

Title IX Training for Investigators and Decision Makers

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Meet the Presenter



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Title IX Training Requirements for Title IX Investigators and Decision Makers

- ❑ Let's Review What You Learned in **Parts One and Two** of the Training
 - ✓ The definition of sexual harassment;
 - ✓ Reporting requirements;
 - ✓ What schools must do to support alleged victims;
 - ✓ Title IX grievance procedures; and
 - ✓ Requirements and roles of the Title IX Coordinator and Informal Resolution Facilitator.

We Are Here

Title IX
Coordinator



Investigator



Decision Maker



Appeal
Officer



Informal
Resolution
Facilitator



Training Requirements for Title IX Investigators

❑ What Will You Learn in this Specialized Training for Title IX Investigators?

1. Review the Parties to a Formal Complaint.
1. Review the necessary elements of the investigative process.
1. How to investigate.
4. How to create an investigative report “that fairly summarizes relevant evidence” (as described later in this section).

Review:

Who are the
Parties to a
Title IX Report
or Formal
Complaint

- **Complainant**: person alleged to be the victim of sexual harassment. **This does not have to be the same person making the Formal Complaint.**
- **Respondent**: person alleged to be the perpetrator of sexual harassment

Review:
Necessary
Elements of the
Investigative
Process

- ❑ The regulations require schools to **investigate** and **adjudicate Formal Complaints** of sexual harassment **and to give Complainants and Respondents meaningful opportunity to participate** in the investigation to **increase the likelihood that the District will reach and accurate, reliable determination regarding the Respondent's responsibility.**

Review: The Basic Elements of a Formal Complaint Process Include:

- ☐ An objective evaluation of **inculpatory** (favorable to **Complainant**) and **exculpatory** (favorable to **Respondent**) evidence.
- ☐ A requirement that credibility may not be based on the person's status.
- ☐ The Title IX Coordinator, investigator and decisionmaker(s) must not have a conflict of interest or bias against a party.
- ☐ A presumption Respondent is not responsible until a determination is made at the conclusion of the grievance process

- ☐ A reasonably **prompt*** time frame for the grievance process and allow for temporary delay of time frames for “good cause” (generally, investigation to be completed 30 days from the date of the report)

- ❑ **Witnesses:** parties have equal opportunity to present witnesses.
- ❑ **Free Speech:** District cannot restrict either party from discussing the allegations or gathering evidence.
- ❑ **Advisors:** parties have the right to an advisor.
- ❑ **Written Notice:** must be given to a party whose participation is invited or expected, with sufficient details and enough time to prepare.
- ❑ **Inspection and Review of Evidence:** prior to the completion of an investigative report, *the parties must have at least 10 days to review “directly related” evidence and submit a written response for investigator consideration.*
- ❑ **Summary of Investigation Report:** the investigator *must create an investigative report and provide copies to the parties and give the parties at least 10 days to respond.*
- ❑ Finalize and transmit investigation report that summarizes relevant evidence to the Title IX Coordinator.
- ❑ Title IX Coordinator submits report to Decision Maker.

How to Investigate Formal Complaints

Who May Serve as a Title IX Investigator?

- ☐ Administrators?
- ☐ HR?
- ☐ Central Office Staff?
- ☐ Internal Security?
- ☐ In House Counsel?
- ☐ Outside Investigator?
 - Non-Attorney
 - Attorney

Remember: the Title IX Decision Maker may not be the Title IX Investigator.

Requirements for Title IX Investigator under Title IX

- ❑ An individual serving as Title IX Investigator must have completed all the training as required by the new Title IX regulations.
- ❑ **The regulations do not prohibit the Title IX Coordinator from serving as Investigator or Facilitator,** but there may be reasons to separate these roles, if possible.
- ❑ Like the Title IV Coordinator, the Investigator may not have a conflict or be biased either for or against:
 - Complainants or Respondents generally, or
 - An Individual complainant or Respondent.

The Investigator May Not Have a Conflict of Interest or Bias

Identify Conflict of Interest or Bias:

- A. I've known the Respondent for years; he goes to my church, and I know his family.
- B. I can't believe the Respondent would do something like that.
- B. The Complainant tends to be dramatic and exaggerate.
- B. I know this student and she has a history of lying.
- B. All the above.

How to Determine a Conflict of Interest or Bias

- A. I've known the Respondent for years; he goes to my church, and I know his family.
- B. I can't believe the Respondent would do something like that.
- B. The Complainant tends to be dramatic and exaggerate.
- B. I know this student and she has a history of lying.
- B. All the above.

Investigation of Formal Complaints:

Remember: It is not the Investigator, but rather it is the Decision-Maker who will decide as to responsibility for Title IX purposes after the investigation.

In other words, **the Investigator is the fact gatherer.** The Decision-Maker will make the conclusions based on the facts gathered by the investigator.

