Kirbyville Consolidated Independent School District
Committed to Excellence...

206 East Main Street
Kirbyville, Texas 75956

Telephone 409-423-2284
Fax 409-423-2367

Notice of Opportunity to Submit Written, Relevant Questions of Parties or Witnesses

Pursuant to 34 CFR 106.4 (b)(6)(ii) and subsequent to the District having forwarded the Title IX Investigative Report to the parties and their advisors, if any, on _____ for review and written response, **the District hereby provides additional notice to each party (and their advisors, if any) that, prior to a determination regarding responsibility, each party is now afforded the opportunity to submit written, relevant questions that one party wants asked of any party or witness.**

- The District will provide each party with the answers and allow for additional limited follow-up questions from each party.
- Please be advised that the Decision Maker has the obligation under Title IX regulations to exclude certain questions as not relevant and to explain any such decision to the party proposing the questions.

Date Due:

Contact Information:

_____, **Decision Maker**

Date: _____

(Provide to the parties and their advisors)

Method/Date of Delivery to Complainant:

Method/Date of Delivery to Respondent:

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NOTICE OF SEXUAL HARASSMENT ALLEGATIONS

TO:_____**, RESPONDENT**

_____

_____

Pursuant to 34 CFR § 106.45(b)(2)(B) (relating to Title IX of the Education Amendments of 1972) and District policy, please take notice a formal complaint of sexual harassment has been filed against you with the Title IX Coordinator for the school district.

I. PARTIES AND ALLEGATIONS. The parties, alleged conduct, and date and location of the incident, if known, are as follows:

The allegations in the pending investigations are that:

_____

The parties involved in the allegations are: _____

The conduct allegedly constituting sexual harassment is:

_____.

And the alleged date and location of the incident(s) is:

_____

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II. COMPLAINT PROCESS. All formal complaints of sexual harassment are investigated as a matter of school district policy and federal regulation. The district formal complaint process and investigation procedure is described in detail in district policy and the District's student and employee handbooks.

Please take notice that the respondent to this complaint is presumed not responsible for the conduct. A determination regarding responsibility will not be made until the conclusion of this grievance process.

Please be advised that for purposes of this grievance process, both you and the complainant each may have an advisor of your choice, who may be, but is not required to be, an attorney. Your advisor may accompany you to any meeting or proceeding, and you and/or your advisor may inspect, and review evidence collected in the investigation process.

If you decide to have an advisor, please notify the Title IX Coordinator of the name and contact information of the advisor.

Please also take notice that the District policy prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If the course of this investigation the district decides to investigation additional allegations about either the complainant or respondent that are not in this notice, the district will provide additional notice to the parties known of the new allegations to be investigated.

TITLE IX COORDINATOR:

_____DATE: _____

Method/Date of Delivery to Respondent:

cc: Complainant

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Notice Regarding Right to Review, Inspect and Provide a Written Response to Evidence Gathered By Investigator Prior to the Completion of the Title IX Investigative Report

The following notice is issued pursuant to 34 CFR § 106.45(b)(5)(vii) and to the written Notice of Allegations that the District sent you on_____.

- Prior to the completion of the Title IX Investigative Report, the District hereby forwards to you and to your advisor, if any, the evidence obtained as part of the investigation, subject to inspection and review in an electronic format or a hard copy.

- Please be advised thatyou have_____days (at least ten) to submit a written response, which the Title IX Investigator will consider prior to the completion of the Investigative Report.

Please submit your written response to_____[Name, Title, and other contact information if someone other than the Title IX Coordinator is the investigator]

_____
Investigator Name

_____
Signature Date

Attachment:_____(electronic data or hard copy)

Date Provided to Parties and Advisors: _____

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NOTICE REGARDING PENDING TITLE IX INVESTIGATION

TO:_____

FROM:_____**, Investigator**

DATE: _____

Pursuant to 34 CFR § 106.45(b)(5)(v), and as part of the grievance process in FFH (Local), you are hereby noticed that I will be conducting an interview on _____(date) at_____(time) and at _____(location).

The allegations in the pending investigations are that:

_____

The parties involved in the allegations are: _____

The conduct allegedly constituting sexual harassment is:

_____.

And the alleged date and location of the incident(s) is:

_____

If additional allegations are later included in the scope of the investigation, you will be provided additional notice.

