GAINESVILLE ISD'S TITLE IX GRIEVANCE PROCESS: RESPONSE TO ALLEGATIONS OF SEXUAL HARASSMENT

In accordance with Gainesville ISD Board policy **FFH (Local)** and the legal requirements of Title IX and its implementing regulations as set forth in **FFH (Legal)**, Gainesville ISD's administration has developed the following Title IX Grievance Process to respond to Formal Complaints of sexual harassment.

Gainesville ISD's Title IX Grievance Process does not apply to alleged sexual

harassment that occurred prior to August 14, 2020. Sexual harassment that allegedly occurred prior to August 14, 2020 is addressed by the District through other processes.

This document is effective August 5, 2024.

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DEFINITIONS

All terms in Gainesville ISD's Title IX Grievance Process have the same meaning as these terms in **FFH (Legal)**, Response to Sexual Harassment.

"Complainant" means the person who has experienced the alleged sexual harassment. A parent may act for or on behalf of a student complainant throughout the Title IX Grievance Process.

"Days" means District business days unless expressly stated otherwise.

"Education program or activity" means locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the alleged sexual harassment occurs."

"Formal Complaint" means a written and signed document filed by a complainant (or the complainant's parent or legal guardian) or signed by the Title IX Coordinator containing the allegations of sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. Electronic signatures will be accepted. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to a Title IX formal complaint and must comply with the requirements of the Title IX Grievance Process, including remaining free from conflicts of interest and bias. Gainesville ISD's Formal Complaint Form is titled "**Title IX Complaint Form**." A copy of this Form can be found on the District's Title IX website at: www.gainesvilleisd.org

"Party" or "parties" refers to the complainant and respondent.

"Parent" means a person defined by 34 C.F.R. § 99.3 who may act on behalf of a student unless prohibited by law or court order, including signing a formal complaint, agreeing to supportive measures, or responding to allegations in a complaint.

"Preponderance of Evidence" is a standard of evidence meaning that a proposition is more likely than not to be true.

"Report of sexual harassment" is the initial report or complaint of sexual harassment Gainesville ISD receives. It can be reported by the person allegedly harassed, a student, a parent, a teacher, or other District employee.

"Respondent" means the individual reported to be the perpetrator of the conduct that could constitute sexual harassment. A parent may act for or on behalf of a student respondent throughout the Title IX Grievance Process.

"Sexual harassment" refers to sexual harassment as defined by Title IX's implementing regulations [see **FFH (Legal)**]. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the District conditioning the provision of an aid, benefit, or service of the District 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 District's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

"Student" means an enrolled student or other non-employee who is participating or attempting to participate in the District's education program or activity.

"Supportive measures" mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the District's education program or activity, without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extension of deadlines, or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The District must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinatingthe implementation of supportive measures.

"Title IX disciplinary sanction" means an action that is not a supportive measure and is imposed against a respondent only after the District follows the Title IX Grievance Process in compliance with the Title IX implementing regulations and Board policy. Title IX disciplinary sanctions do not include an authorized interim action or measure, and do not refer to discipline imposed on a respondent under the District's Student Code of Conduct for conduct other than sexual harassment as defined by Title IX. [See **FFH (Legal)**].

"Title IX personnel" includes the Title IX Coordinator and other individuals designated by the District to perform a role in the District's Title IX Grievance Process, including the investigator(s), decisionmaker(s), appeal officer(s), and, if applicable, the facilitator of an informal resolution process.

DESIGNATION OF TITLE IX COORDINATOR

The District designates and authorizes the following employee to serve as the Title IX Coordinator to coordinate the District's efforts to comply with its responsibilities under Title IX of the Education Amendments of 1972.

La Creasha Stille
800 S. Morris St.
Gainesville, TX 76240
www.gainesvilleisd.org
940-668-3632

REPORTING SEXUAL HARASSMENT

Any student who believes he or she has experienced sexual harassment or believes that another student has experienced sexual harassment should immediately report the alleged acts to a teacher, school counselor, principal, other District employee, or the Title IX Coordinator, who is identified above.

Any District employee who knows or suspects that a student or group of students has or may have experienced sexual harassment shall immediately notify the Title IX Coordinator and the employee's supervisor.

Any person may report sex discrimination, including sexual harassment, to the Title IX Coordinator regardless of whether the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. The report can be made in person, or at any time (including during nonbusiness hours) by mail, by telephone, or by email using the contact information listed above for the Title IX Coordinator, or by any other means that result in the Title IX Coordinator receiving the person's verbal or written report.

PRINCIPLES OF GAINESVILLE ISD'S TITLE IX GRIEVANCE PROCESS

The following principles apply throughout Gainesville ISD's Title IX Grievance Process in response to formal complaints of sexual harassment in the District's education programs and activities:

Equitable Treatment

Gainesville ISD shall treat all individuals involved in the Title IX Grievance Process—complainants, respondents, witnesses, and any other person involved in the Title IX Grievance Process—equitably and shall not discriminate against the parties on the basis of sex. All individuals involved in the Title IX Grievance Process will be treated fairly, with dignity, respect, and sensitivity, and without bias, prejudgment, prejudice, conflict of interest, or reliance on stereotypes.

No Bias or Conflict of Interest

All Title IX personnel must serve impartially and free from conflicts of interest for or against complainants and respondents generally, or for or against the individual complainant and respondent involved in the Title IX Grievance Process.