The Investigator Only Investigates

Title IX
Coordinator



Investigator



Decision Maker



Appeal
Officer



Informal
Resolution
Facilitator



The Decision Maker Decides

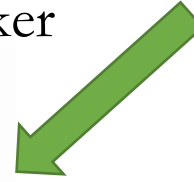
Title IX
Coordinator



Investigator



Decision Maker



Appeal
Officer



Informal
Resolution
Facilitator



The Investigator's Role:

- ☐ To be neutral.
- ☐ To interview witnesses.
- ☐ To gather information (*e.g.*, written statements, documents, video, audio).
- ☐ To present information gathered to the parties and the Decision-Maker.
- ☐ **To give the parties an opportunity to review and respond to the evidence.**
- ☐ To prepare the required investigative report.
- ☐ **To provide the parties with the investigative report and an opportunity to review and respond to the investigative report.**

If You Are The Investigator:

- ☐ Be respectful of all parties (Complainant, Respondent, and the witnesses).
- ☐ Be neutral.
- ☐ Use common sense (**pay attention to signals and document them**).
- ☐ Do not tolerate retaliation and remind witnesses about anti-retaliation policy.
- ☐ Document, document, document!

Documentation

- ☐ Notes may be evidence. Write as if the jury is reading over your shoulder.
- ☐ Do not add editorial comments.
 - ✓ “The witness seemed credible.”
 - ✓ “The complainant was nervous.”
- ☐ Only include factual observations that may be evidence.
 - ✓ “The Respondent would not look me in the eye.”
 - ✓ “The Respondent refused to tell me about previous misconduct allegations.”
- ☐ Prepare notes while information is fresh.
- ☐ Edit for accuracy and completeness.

Typical Steps of an Investigation

1. Provide **Interview Notices** to Complainant and Respondent.
2. Interview the Complainant.
3. Interview the Respondent.
4. Interview Witnesses.
5. **Provide the evidence to the parties and allow at least 10 days to review and respond in writing.**
6. Prepare investigative report that summarizes relevant evidence.

Typical Steps of an Investigation (cont'd)

7. Provide Parties a copy of the investigative report. Give them at least 10 days to review and respond to the investigative report in writing for consideration by the investigator.
8. *Coordinator provides the investigative report to the Decision-Maker.*
9. A decision is made by the Decision-Maker.
10. The Decision-Maker makes findings and conclusions and takes remedial action if necessary

Written Notice Regarding
Pending Title IX
Investigation

Written Notice of Meetings and Interviews

Title IX Grievance Process: Notice of Interview

The Title IX Coordinator must provide written notice:

- ☐ *to a party whose participation is invited or expected*
- ☐ written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings **(this includes the initial interview of the respondent)**
- ☐ with sufficient time for the party to prepare to participate

1. Send Interview Notices to Complainant and Respondent

- ❑ **Prior to an interview, written notices **MUST** be sent to Complainant and Respondent (and to their advisors, if any) regarding:**
 - interview(s), hearing(s), or meeting(s),
 - **in which they are expected and invited to participate.**
- ❑ Notice must include:
 - Time.
 - Location.
 - Purpose.

2. Investigator Interviews the Complainant

- ❑ Review Formal Complaint with the Complainant and pin down dates.
 - Who, what, where, when, why, how?
 - Any witnesses?
 - Did you confide in anyone?
 - Any threats or promises carried out by Respondent?
 - Any other complaints about Respondent?
 - **Anything else** I should know? **Any documents?**

Closing With The Complainant

- ☐ Inform the Complainant you will be speaking to the Respondent,
- ☐ Instruct the Complainant to report anything new,
- ☐ Thank the Complainant for the report,
- ☐ Tell the Complainant the District will get back to them soon (likely next to review the evidence),
- ☐ **Tell Complainant the District prohibits retaliation, and**

Closing With The Complainant

❑ **Prepare notes:**

- ✓ Best to prepare simultaneous notes.
- ✓ Review with witness/check in.
- ✓ Do not change their words.
- ✓ Only record facts.
- ✓ Make no reference to yourself in the first person. (Don't say, "I noticed the Complainant did not make eye contact." Say, "The Complainant did not make eye contact.")
- ✓ Avoid the word "evidence." You are only fact gathering.

Reluctant Complainants

- ❑ Explain the District must investigate (show policy).
- ❑ Reassure that the District will take appropriate action.
- ❑ Reassure retaliation will not be tolerated.
- ❑ Confidentiality – do not guarantee but will limit information to need-to-know basis. Keep as confidential as possible.

