of appointment]*.

This Appeal Officer was not involved in any aspect of the evaluation of the complaint, the fact-finding investigation, *[informal resolution efforts, (if applicable)]* or the Decision of Responsibility.

APPELLANT(S) AND FINDINGS APPEALED

The *[identify the party(s) making the appeal]* *[is/are]* the appealing party(s).

The Decision of Responsibility made the following determination:

The respondent *[complainant]* appealed the Decision of Responsibility on the following grounds giving these reasons in support of the appeal:

The complainant *[respondent]* provided the following in opposition to this appeal:

PROCEDURAL HISTORY

The District received the complaint of sexual harassment on *[date]*. The Title IX Coordinator appointed *[name/title]* to conduct the fact-finding investigation on *[date]*. *[Note: If applicable, state that the Title IX Coordinator appointed an Informal Resolution Facilitator, the name/title of the appointee and the date of appointment. You may also state if the parties engaged in informal resolution and whether any issues were resolved.]*

The final fact-finding investigation report was submitted on [date]. The Decision of Responsibility was issued on [date], and the parties received it on [date]. On [date], the [identify the party] submitted an appeal from the Decision of Responsibility. [Note: Provide this information for each appealing party.] On [date], the complainant submitted a written statement in support of [his/her/their] appeal. [Note: make this statement for each appealing party].

ANALYSIS

In deciding this appeal, this Appeal Officer reviewed the entire written record, including the Final Investigative fact-finding report, Decision of Responsibility and all written statements submitted by the parties in support of or challenging the Decision of Responsibility. On this appeal, respondent submitted a written statement on _____ [was invited to submit a written statement but did not do so] and complainant submitted a written statement on _____ [was invited to submit a written statement but did not do so].

1. Permissible Grounds

The [District's] procedures identify three permissible grounds for appealing a Decision of Responsibility. These are:

1. The party believes that a procedural irregularity affected the outcome,
2. New evidence is available that could affect the outcome, or
3. A conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome.

The respondent's [complainant's] appeal is based on the grounds that [state grounds]. [This/these] grounds are permissible under the District's procedures [Restate this sentence identifying the other party if both parties appeal]. [This/these] grounds are permissible under the District's procedures.

[Alternatively' if one or more unacceptable grounds are asserted.]

The respondent's [complainant's] appeal is based on the grounds that [state grounds]. [This/these] grounds are not permissible under the District's procedures. The respondent's appeal is based on the grounds that [state grounds]. [This/these] grounds are not permissible under the District's procedures.

[Note: If none of the grounds are permissible, go directly to the Conclusion section and dismiss the appeal on those grounds.]

DECISION ON APPEAL

*[If there are multiple grounds for an appeal, some or all grounds may have merit, or no grounds may have merit. For **dismissals** of an appeal or one or more contentions on appeal, here are some examples:]*

- *The complainant's [or respondent's] ground for appeal is that a procedural irregularity affected the outcome. The alleged irregularity [did not occur {or} was*

a process that complied with the District's procedures] because of

- *The complainant's [or respondent's] ground for appeal is that new evidence is available that could affect the outcome.* The new evidence offered by this party [was in fact provided to and considered by the investigator during the fact-finding investigation. The Decision-Maker reviewed and considered this evidence, as shown by the statement in the Decision of Responsibility that *[insert whatever the Decision-Maker said]* {or} was available at the time of the investigation and not produced by the appealing party when given the opportunity to do so]. [Additionally _____.]
- *The complainant's [or respondent's] ground for appeal is that a conflict of interest or bias by the investigator affected the outcome.* The contention is _____ whereas the record shows _____. While this party alleged there was a conflict or bias, no evidence of any conflict of interest or bias was offered or appears in the record.

For these reasons, the appeal [or specified contentions on appeal by respondent/complainant is/are dismissed.

[To uphold one or more grounds of an appeal, here are some examples:]

- *The respondent's [or complainant's] ground for appeal is that a procedural irregularity affected the outcome.* [Contention on appeal] was not done in a timely [or proper] manner and that this affected the outcome by *[state how the outcome was affected]*. The appeal on this ground has merit because _____.
- *The respondent's [or complainant's] ground for appeal is that new evidence is available that could affect the outcome.* As discussed above, the *[respondent or complainant]* has offered new evidence that was not discovered by the *[respondent or complainant]* until after the fact-finding investigation as shown by _____. Since there is new evidence that appears directly related to the incident, the appeal is upheld on this ground.
- *The respondent's [or complainant's] ground for appeal is that a conflict of interest or bias by the investigator affected the outcome.* As discussed above, the *[respondent or complainant]* provided evidence showing that [e.g. the Decision-Maker had been involved in a prior disciplinary matter relating to the complainant. While there was no direct evidence offered to show that this involvement caused

the Decision-Maker to be biased, it does create a possible appearance of bias or a conflict of interest]. For this reason, the appeal is upheld on this ground.

In conclusion, the appeal of [*party/name*] is [upheld, dismissed, or upheld as to ground [1, 2, etc.] and dismissed as to ground [1,2,] OR the appeal of [*party/name*] is dismissed OR upheld in its entirety.

DATE: _____ SIGNATURE: _____
Title IX Appeal Officer

Title IX Investigation No. _____

Complainant _____

Respondent _____

REQUEST FOR INFORMAL RESOLUTION

I request that there be an informal resolution session to work toward resolution of this title IX investigation. I understand and acknowledge the following:

- There is no obligation to engage in Informal resolution or waive a formal investigation process.
- Before there will be an informal resolution session, all parties must give voluntary consent.
- The parties will receive notice of the allegations in the complaint.
- Any party may withdraw from the informal resolution process and resume the formal complaint investigation process prior to agreeing to a resolution.
- Participation in informal resolution will result in a record that may be shared.
- Informal resolution is not available if there are allegations against a school employee.

I voluntarily agree to participate in an informal resolution process in the matter.

DATE: _____ SIGNATURE: _____

PRINTED NAME: _____

DATE: _____ SIGNATURE: _____

PRINTED NAME: _____

DATE: _____ SIGNATURE: _____

PRINTED NAME: _____

Date Received by the Title IX Coordinator: _____