For the purpose of the District's response to allegations of sexual harassment, including the Title IX Grievance process, bias includes but is not limited to bias against an individual's sex, gender, race, color, ethnicity, religion, national origin, age, sexual orientation, gender identity, gender expression, disability, immigration status, or financial ability.

If any Title IX personnel have reason to believe or discover that a conflict of interest or bias exists, the Title IX personnel should disclose such conflict to the Title IX Coordinator. If the Title IX Coordinator has reason to believe or discovers that a conflict of interest or bias exists, the Title IX Coordinator should disclose such conflict to the District's General Counsel. If a conflict of interest or bias exists, the District will assign another individual with all required and appropriate Title IX training who does not have a conflict of interest or bias to fulfill that role during the Title IX Grievance Process.

Respondent Presumed Not Responsible

A respondent is presumed not responsible for the alleged conduct until after a final determination is made at the conclusion of the Title IX Grievance Process. All District actions throughout the Title IX Grievance Process must proceed with this presumption of non-responsibility. When a formal complaint is filed and the Title IX Grievance Process is initiated, a respondent may face Title IX disciplinary sanctions for sexual harassment, only after the Title IX Grievance Process determines responsibility.

Even if a formal complaint is not filed or signed, the District may investigate and respond to alleged prohibited conduct other than sexual harassment as defined by Title IX in accordance with Board policies and the Student Code of Conduct.

Any decision on non-Title IX misconduct shall be listed in a separate section of the decision from the Determination of responsibility or non- responsibility on the allegations under Title IX and shall not be appealable under the Title IX Appeal Process, but may be appealed under other applicable District policies.

Standard of Evidence

The Title IX regulations require the District to adopt a standard of evidence to be used to determine responsibility regarding all formal complaints of sexual harassment. The District has adopted the preponderance of the evidence standard to determine responsibility in the Title IX Grievance Process. [See **FFH (Local)**]. This standard of evidence is used in the Title IX Grievance Process regarding all formal complaints of sexual harassment regardless of whether the respondent is a student or employee.

Objective Evaluation of the Evidence

Investigators, decisionmakers, and appeal officers will be impartial and must objectively evaluate all relevant evidence presented during the Title IX Grievance Process. Under the Texas and Federal Rules of Evidence, evidence is relevant if (a) it has any tendency to make a fact more or less probable than it would be without the evidence, and (b) the fact is of consequence in determining the action. Investigators, decision makers, and appeal officers must objectively evaluate and consider both inculpatory evidence (evidence that tends to show an individual is responsible for the alleged conduct) and exculpatory evidence (evidence that exonerates or tends to clear an individual from responsibility).

Credibility determinations may not be based on an individual's status as a complainant, respondent, or witness. Investigators, decisionmakers, and appeal officers will not prejudge the facts at issue or rely on sex stereotypes in the evaluation of the evidence.

Privileged Information

The District should not seek or use information protected by any legally- recognized privilege during the Title IX Grievance Process unless the privilege is waived in writing by the person holding the privilege. The District will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in the capacity in connection with the provision of treatment to the party, unless the District obtains the party's voluntary, written consent to do so for purposes of the Title IX Grievance Process.

TIMEFRAME FOR TITLE IX GRIEVANCE PROCESS

Absent good cause for the District to delay an investigation, the Title IX Grievance Process, beginning with filing or signing of the formal complaint and ending with the determination of responsibility, should be completed within seventy-five (75) days. Days used for any voluntary informal resolution process do not count towards the time frame for concluding the Title IX Grievance Process.

In calculating timelines under the Title IX Grievance Process, the day a document is submitted is “day zero” and the next District business day is “day one.”

All time limits shall be strictly followed unless modified by the parties’ mutual written consent or extended by the District for good cause. If the District grants an extension of time for one party, the same time extension must also be granted to the other party.

If the District temporarily delays or extends timelines associated with the Title IX Grievance Process, the Title IX Coordinator shall provide a written explanation to the parties of the good cause basis for the delay or extension. Permissible modifications to timelines include the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; or other good cause as determined by the Title IX Coordinator.

The District shall make reasonable attempts to schedule meetings at a time mutually agreeable to all parties. However, extensions should not unnecessarily extend the timeline established for concluding the Title IX Grievance Process.

DISTRICT'S RESPONSE TO A REPORT OF SEXUAL HARASSMENT

The Title IX Coordinator will respond promptly and equitably to any verbal or written report or disclosure of alleged sexual harassment from any source, including personal observation. The Title IX Coordinator will respond to anonymous reports of alleged sexual harassment if there is an identifiable party.

When the Title IX Coordinator determines that a report alleges sexual harassment in a District program or activity that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX Coordinator will follow the procedures below.

If the reported conduct, if proved, would not meet the definition of sexual harassment under Title IX, the Title IX Coordinator will follow the applicable District policy and procedure that applies, including **FFH (Local)** regarding Investigation of Reports Other Than Title IX, for non-Title IX discrimination, harassment, and retaliation against students; **FFI (Local)** regarding Bullying; **DH (Local)** regarding Employee Standards of Conduct; or the Student Code of Conduct.

Concurrent with the Title IX Grievance Process, the District may implement discipline in accordance with Board policy or the Student Code of Conduct for prohibited conduct other than sexual harassment as defined by Title IX.