Emergencies/Providing Interim Protection

- ☐ If assault or threat, call police.
- ☐ Don't send Complainant back if threat to personal safety.
- ☐ Consider reassigning/moving the Respondent.
- ☐ Consider placing Respondent on administrative leave/suspension.
- ☐ Careful reassigning/moving the Complainant.
- ☐ Discourage resignation if the Complainant is an employee.

The Police Are The Beginning, Not the End

“[A] law enforcement investigation does not relieve the school of its independent Title IX obligation to investigate the conduct.”

“Police investigations may be useful for fact-gathering; but because the standards for criminal investigations are different, police investigations or reports are not determinative of whether sexual harassment or violence violates Title IX. Conduct may constitute unlawful sexual harassment under Title IX even if the police do not have sufficient evidence of a criminal violation.”

3. Interview The Respondent

- ☐ Do not make accusations.
 - ✓ State the concerns/allegations in the Formal Complaint.
- ☐ Do not suggest the Respondent apologize to the Complainant.
- ☐ Do not delay interviewing the Respondent.
 - ✓ Must interview most critical witnesses promptly!

Interview Questions for the Respondent

- ☐ Who, what, where, when, why, how?
 - ✓ Any witnesses?
- ☐ Was the conduct welcomed?
- ☐ Any recent or anticipated personnel actions against the Complainant?
 - ✓ If so, What ? Why?
- ☐ Could Complainant be misunderstanding?
- ☐ Why would Complainant make a false accusation?
- ☐ **Take notes.**
- ☐ **Ask the Respondent to write down what happened.**

Instructions to the Respondent

- ❑ Explain that retaliatory actions violate the law and policy.
- ❑ Explain the importance of remaining professional and avoiding statements like:
 - “I feel targeted.”
 - “I don’t want the Complainant in my class anymore.”
 - “I’m not going to meet alone with anyone anymore.”

First Amendment Rights

- ❑ For investigation under the Title IX grievance process, the District cannot instruct the Complainant or Respondent not to talk to other witnesses or not to discuss the allegations under investigation.
- ❑ However, Title IX does prohibit retaliation.
- ❑ Therefore, abuse of First Amendment rights to intimidate, threaten, or coerce for the purpose of chilling Title IX rights, is prohibited retaliation.

4. Interview Other Witnesses

- ☐ You will learn from Complainant and Respondent if there are witnesses.
- ☐ Interview only if necessary.
 - *e.g.*, you may not need to interview if Respondent admits to allegations. However, may need to interview witnesses if witness(es) may have their own claims.

4. Interview Other Witnesses

- ❑ Try to start with the witnesses who knows the most.
 - Explain that a concern has been expressed— start broad.
 - Assure that the District will not retaliate against witnesses.
 - Phrase questions to give as little information as possible. (“Are you aware of anyone making offensive language in the lunchroom?”)
- ❑ **When you have sufficient information, evaluate whether further witness interviews serve a purpose.**

Remember: The standard is not perfection. The issue is whether the employer reasonably believes (by a preponderance of the evidence) the allegation and acted in good faith. The issue is not truth or falsity.

Documents?

- ☐ If witnesses have documents, ask them to provide a copy (or location if the witnesses do not have them readily available).
- ☐ Ask them to report any new information.
- ☐ Remind them of the anti-retaliation policies.

Note: the documents, video and audio may reveal more witnesses that may need to be interviewed!

Are There Any Other Accusations Against Respondent?

- ☐ It is prudent to review whether similar complaints have ever been made against Respondent.
- ☐ Remember, your role is to be neutral, it is not to be hostile to the Respondent.
- ☐ Nonetheless, it is your duty to investigate and gather facts.

Review Complaint History of Complainant

- ☐ Be careful of duty to be objective and neutral. Only report any complaint history similar or related to the complaint you are investigating.
- ☐ Remember, your role is to be neutral, it is not to be hostile to the Complainant.
- ☐ Nonetheless, it is your duty to investigate and gather facts.

Medical Information?

- ❑ When investigating a Formal Complaint and throughout the grievance process” the District must:

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 in the professional’s or paraprofessional’s capacity, unless the District obtains that party’s voluntary, written consent.

5. Give Parties Opportunity to Inspect and Review Evidence “Directly Related” to the Allegations

❑ Prior to the completion of the investigative report, the Investigator:

- ✓ must **send to each party** and the party’s advisor, if any, the **evidence that is “directly related” to the allegations** to inspect and review in an electronic format or hard copy.
- ✓ the parties must have at least **10 days to submit a written response**, which the **investigator MUST consider** prior to completion of the investigative report.

Purpose: to give parties equal access to the evidence obtained “directly related” to the allegations, **even if the District does not intend to rely on the information.**

What is “Directly Related” to the Allegations?

- ☐ Investigator's Discretion.
- ☐ Encouraged to use, “plain and ordinary meaning.”
- ☐ Would include “inculpatory” and “exculpatory” evidence.

