

# Title IX Grievance Process

## **Step 1: Title IX Office receives a report**

## **Step 2: Title IX Coordinator screens report and begins the initial assessment process.**

1. Title IX Coordinator meets with the complainant to determine if the complainant wants to move forward with a formal complaint and initiate the grievance process.
  - a. The Title IX Coordinator will ensure the complainant is advised of their rights, including the right to an advisor.
2. Title IX Coordinator offers supportive measures to the complainant.
3. Following the Initial Assessment, the Title IX Coordinator will review and assess whether an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the alleged respondent.
  - a. In all cases in which an emergency removal is imposed, the student and parent/guardian will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to removal, or as soon thereafter as reasonably possible, to demonstrate why the removal should not be implemented or should be modified.
  - b. This meeting is intended to determine solely whether the emergency removal is appropriate. A respondent may be accompanied by an advisor of their choice during the meeting. The respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation. A complainant and their advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.
  - c. In cases when an emergency removal involves a student with a disability who is receiving services under an IEP, this meeting can serve as the student's manifestation determination hearing and will be conducted in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA). The student will not have to request such a meeting as it will be scheduled and held within ten (10) days of the decision to implement the emergency removal. If it is determined that an emergency removal is necessary for more than ten (10) school days, that would constitute a change in placement and would be addressed in accordance with the requirements of the IDEA.
  - d. Where the Respondent is an employee, existing provisions for interim action are applicable.

## **Step 3: Title IX Coordinator evaluates jurisdiction (Initial Assessment continued):**

1. The report meets the requirements of a formal complaint that asks the District, in writing to investigate, proceed to Step 4; or
  - a. The Title IX Coordinator gives written notice to parties that the investigation will commence with supportive measures instituted immediately to both parties.
  - b. Written notice will include a list of rights each party has, including the right to an advisor.
2. The allegations in the report require mandatory dismissal; or

- a. Written notice of the dismissal sent to the complainant and the Title IX Coordinator works with Administrators to implement supportive measures.
  - b. The dismissal can be appealed.
- 3. The allegations fall into the "May Dismiss" category; or
  - a. Written notice of the dismissal sent to the complainant and the Title IX Coordinator works with Administrators to implement supportive measures.
  - b. The dismissal can be appealed.
- 4. The report is not a formal complaint, but the Title IX Coordinator signs off on the report and decides whether or NOT an investigation commences, proceed to Step 4.
  - a. Written notice to parties that a report was submitted and the Title IX Coordinator has decided to move forward with an investigation and supportive measures instituted immediately.

#### **Step 4: Investigation Steps (Investigation)**

- 1. TIX coordinator assigns the matter to an investigator and meets with the investigator to determine the strategy of the investigation.
  - a. A list of all district Title IX investigators can be found on the website, with a list of training topics the investigators received.
- 2. The investigation must be prompt and reliable.
- 3. Notice sent to all parties and witnesses that interviews are to take place.
  - a. Notice will be emailed
- 4. Interviews and evidence collection take place;
  - a. If there is a delay in the investigation, it must be for good cause.
    - i. Notice must be provided to parties in writing for the delay in the investigation.
    - ii. If delayed due to law enforcement involvement, only delay for a reasonable time (5-10 day waiting period).
- 5. The investigator must provide both parties with the opportunity to review and inspect all evidence gathered during the investigation.
- 6. The investigator will send all evidence directly related to the allegations to parties and their advisors for inspection and review.
  - a. Parties have ten (10) days to submit written responses to evidence.
- 7. Investigations will normally be completed within 30 school days, though some investigations may take longer.
  - a. The district will make a good faith effort to complete the investigation promptly and to communicate regularly with parties to keep them updated on the progress of the investigation.

#### **Step 5: Investigator submits the investigative report to parties (Investigation)**

- 1. Investigator writes an investigative report using the template provided.
- 2. Send the investigative report to the Title IX Coordinator for review.
- 3. Send to a copy of the report to each party and their advisor;
  - a. Parties have ten (10) days to submit a written response to the evidence.
  - b. Each party is given an opportunity to respond to the report in writing

#### **Step 6: Investigator submits the report to Decision-Maker**

### **Step 7: Decision-Maker's review of Investigative Report (Decision-Making)**

1. Upon receipt of the investigative report, the Decision-Maker provides parties the opportunity to submit written questions to the Decision-Maker to be asked of the opposing party.
  - a. Parties shall have 5 days from the date the investigative report provided to parties submit written questions to the Decision-Maker.
2. Upon receipt of written questions, Decision-Maker analyzes all questions submitted by parties to other parties or witnesses for relevance and in accordance with Rape Shield Law.
  - a. If a question is determined to be irrelevant or in violation of Rape Shield Law, the explanation of the exclusion of the question will be provided to the party proposing the question.
3. For all questions deemed relevant and appropriate, the Decision-Maker will obtain answers to those questions and submit the answer(s) to the party proposing the question(s).
  - a. When parties receive a question to answer from the Decision-Maker they shall answer the question within 48 hours of receipt of such questions.
4. After answers are provided to the party asking the questions, one further round of limited follow-up questions will be provided for by the Decision-Maker.
  - a. Parties will have 3 days to provide limited follow-up questions of the other party to the Decision-Maker.
5. Upon receipt of questions the Decision-Maker will follow Step 7 parts (1), (2) and (3).

### **Step 8: Decision-Maker makes a written determination regarding responsibility (Decision-Making)**

1. Decision-Maker issues a written determination to both parties simultaneously regarding responsibility, applying the evidentiary standard of preponderance of the evidence.
2. Decision-Maker provides parties with Notice of Rights to Appeal.
3. Decision-Maker determines finality of decision in one of two ways:
  - a. Party timely exercises right to appeal and a written determination of the result of the appeal is submitted by the Appellate Body (Proceed to Step 9); or
  - b. The appellate right was not exercised timely by either party.

### **Step 9: Analysis of Basis for Appeal (Appellate Process)**

1. Appellate Body determines whether the appeal is properly based, which can be in one of three ways.
  - a. Procedural irregularity affected the outcome; or
  - b. Newly discovered 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; or
  - c. The Title IX Coordinator, Investigator, and/or Decision-Maker had a conflict of interest or bias that affected the outcome of matter
2. If an appeal is determined to have a proper basis, proceed to Step 10
3. If an appeal is determined NOT to have a proper basis, then the appeal is denied.
4. An appeal must be filed within 5 days of the issuance of the decision regarding responsibility.
5. Either party can file an appeal.

**Step 10: Determination Appeal Process**

1. Appellate Body shall notify the other party in writing when an appeal is filed. Both parties have the right to appeal.
2. Both parties are provided an opportunity to submit a written statement in support of, or challenging, the outcome of the determination; and
3. Appellate Body issues a written statement remanding to either the Investigator or Decision-Maker or upholding the decision and denying the appeal.
  - a. If remanded to the Investigator, the Investigator shall follow the process in Steps 4, 5, and 6 in issuing a new Investigative Report. Upon receipt of the new Investigative Report, the Decision-Maker shall follow the process in Step 7 and 8 to issue a new decision regarding responsibility.
  - b. If remanded to the Decision-Maker, the Decision-Maker shall follow the process in Step 7 and 8 to issue a new decision regarding responsibility.
4. Each case can only go through the appeals process one time and after a decision regarding responsibility is rendered from an appeal the decision regarding responsibility is final.