INITIAL RESPONSE

Upon receiving a report of alleged conduct that, if proved, would constitute sexual harassment as defined by Title IX, the Title IX Coordinator will promptly contact the complainant, when identified, to offer supportive measures and interact with the complainant to:

- Provide information about supportive measures;
- Discuss the availability of supportive measures (with or without the filing of a formal complaint);
- Consider the complainant's wishes concerning supportive measures;
- Inform the complainant that any report made in good faith will not result in discipline;
- Explain to the complainant the process for filing a formal complaint under Title IX;
- Provide the complainant with information regarding where the complainant may obtain a copy of the District's formal complaint form or provide the complainant with the formal complaint form; and
- Provide each complainant with a copy of the District's Title IX Grievance Process, including a copy of **FFH (Local)**/**(Legal)**, or access to the documents online.

The Title IX Coordinator will document whether a complainant elects to accept or decline the supportive measures offered.

The Title IX Coordinator's initial response and interaction may be directed solely at the parent of the complainant, when appropriate based on the circumstances.

Supportive Measures

The Title IX Coordinator will ensure individualized supportive measures are provided, as appropriate and reasonably available, to both the complainant and respondent without a fee or charge. Supportive measures must be offered to a complainant and, as appropriate, also to a respondent. Supportive measures must be offered regardless of whether a formal complaint is submitted, or whether the complainant participates in the Title IX Grievance Process. A complainant is not required to show proof of allegations to receive supportive measures and is not required to accept supportive measures.

Supportive measures shall not be disciplinary or punitive in nature, and shall not unreasonably burden either party. Supportive measures may include services, as reasonably available, designed to protect the safety of all parties or the District's educational environment or to deter sexual harassment. The District is not required to offer or provide supportive measures to unidentified parties.

Supportive measures provided to the complainant and respondent will be kept confidential to the extent maintaining such confidentiality will not impair the ability of the District to provide the supportive measures or impair either the complainant's or respondent's ability to discuss the allegations or gather or present evidence or information during the Title IX Grievance Process.

Examples of supportive measures may include:

- Explaining to a respondent in detail the District's anti-sexual harassment policy and expectations of appropriate conduct;
- Counseling and/or educational conversations about inappropriate behavior;
- Providing other counseling services;
- Changing seating assignments or class assignments;
- Modifying class or activity schedules;
- Extending deadlines or making other course-related adjustments, including retaking exams or completing makeup work;
- Accommodating absences or requests for leaves of absence;
- Implementing mutual or unilateral restrictions on contact between parties;
- Identifying specific campus employees to serve as regular points of contact for each party;
- Providing campus escort services for parties when on campus;
- Increasing security and monitoring of certain areas of the campus, including certain classes or activities; or
- Other similar measures designed to help a student stay in school and on track academically, protect the safety of a student, or deter sexual harassment.

The Title IX Coordinator is responsible for effective implementation of supportive measures and will serve as the central point of contact for any questions or concerns related to supportive measures. The Title IX Coordinator may also request that a campus administrator assist in monitoring the implementation and efficacy of supportive measures.

Generally, supportive measures are meant to be short-term measures and will be re-evaluated on a periodic basis. To the extent there is a continuing need for supportive measures after the conclusion of the Title IX Grievance Process, the Title IX Coordinator will work with the appropriate District personnel to ensure the continuation of supportive measures.

Emergency Removal of Student Respondent

Under Title IX's implementing regulations, the District has the right to remove a student respondent from the District's education program or activity on an emergency basis when the District determines, based on an individualized safety and risk analysis, that removal is justified due to an immediate threat to the physical health or safety of any student or other individual, including either of the parties in a formal complaint, arising from the allegations of sexual harassment. The District shall provide notice of removal to the respondent. The removal may continue for the duration of an ongoing threat. [See **FFB(Legal)**].

The Title IX Coordinator will provide the respondent and the respondent's parent(s) or legal guardian written notice of the emergency removal and information regarding the process for challenging the emergency removal.

Emergency removal under this provision must comply with all due process requirements under law and policy, including the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973.

Right to Appeal/Challenge Removal

Immediately following the emergency removal, the District shall provide the respondent with an opportunity to challenge the decision in accordance with the applicable Board policy or the Student Code of Conduct.

The respondent must file a challenge to the emergency removal with the Title IX Coordinator email at lstille@gainesvilleisd.org within ten (10) days after the District notifies the respondent of the emergency removal and process for challenging the decision. The District will schedule a meeting with the respondent and the respondent's parent(s) or legal guardian within five (5) days after receiving the challenge and will allow the respondent to present evidence of why the emergency removal was not justified. The respondent may have an advisor of their choice at the meeting, who may or may not be an attorney.

Administrative Leave for Employee Respondent

Title IX and its implementing regulations do not restrict the District's right to place an employee respondent on paid administrative leave pending an investigation and the final determination in the Title IX Grievance Process.

FORMAL COMPLAINTS

A formal complaint regarding alleged sexual harassment may be signed by a complainant, a complainant's parent or legal guardian, or the Title IX Coordinator. A formal complaint may be submitted to the District's Title IX Coordinator by using the **Title IX Discrimination Complaint Form** provided by the District or in accordance with the requirements of **FFH (Legal)** under the definition for "Formal Complaint." Copies of any documents that support the formal complaint should be attached to the complaint. The formal complaint may be filed with the Title IX Coordinator in person or by mail to LaCreasha Stille, 800 S. Morris St., Gainesville, Texas 76240 or by email at any time at **lstille@gainesvilleisd.org**.