You may prepare a response prior to any in interview or meeting conducted as part of the investigation to which you are invited to participate.

This notice is provided at this time so as to provide sufficient time for you or your advisor to prepare to participate in the above-referenced event(s)

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Please take notice that the respondent to the sexual harassment complaint is presumed not responsible until a determination is made at the conclusion of the grievance process.

All parties have a right to any advisor and the right to review evidence.

Please be advised that District policy prohibits knowingly making false statement or submitting false information during the grievance process.

cc: Advisor to _____

[For notice to the Complainant or Respondent, be sure at the same time to send a copy to their advisors, if any.]

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[DISTRICT LETTERHEAD]

TITLE IX COMPLAINT DETERMINATION OF RESPONSIBILITY

Pursuant to 34 CFR § 106.45(B)(7), the parties and advisors involved in the formal complaint of sexual harassment filed by _____ against _____ on or about_____are hereby provided written notice of the determination of responsibility following investigation into the complaint and procedural requirements relating to the complaint and investigation.

Based on the_____standard of evidence, it is the decision of the assigned District decision-maker, that_____did / did not sexually harass _____as the term is defined in federal regulations and school district policy.

[*As applicable*: "Disciplinary sanctions to be imposed against the Respondent are as follows:_____]

[*As applicable*: The following remedies are to be provided to _____(Complainant or Respondent; select one or both) to restore or preserve equal access to the District's education program]

The following is a review of the allegation and procedural steps taken by the District from receipt of the formal complaint through determination. Also included below are procedures and permissible bases for appeal of this determination.

<u>Allegations</u> potentially constituting sexual harassment:

The parties involved in the allegations are: _____

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And the alleged date(s) and location(s) of the incident(s) is:

_____

<u>Procedural steps</u> taken from the receipt of the formal complaint through the determination, including as follows:

Notification to the parties, provided on:_____

Interviews with parties and witnesses (indicated dates):

Site visits (indicate, as applicable):

Methods used to gather other evidence:

Hearings held (if any):

<u>Findings of fact and statements of, and rationale for, the result as to each allegation</u>:

[Specify and number findings of relevant facts]

<u>Conclusions</u> regarding the application of the District's code of conduct to the facts:

[Specify code provision(s) violated by specific findings of fact, as applicable.]

Appeal

Both the Complaint and Respondent may appeal this determination of responsibility on the following bases:

1. Procedural irregularity that affected the outcome of this matter;

2. 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; and

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3. The Title IX Coordinator(s), investigator(s), or decision-makers(s) had a conflict of interest or bias for or against complainants of respondents generally or the individual complainant or respondent that affected the outcome of this matter.

   [The District may also "offer an appeal equally to both parties on additional bases."]

Pursuant to District policy, notice of any appeal of this determination regarding responsibility must be filed no later than_____.

If an appeal is filed, a determination regarding responsibility becomes final on the date that the District provides the parties with the written determination of the result of the appeals.

If no appeal is filed, this determination regarding responsibility is final as of the first date on which an appeal would no longer be considered timely.

[Provide to the parties simultaneously]

Method/Date of Delivery to Complainant:

Method/Date of Delivery to Respondent:

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SEXUAL HARASSMENT FORMAL COMPLAINT FORM

School District policy prohibits sexual harassment and complies with 34 CFR §106 with respect to Title IX. Federal regulations implementing Title IX require the School District to investigate all formal complaints of sexual harassment filed with the School District. The Title IX Coordinator will provide additional information as to the complaint process. At the conclusions of the investigation, the Complainant (the individual alleged to the victim of sexual harassment) will be provided a copy of the investigative report and notice of the outcome of the complaint.

If you believe that you, your child, or someone in the District has been a victim of sexual harassment, you may discuss the options available with the School District's Title IX Coordinator. If you choose to file a formal complaint, you are encouraged to complete this form and submit it to the School District's Title IX Coordinator. You also may file a formal complaint through other means, including but not limited to by telephone, email, or by regular mail.

School District policy expressly prohibits retaliation for filing a complaint and/or participating in an investigation.

