



Fountain • Fort Carson
SCHOOL DISTRICT EIGHT

Title IX Complaint Process

After a Complaint is Filed:

1. Complaints will be reviewed by the Title IX Coordinator to determine if the allegations meet the definition of sexual harassment under Title IX and whether the District has jurisdiction to review the complaint. If the complaint does not meet the definition of sexual harassment under Title IX or falls outside the District's authority to review, the complaint will be dismissed and referred to the student conduct code for review and discipline.

To process the complaint under Title IX, the District must have **Substantial Control** over the **Respondent** (accused) and the **Context** where the alleged incident(s) occurred:

- The Respondent must be a student or staff member.
- The alleged conduct must have occurred in the educational program or activity of the District (i.e. on campus, in the classroom, at an off campus school sponsored event, or at an off campus building or field owned by the District, etc.).

Additionally, the alleged conduct must meet the definition of sexual harassment under Title IX.

- Quid Pro Quo Sexual Harassment: Any District employee who conditions the provision of educational benefits to a student's participation in sexual conduct;
- Severe and Pervasive Sexual Harassment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, *and* objectively offensive that it effectively denies a person access to the District's education programs or activities;
- Clery Act Sexual Harassment: Sexual Assault, Dating Violence, Domestic Violence, and Stalking

2. If the allegations meet the definition of sexual harassment under Title IX and the District has authority to investigate, the Complainant and Respondent will be notified that the complaint has been open for investigation.

3. There are two avenues that may be pursued after the complaint is opened:

- Informal Resolution: Both parties must agree to participate and either party may exit the informal resolution process prior to reaching a resolution. Informal resolution may include mediation, agreed separation, student discipline, or on-going supportive measures.
- Formal Investigation, which requires the following, may take 30 – 60 days to complete:
 - Support measures enacted, if needed.
 - Notice of formal investigation will be sent to both parties. Parties may retain advisors, which can include attorneys, parents, advocates, etc.
 - Investigator assigned by Title IX Coordinator



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- Investigator reviews and collects evidence
- Notice of Interviews sent to both parties and witnesses
- Interviews conducted
- Investigatory Report drafted summarizing relevant evidence
- Both parties will be given 10 days to inspect evidence and provide written responses
- The finalized investigative report is sent to the Decision Maker for review.
- Both parties may submit written questions to the other party through the Decision Maker. Certain questions may be screened out if they concern a party's sexual history or are not considered relevant.
- Decision of Violation or No Violation will be made by the Decision Maker. The notice of decision and consequences, if applicable, will be sent to both parties in writing.
- Appeal request may be filed by either party within 5 days of the written determination.
- Appeal review and determination will be conducted by different individuals.

Additional Information:

- Each party has the right to an advisor who may be present during meetings; however, the advisor is not permitted to actively participate in meetings or proceedings. Rather, the individual is merely permitted to observe and offer support, guidance, and advice to the student.
- The investigative process is a neutral fact-gathering process. During the investigation, a Respondent is presumed not to have engaged in the alleged misconduct. The District will determine whether Respondent is responsible only after the grievance process concludes.
- You may request supportive measures during the course of the investigations. Support measures must **NOT** be punitive. Measures that may be requested by either party include: safety escorts, class re-assignment, locker re-assignment, counseling, mediation, assigned entrances and exits, assigned parking spots, assigned lunch tables, staff check-ins, no-contact contracts, modified passing periods, etc.
- A school-based Title IX complaint may be withdrawn at any time by the complainant; however, if a crime is alleged, it **MUST** be reported to police.
- Accused students and staff have the right to know who is filing a complaint against them and the names of all identified witnesses. Both parties will have access to all evidence.
- The District prohibits anyone from knowingly making false statements or knowingly submitting false information during this process. Students who knowingly file false complaints or knowingly give false statements in an investigation may be subject to discipline, up to and including suspension/expulsion from school.