The Title IX Coordinator should respect the complainant's wishes regarding whether to file a formal complaint unless the Title IX Coordinator determines that filing a formal complaint and initiating an investigation under the District's Title IX Grievance Process against the complainant's wishes is required by law or not clearly unreasonable under the circumstances. Upon such a determination, the Title IX Coordinator may sign the formal complaint without the complainant's consent to initiate the Title IX Grievance Process.

The Title IX Coordinator will review the formal complaint and determine whether the law requires the District to initiate the Title IX Grievance Process. When the Title IX Coordinator determines the law requires the initiation of the Title IX Grievance Process, the Title IX Coordinator will coordinate the assignment of the formal complaint to the Professional Standards Office ("PSO") for investigation and to the assigned decisionmaker. The Title IX Coordinator should coordinate the assignment of these duties to ensure that all obligations under Title IX are completed in a timely manner.

A complainant is not required to participate in the Title IX Grievance Process. Even if the complainant does not participate, the complainant will retain all the rights of a complainant throughout the Title IX Grievance Process.

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate formal complaints of sexual harassment or separate Title IX Grievance proceedings where the allegations of sexual harassment arise out of the same facts or circumstances. For example, the Title IX Coordinator may consolidate formal complaints of allegations of sexual harassment against more than one respondent by the same complainant or allegations made by more than one complainant against the same respondent, so long as the allegations of sexual harassment arise out of the same facts or circumstances.

If the Title IX Coordinator consolidates formal complaints or separate Title IX Grievance Proceedings, the Title IX Coordinator shall notify all parties in writing of the consolidation by sending a "**Notice of Consolidation of Title IX Formal Complaint.**"

Notice of Allegations

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to the complainant and respondent about the allegations of sexual harassment. The written notice, the "**Notice of Allegations of Potential Title IX Violation and Notice of Gainesville ISD's Title IX Grievance Process**," must contain the following:

- The allegations of potential sexual harassment with sufficient details known at the time, including the identity of the parties involved in the incident(s), the conduct allegedly constituting sexual harassment, and date(s) and location(s) of the alleged incident(s);
- Information regarding the District's Title IX Grievance Process, including notification regarding the informal resolution process if applicable, and the right to appeal a determination regarding responsibility;
- Notification that each party may have an advisor of their choice who may be, but is not required to be, an attorney;
- A statement that under Title IX's regulations, the District must presume the respondent is not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion ofthe Title IX Grievance Process;
- A statement that the District will use the preponderance of the evidence standard of evidence to determine responsibility;
- Notification that each party has the right to inspect and review the evidence directly related to the allegations of sexual harassment under 34 C.F.R. § 106.45(b)(5)(vi); and
- Notification of any provision in the Student Code of Conduct, Employee Handbook, or District policy that prohibits knowingly making false statements or knowingly submitting false information during the Title IX Grievance Process.

The Title IX Coordinator may attach a copy of **FFH (Local)/(Legal)** and a copy of the Title IX Grievance Process to the written Notice of Allegations provided to the parties.

During the Title IX Grievance Process, if the District learns the identity of any unknown complainant or unknown respondent, the Title IX Coordinator must provide a written supplemental Notice of Allegations to all parties and proceed to treat the newly-identified complainant or newly-identified respondent as a party throughout the remainder of the Title IX Grievance Process.

During the Title IX Grievance Process, if additional allegations or evidence of potential sexual harassment that are not included in the formal complaint become known and the Title IX Coordinator determines it is necessary to investigate these allegations in the Title IX Grievance Process, the Title IX Coordinator will provide notice of the additional allegations to all parties.

Dismissal of Formal Complaint or Allegation(s) in Formal Complaint

During the Title IX Grievance Process, the Title IX Coordinator or the assigned decisionmaker may be required or have discretion to dismiss a formal complaint or allegation(s) in the formal complaint as outlined below.

Upon dismissal of a formal complaint or any allegation in the formal complaint, the Title IX Coordinator will promptly provide written notice to both parties of the dismissal and the right to appeal the dismissal decision. Dismissal of a formal complaint or allegation in a formal complaint does not preclude action under another District policy or provision of the Student Code of Conduct.

Mandatory Dismissal

A formal complaint or allegation(s) in a formal complaint must be dismissed under Title IX's implementing regulations when the allegation(s), if proved:

- Would not meet the definition of sexual harassment under 34 C.F.R. § 106.30(a) (which is the definition above);
- Did not occur against a person in the United States; or
- Did not occur in the District's education program or activity.

Upon mandatory dismissal of a formal complaint, the Title IX Coordinator will promptly provide the parties a "Notice of Mandatory Dismissal of Title IX Formal Complaint."

Discretionary Dismissal

A formal complaint or allegation(s) in a formal complaint may be dismissed under Title IX's implementing regulations for the following reasons:

- If, at any time, the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegation(s) in the formal complaint;
- If the respondent is no longer enrolled or employed by the District;
- If specific circumstances prevent the District from gathering evidence sufficient to reach a determination regarding the formal complaints or allegation(s) in the formal complaint; or
- If the complainant no longer has any involvement with the District.

Upon discretionary dismissal of a formal complaint, the Title IX Coordinator will promptly provide the parties a "**Notice of Discretionary Dismissal of Title IX Formal Complaint**."