If you are more comfortable having the Title IX Coordinator complete this form, the Title IX Coordinator may complete the form for you.

Pursuant to federal regulation, the Title IX Coordinator also may complete and sign this form to move a report of sexual harassment forward as a formal complaint even if the complainant does not wish for the matter to proceed as a formal complaint.

PLEASE NOTE: For purposes of the grievance process, including the submission of a formal complaint, a complainant may have an advisor, who may be, but is not required, to be an attorney. The advisor may accompany a complainant to any meeting or proceeding and may inspect and review evidence collected in the investigation process. Please notify the Title IX Coordinator of the name and contact information of any advisor.

Your Name _____

Telephone Number: _____

Campus: _____

COMPLAINANT (alleged victim of sexual harassment) INFORMATION

Name: _____

Telephone Number: _____

Campus: _____

Preferred Communication Method:

___ Email: _____

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___ Phone: _____

___In-person (please provide telephone number above)

___Through Advisor (please provide name and telephone number)

Advisor: _____

Telephone Number _____

Email Address: _____

RESPONDENT(S) (individual(s) alleged to be perpetrator of sexual harassment) INFORMATION

Please identify the person(s) you alleged perpetrated sexual harassment:

Name: _____

Relationship to you, e.g., student, employee, or other: _____

Known contact information for this person:_____

_____

PLEASE DESCRIBE WHAT HAPPENED. Please provide information as to the parties involved, date, location, and any impact the conduct has had on you/the complainant. You may use additional sheets of paper. Please also attach any documents or other evidence or describe the location of any evidence you cannot attach.

The parties involved in the allegations are (if knowns):

_____

The conduct allegedly constituting sexual harassment is:

_____.

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And the alleged date and location of the incident is (if known):

_____

The impact the alleged conduct has had on the alleged victim is (if known):_____

PLEASE LIST THE NAME AND CONTACT INFORMATION OF ANY WITNESSES OTHER PERSONS WHO MAY HAVE INFORMATION RELATED TO YOUR COMPLAINT.

I understand that District policy prohibits knowingly making false statement or submitting false information during the grievance process.

I have reviewed the foregoing completed Sexual Harassment Form and the allegations and information provided herein are at this time, to the best of my knowledge true and correct.

Signature:_____Date: _____

TITLE IX COORDINATOR:

Signature:_____Date: _____

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TITLE IX INVESTIGATIVE REPORT: FOR REVIEW AND WRITTEN RESPONSE

Pursuant to 34 CFR § 106.45(b)(5)(vii), the following is the Investigative Report regarding the sexual harassment complaint filed by_____against_____on or about _____.

District policy prohibits sexual harassment.

Sexual harassment is conduct based on sex involving one or more of the following: *quid pro quo*, hostile environment, sexual assault, dating violence, domestic violence, or stalking, as defined in the Title IX regulations and District policy.

The allegations in the pending investigations are that:

_____

The parties involved in the allegations are: _____

The conduct allegedly constituting sexual harassment is:

_____.

And the alleged date and location of the incident is:

_____

As part of my investigation, I interview the following persons:

Complainant, Date of Interview

Accused, Date of Interview

Other Witness(es), Date of Interview

During the interviews, the individual (go through each person above) provided the following information, which will be stated in first person

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EX:

Complainant, interviewed on 7/22/20 at 10 a,m,

I am uncomfortable with the way Mr. Y talks about what I am wearing in class. He comments on my skirts and dressed and touches my shoulders and arm.

It embarrasses me.

I think he does it on purpose because I have asked him to stop.

There are no witnesses.

I do not want him fired; I just want him to stop.

Accused, Interviewed on 7/23/20 at 10 a.m.

A copy of this Investigative Report is being provided to each party and each party's advisor, if any, at least 10 days ***prior*** to a hearing on this complaint or time of determination regarding responsibility.

You may submit a written response to this Investigative Report to_____no later than _____(at least 10 days from the date the preliminary report is provided to the parties and advisors).

Please submit your written response to_____[Name, Title, and other contact information if someone other than the Title IX Coordinator is the investigator]

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_____

Investigator Name

_____

Signature Date

Date Investigative Report Provided to Parties and Advisors: _____

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