Appeal of Dismissal of Formal Complaint or Allegations in Formal Complaint

A party may appeal the dismissal of a formal complaint or dismissal of any allegations in the formal complaint, on the following grounds:

- A procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the dismissal decision was made that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator(s), or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or individual respondent in the Title IX Grievance Process that affected the outcome of the matter.

Title IX does not require the District to provide appeals based on any other grounds.

A party may appeal the dismissal by submitting a "**Request for Appeal of the Dismissal of a Title IX Formal Complaint**" with the Title IX Coordinator via email at lstille@gainesvilleisd.org. The procedure for appealing the dismissal of a formal complaint or allegations in a formal complaint, including how to initiate an appeal, is set forth in the "Appeals" section below.

INFORMAL RESOLUTION

If a formal complaint has been filed and the respondent is a student, the Title IX Coordinator will determine if informal resolution is appropriate. If the Title IX Coordinator determines informal resolution is appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution. The Title IX Coordinator may not require any party to participate in an informal resolution process; participation is fully voluntary.

If the Title IX Coordinator determines the allegations in a formal complaint are appropriate for the informal resolution process, the Title IX Coordinator will provide both parties a "**Notice of Title IX Informal Resolution Process**" and a form for written "**Consent to Proceed with Informal Resolution Process**." The Notice will provide the following information:

- The allegations in the formal complaint;
- The requirements of the informal resolution process including the circumstances under which the informal resolution process precludes the parties from resuming the Title IX Grievance Process for a formal complaint based on or arising from the same allegations;
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
- Notification that the informal resolution process will only proceed with the parties' voluntary, written consent and cooperation.

In addition, either party may request informal resolution by submitting a written request to the Title IX Coordinator. If the Title IX Coordinator receives a written request from either party to participate in an informal resolution process, the Title IX Coordinator will promptly notify the other party of the request for informal resolution and provide the written "**Notice of Title IX Informal Resolution Process**" described above, as well as the form for written "**Consent to Proceed with Informal Resolution Process**." The other party is not required to participate in the informal resolution process; the other party's participation must be voluntary. If a party declines to participate in the informal resolution process, the Title IX Coordinator will notify the other party that the informal resolution process has been terminated and resume the Title IX Grievance Process.

Upon receipt of the written "**Consent to Proceed with Informal Resolution Process**" signed by all parties, the District may proceed with the informal resolution process. The Title IX Coordinator will coordinate the assignment of an Informal Resolution Facilitator, an individual who is not the Title IX Coordinator, the investigator(s), or the decisionmaker assigned to serve in the Title IX Grievance Process. The Informal Resolution Facilitator will conduct a mediation or other informal resolution process between the parties, which may or may not include in-person meetings. The parties may, but are not required to,

present arguments, written statements, and other evidence to the Informal Resolution Facilitator during the informal resolution process. The parties may have an advisor of their choice, who may or may not be an attorney. The Informal Resolution Facilitator may place reasonable restrictions on the parties during the informal resolution process, but the restrictions must be equally applied to all parties. The arguments, statements, and communications to or with the Informal Resolution Facilitator, and any other evidence presented by either party will be maintained by the District and may be shared with the Title IX Coordinator, investigator(s), decisionmaker(s), or appeal officer(s).

A party has the right to withdraw from the informal resolution process at any time prior to the parties reaching a mutual written agreement resolving the matter. If any party withdraws from the informal resolution process, the Title IX Coordinator will notify the other party that the informal resolution process has been terminated and the District will resume the Title IX Grievance Process.

If the parties mutually agree to a resolution, the Informal Resolution Facilitator will memorialize the agreement and obtain signatures from all parties. In the event a written agreement and resolution is reached, a full investigation and adjudication under the Title IX Grievance Process will not proceed. Written agreements reached by the parties through the informal resolution process shall be final and cannot be appealed under the Title IX Grievance Process.

If the parties reach a mutual written agreement resolving the matter, the parties will be precluded from resuming the Title IX Grievance Process based on a formal complaint arising from the same allegations.

During any informal resolution process, the time frames for the Title IX Grievance will be placed on hold. The time frames for the Title IX Grievance Process will resume if a resolution is not reached.

INVESTIGATION OF FORMAL COMPLIANT

The Title IX Coordinator will provide the Formal Complaint to the Professional Standards Office to assign an investigator, who has received all required Title IX training, to investigate the allegations in the Formal Complaint. The assigned investigator may not be the decisionmaker(s), the appeal officer(s), or the informal resolution facilitator(s). While the law allows the Title IX Coordinator to serve as the investigator, Gainesville ISD has determined that the Title IX Coordinator will not serve in the investigator role. Unless previously dismissed by the Title IX Coordinator or resolved through the informal resolution process, all allegations in a Formal Complaint will be investigated.

In certain circumstances, Gainesville ISD's Title IX Coordinator, Executive Director for PSO, and the District's General Counsel may determine an external investigator should investigate the allegations in a Formal Complaint. If an external investigation is deemed necessary, the General Counsel shall retain outside counsel to conduct the investigation in accordance with Board policy **BDD (Local)**. The external investigation shall comply with the District's policies and procedures for investigations in the Title IX Grievance Process. [See **FFH (Local)**/**(Legal)**].

The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility rests with the District and not with the parties.

Absent good cause, the investigation should be completed within forty-five (45) days from the date that the Formal Complaint was signed or filed. The investigator, however, may take additional time in accordance with law, Board policy, or these procedures, including for good cause.

The District will allow sufficient time after sending the written "**Notice of Allegations of Potential Title IX Violation and Notice of Gainesville ISD's Title IX Grievance Process**" for the parties to prepare a response before any initial interview with the assigned investigator.

Gathering Evidence

After receiving the Formal Complaint, the investigator will meet promptly with each party to conduct initial interviews, gather information, and collect evidence. While the District has the burden of proof for determining responsibility, the parties will have equal opportunity to submit evidence, testimony, witnesses, or other information they wish the investigator to consider. Parties may also present fact and expert witness testimony in the form of written statements. Any deadlines or restrictions in the Title IX Grievance Process, including the investigation, will apply equally to both parties.

Interviews

The investigator will provide written notice to any party, whose participation is invited or expected, of the date, time, location, participants, and purpose of any investigative interview or other meetings, with sufficient time for the party to prepare to participate.

Advisors

Each party may have an advisor of the party's choice, who may or may not be an attorney, throughout the Title IX Grievance Process, including during the interview with the investigator or other investigative meetings. A party is not required to have an advisor for purposes of the Title IX Grievance Process. The District will not assign, furnish, or recommend an advisor to any party.

Reasonable restrictions or requirements may be put in place regarding the extent to which an advisor may participate in the proceedings. Any restriction or requirement regarding an advisor must apply equally to all parties.

Confidentiality

To preserve the confidentiality of student information protected by the Family Educational Rights and Privacy Act ("FERPA"), the District may require the parent of a minor student to sign a release form indicating consent to allow the District to release information related to the allegations to the designated advisor. The District shall inform any designated advisors that confidential information received during the Title IX Grievance Process, including evidence received for inspection and review as well as the Title IX Investigation Report, may be used only for purposes of the Title IX Grievance Process and may not be further disclosed or disseminated.

Inspection of Evidence

Each party will have an equal opportunity to respond meaningfully to the evidence prior to the conclusion of the investigation. The investigator will allow each party to inspect and review any evidence submitted by the parties or obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. This includes inculpatory and exculpatory evidence, as well as evidence upon which the District's decisionmaker may choose not to rely in reaching a determination regarding responsibility.

Prior to completion of the Title IX Investigation Report, the investigator will send each party and the party's advisor a "**Notice of Right to Review the Evidence Directly Related to the Allegations in the Title IX Formal Complaint.**" The investigator will either attach the evidence subject to inspection and review (in electronic format or hard copy) to this written Notice or notify each party and the party's advisor how to access the evidence subject to inspection and review. The District may also provide each party and the party's advisor a "Title IX Evidence Log," which lists the evidence and identifies whether the evidence was considered directly related or relevant to the allegations raised in the Formal Complaint.

The parties will have ten (10) days from the date the District provides the evidence to inspect and review the evidence and to submit a written response to the investigator. The investigator must consider the written response(s) when completing the Title IX Investigation Report.

The Title IX Investigation Report

The Investigator will prepare an investigative report, the "Title IX Investigation Report," that fairly summarizes all relevant evidence. The Title IX Investigation Report may include the following content:

- Identification of the allegations in the formal complaint;
- Procedural steps taken by Title IX personnel from the receipt of the formal complaint through the conclusion of the investigation, including any notices provided to the parties, interviews, site visits, and methods used to gather evidence, as well as any referrals for investigation under **FFH (Local)** for Investigation of Reports Other Than Title IX, **FFI (Local)** regarding Bullying, DIA (Local) regarding Employment Discrimination, DH (Local) regarding Employee Standards of Conduct; or the Student Code of Conduct;
- The responses of each party to the allegations in the formal complaint;
- The evidence obtained by the District;
- The relevant evidence considered by the investigator;
- Identification of any District policies or codes of conduct potentially implicated by the facts; and
- The parties' written responses to the evidence after review and inspection.

The investigator will simultaneously send to each party and the party's advisor a "**Notice of Title IX Investigation Report and Right to Submit a Written Response**" and a copy of the Title IX Investigation Report (in electronic format or hard copy). The investigator will also send a copy of the Title IX Investigation Report to the Title IX Coordinator.

Each party will have five (5) days after the District issues the Title IX Investigation Report to submit a written response to the Title IX Coordinator, who will provide the written response to the decisionmaker.

DETERMINATION OF RESPONSIBILITY

After receipt of the Title IX Investigation Report, the Title IX Coordinator will immediately assign a decisionmaker and provide the decisionmaker with a copy of the Title IX Investigation Report. The decisionmaker will be Title IX Decision Maker, Dana Dudenhoeffer who has received required Title IX training. The decisionmaker shall not be the informal resolution facilitator, the investigator, or the Title IX Coordinator.

The decisionmaker will make an independent determination regarding a respondent's responsibility for the allegations of sexual harassment in the formal complaint, the "**Determination of Responsibility**." The decisionmaker may not issue the "**Determination of Responsibility**" earlier than ten (10) days from the date the parties received the Title IX Investigation Report from the investigator.

The Written Question and Answer Process

After both parties have received the Title IX Investigation Report and before the decisionmaker issues a "**Determination of Responsibility,**" the decisionmaker will send each party a "**Notice of Right to Submit Written Questions Regarding Title IX Formal Complaint**" that notifies each party of the District's written question and answer process afforded each party before the decisionmaker issues the "**Determination of Responsibility**."

Each party will have the opportunity to submit written, relevant questions that a party wants asked of any party or witness identified in the Title IX Investigation Report. The decisionmaker shall ensure that the questioning is relevant, respectful, and non-abusive. A party who elects to submit written questions to a party or witness must submit the written questions to the decisionmaker within five (5) days of the date the District sends the parties the "**Notice of Right to Submit Written Questions Regarding Title IX Formal Complaint**."

Upon receipt of any written questions submitted by the parties, the decisionmaker will submit the relevant, written questions to the party or witness from whom an answer is sought. To maintain a reasonably prompt timeline, the addressed parties or witnesses will have five (5) days from the date the decisionmaker provides the written questions to submit written answers to the questions. A party or witness is not required to respond to any questions posed by the other party.

Upon receipt of any answers to written questions submitted by the parties, the decisionmaker will provide each party the written answers to the questions. Each party may be allowed to ask limited follow-up questions of the party or witness in the same manner within five (5) days of the decisionmaker providing the party the written answers.

If the decisionmaker decides to exclude any question proposed by a party during the Written Question and Answer Process as not relevant, the decisionmaker will notify the

party proposing the question in writing about the decision to exclude a question as not relevant and the basis for the decision.

In consultation with the Title IX Coordinator, the decisionmaker may extend the timelines for the written question and answer process for good cause.

Prior Sexual Behavior

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Written Determination of Responsibility

After the Written Question and Answer Process concludes, the decisionmaker will complete a written determination regarding responsibility, the "**Determination of Responsibility**," for the conduct alleged in the formal complaint. The decisionmaker will complete and issue the "**Determination of Responsibility**" in a reasonably prompt manner. Absent good cause for the District to delay an investigation, the decisionmaker will issue the "**Determination of Responsibility**" with seventy-five (75) days from the District's receipt of the formal complaint.

The decisionmaker will apply the preponderance of the evidence standard and issue the written "**Determination of Responsibility**" that will include:

- Identification of the allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from the receipt of the formal complaint through the Determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence, and the written question and answer process;
- Findings of fact supporting the determination;
- Conclusions regarding the application of District policy, standards of conduct, or the code of conduct to the facts;
- A statement of, or rationale for, the result as to each allegation, including a determination regarding responsibility, and any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided to the complainant; and

- The District's procedures and permissible bases for the complainant and respondent to appeal.

The "**Determination of Responsibility**," and any recommended Title IX disciplinary sanctions, are not final or effective until after the period for appeal is over in accordance with the process for Appeal of Determination discussed below. The "**Determination of Responsibility**" becomes final and effective either on the date the parties are provided with the written Determination of Title IX Appeal (if an appeal is filed) or the date on which a Request for Appeal would no longer be considered timely filed.

APPEALS

Either a complainant or respondent may appeal a mandatory or discretionary dismissal of a formal complaint or allegations in the formal complaint, or the decisionmaker's written "**Determination of Responsibility**" on the following grounds:

- A procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the dismissal decision or "Determination of Responsibility" was made that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator(s), or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or individual respondent in the Title IX Grievance Process that affected the outcome of the matter.

Title IX does not require the District to provide appeals based on any other grounds.

Appeal Procedures

To initiate an appeal of the mandatory or discretionary dismissal of a formal complaint or allegations in a formal complaint, a party must submit a written "**Request for Appeal of the Dismissal of a Title IX Formal Complaint,**" to the Title IX Coordinator via email at lstille@gainesvilleisd.org within five (5) business days of the District providing the "**Notice of Mandatory Dismissal of Title IX Formal Complaint**" or "**Notice of Discretionary Dismissal of Title IX Formal Complaint**."

To initiate an appeal of the "**Determination of Responsibility**," a party must submit a "**Request for Appeal of a Title IX Determination of Responsibility**," to the Title IX Coordinator via email at lstille@gainesvilleisd.org within five (5) business days of the District providing the written "**Determination of Responsibility**."

If the reason for appealing a dismissal decision or "**Determination of Responsibility**" is not one of the three grounds listed above, the District may dismiss the appeal. If the Request for Appeal is not dismissed, the Title IX Coordinator will review the Request for Appeal and assign an appropriate appeal officer to consider the appeal. The appeal officer may not be the decisionmaker who issued the "**Determination of Responsibility**," the investigator who investigated the formal complaint, or the Title IX Coordinator.

The Title IX Coordinator will notify the non-appealing party in writing that a Request for Appeal has been filed. The District will implement appeal procedures equally for both parties. Both parties will be provided a reasonable, equal opportunity to submit a written statement in support of, or challenging, the dismissal of a formal complaint or "**Determination of Responsibility**."

District's Response to Request for Appeal of the Dismissal of a Title IX Formal Complaint

In an appeal of the dismissal of a formal complaint or any allegation in a formal complaint, the District's designated appeal officer will review the request for appeal and issue a written **Determination of Appeal of Dismissal of Title IX Formal Complaint**, a written decision explaining why the appeal of the dismissal of a formal complaint or an allegation in a formal complaint is granted or denied.

The written **Determination of Appeal of Dismissal of Title IX Formal Complaint** will provide the rationale for the District's response to the **Request for Appeal of the Dismissal of a Title IX Formal Complaint** and will either instruct the Title IX Coordinator to resume the Title IX Grievance Process or will inform the appealing party of additional options. A copy of the **Determination of Appeal of Dismissal of a Title IX Formal Complaint** will be provided simultaneously to both parties.

Effect of Appeal of a Title IX Determination of Responsibility

If a "**Request for Appeal of a Title IX Determination of Responsibility**" is filed, the "**Determination of Responsibility**" does not become final, and the District may not proceed with administering Title IX disciplinary sanctions or remedies until the date that the District provides both parties with the written results of the appeal through either written notice of the dismissal of the Request for Appeal or written notice of the "Determination of Title IX Appeal."

If a "**Request for Appeal of a Title IX Determination of Responsibility**" is not filed, the "**Determination of Responsibility**" becomes final on the date on which a Request for Appeal would no longer be considered timely.

The District must wait to act on the "Determination of Responsibility" while maintaining the status quo between the parties through supportive measures designed to ensure equal access to education.

District's Response to Request for Appeal of a Title IX Determination of Responsibility

In an appeal of the "**Determination of Responsibility**," the District's designated appeal officer will review the request for appeal and issue a written "**Determination of Title IX Appeal**," a written decision explaining why the appeal is granted or denied.

The written "**Determination of Title IX Appeal**" will provide the rationale for the District's response to the "**Request for Appeal of a Title IX Determination of Responsibility**" and will either instruct the Title IX Coordinator to resume the Title IX Grievance Process or will inform the appealing party of additional options. A copy of the "**Determination of Title IX Appeal**" will be provided simultaneously to both parties.

Once the appeal officer issues the written "**Determination of Title IX Appeal**," the District will proceed with implementing Title IX disciplinary sanctions or remedies or take other appropriate action.

POSSIBLE DISCIPLINARY SANCTIONS AND REMEDIES

If a respondent has been determined through the Title IX Grievance Process to be responsible for the alleged sexual harassment, the District must provide remedies to the complainant that are designed to restore or preserve the complainant's equal access to the District's educational programs and activities. The Title IX Coordinator is responsible for effective implementation of remedies.

The remedies may include the same individualized supportive measures described above under Supportive Measures. The remedies may also include disciplinary action against the respondent. The remedies selected after the completion of the Title IX Grievance Process need not be non-disciplinary, non-punitive, and need not avoid burdening the respondent.

Student Respondent

Possible disciplinary sanctions for student respondents who are determined responsible for allegations of sexual harassment include, but are not limited to:

- Suspension
- Expulsion
- Any disciplinary measure provided by the District's Student Code of Conduct
- Ineligibility to participate in extracurricular activities
- Ineligibility to serve in certain roles at the campus

Employee Respondent

In the "**Determination of Responsibility**," the decisionmaker will recommend any disciplinary action against an employee respondent who is determined responsible for allegations of sexual harassment. The "**Determination of Responsibility**," will be provided by the Title IX Coordinator to the Legal Review Committee for review of potential personnel action to be taken in accordance with **DH (Regulation)** and Texas state law. Possible disciplinary actions include, but are not limited to:

- Additional training or counseling
- A performance improvement or intervention plan
- A written reprimand
- Suspension
- Non-renewal
- Termination

CONFIDENTIALITY

The District must keep information confidential as required by law except as necessary to provide supportive measures, to conduct proceedings under the Title IX Grievance Process, when disclosure is required by law, or when permitted by the District in compliance with the Family Educational Rights and Privacy Act (FERPA) and state law, or to otherwise carry out the purposes of 34 C.F.R. Part 106. However, the District may not restrict the ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence.

A complainant's identity, if known, must be disclosed to the respondent once a formal complaint is filed by a complainant or signed by the Title IX Coordinator.

NO RETALIATION

District policy and federal law prohibit retaliation against anyone involved in the Title IX Grievance Process. District policy and federal law also prohibit retaliation against a student who refuses to participate in the Title IX Grievance Process.

If any student believes they have experienced retaliation for participating in or declining to participate in the Title IX Grievance Process, the student should notify the Title IX Coordinator. The student may also submit a complaint regarding retaliation under **FNG (Local)**.

If any employee believes they have experienced retaliation for participating in the Title IX Grievance Process, the employee should utilize the reporting procedures provided in **DIA (Local)/(Regulation)**.

RECORDS RETENTION

Records related to the District's entire response and process related to an allegation of sexual harassment must be maintained in accordance with the District's records control schedules or a minimum of seven years, whichever is longer. The District will direct all assigned Title IX personnel to comply with this recordkeeping requirement. [See **FFH(LEGAL)**.]

TITLE IX SEXUAL HARASSMENT TRAINING

The District will provide all Title IX personnel, including the Title IX Coordinator, investigators, decisionmakers, appeal officers, and informal resolution facilitators, training necessary to perform their duties, including: the definition of sexual harassment under Title IX; the scope of the District's education program or activity; as applicable to assigned duties, how to conduct an investigation and the Title IX Grievance Process including overseeing exchange of questions and answers, appeals procedures, and informal resolution procedures; and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

For investigators, training must also include issues of relevance to create an investigative report that fairly summarizes relevant evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

For decisionmakers, training must also include issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

The District may choose any training program so long as training materials do not rely on sex stereotypes and promote impartial investigations and adjudication of complaints.

Non-District employees who are designated to fulfill Title IX obligations may be responsible for costs of securing required training unless otherwise provided by the District.

REQUIRED REPORTING

At any point during a District's investigation that evidence is uncovered that requires reporting to law enforcement, Child Protective Services, the State Board of Educator Certification, or another entity, District employees must take the necessary actions to do so in compliance with law or board policy.

Information regarding Superintendent Reporting Requirements can be found on the Texas Education Agency's website.