Example: if the investigator reviews the Respondent’s personnel file and there is nothing there related to the allegation, would not likely need to provide the entire personnel file to the Complainant.

Note: if it is information you have gathered as part of the investigation, the parties should have an opportunity to inspect. Therefore, include notes that you reviewed Respondent’s personnel file.

Relevant Evidence Includes

“Inculpatory Evidence”

- Evidence that makes it more likely that a disputed fact or issue is true

“Exculpatory Evidence”

- Evidence that makes it less likely that a disputed fact or issue is true

“Directly Related” to the Allegations

- ❑ Allows parties to **meaningfully respond** with arguments based on the information gathered that further each parties’ view of the case, or **present additional relevant facts and witnesses** that should be objectively evaluated.
- ❑ The right to inspect all evidence directly related to the allegations is an important procedural right for both parties.
- ❑ For example, although the District does not intend to rely on the Respondent’s personnel file, the Complainant may provide information that there is a separate investigation file, which includes similar complaints against the Respondent.

Confidential Information

- ❑ Investigator may redact information that is not “directly related” to the allegations or information that is protected by privilege (*e.g.*, medical information if the party has not given written consent).
- ❑ However, information that is confidential, sensitive or private may still be “directly related to the allegation” and thus subject to review by both parties.
- ❑ Consider non-disclosure agreements before disseminating certain information.

6. Prepare Investigative Report

The investigator **MUST** fairly summarize **relevant evidence** in an investigative report, such as:

- ✓ Formal Complaint.
- ✓ Board Policy, DIAA, possibly others.
- ✓ What Complainant said in his interview.
- ✓ What the Accused said in his interview.
- ✓ What witnesses said in their interview.
- ✓ Ages of Parties and Witnesses.
- ✓ Documents, Audiotapes, Recordings.
- ✓ Personnel/District file of Complainant that relate to allegations.
- ✓ Personnel/District file of Respondent that relate to allegations.

What is relevant to an investigation?

- ✓ Formal Complaint.
- ✓ Board Policy.
- ✓ What Complainant said in his interview.
- ✓ What the Accused said in his interview.
- ✓ What witnesses said in their interview.
- ✓ Ages of Parties and Witnesses.
- ✓ Documents, Audiotapes, Recordings.
- ✓ Personnel/School file of Complainant that relate to allegations.
- ✓ Personnel/School file of Respondent that relate to allegations.

What is NOT Relevant?

- ✗ Sexual/Disciplinary History of Complainant
- ✗ Popularity of Complainant
- ✗ Popularity of Accused
- ✗ Questions and evidence about a complainant's prior sexual history are not relevant evidence, unless exceptions are met.

Elements of an Investigative Report

- ❑ The summary report should summarize the following:
 - ✓ Employer policies/guidelines and their applicability to the investigation.
 - ✓ The incident or issues investigated, including dates.
 - ✓ Parties involved.
 - ✓ Steps taken to investigate.
 - ✓ Summary of Investigation.
- ❑ The Investigator is only required to report the facts, not make findings.
- ❑ Avoid making legal conclusions.

Elements of an Investigative Report

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 College 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

EX:

Complainant, interviewed on 7/22/23 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 dresses 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 7/23/23 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]

Investigator Name

Signature

Date

Date Investigative Report Provided to Parties and Advisors: _____

7. Provide Report to Parties

- ❑ The investigator **MUST** fairly summarize relevant evidence, and
 - ✓ at least 10 days prior to respond, send to each party and the party's advisor, if any, the investigative report in an electronic format or hard copy, for their review and written response.
 - ✓ The final regulations do not prescribe a process for the inclusion of additional information or for amending or supplementing the investigative report in light of the parties' responses after reviewing the report.
 - ✓ Any rules or practices a District adopts must apply equally to both parties and must be mindful of the recipient's obligation to conclude the entire grievance process within the designated time frame.

8. Provide the Investigative Report to the Decision-Maker

- ❑ The investigative report should contain relevant evidence including exculpatory and inculpatory evidence, whether obtained from the parties or other sources.
- ❑ The investigator is not prohibited from making *recommended findings*.
- ❑ **However, the Decision-Maker is under the independent obligation to objectively evaluate relevant evidence, and this cannot simply defer to the recommendations made by the Investigator.**

9. The Decision Maker Decides

Title IX
Coordinator



Investigator



Decision Maker



Appeal
Officer



Informal
Resolution
Facilitator



10. Decision-Maker Evaluates Investigation Report,
Coordinates Questions, Prepares Written Determination
and Conclusions

Role of the Decision-Maker

Role of Decision-Maker: Overview

Decision-Maker is responsible for:

- ☐ Evaluating the investigative report
- ☐ Oversee a written question-and-answer process in which the parties get to ask written, **relevant** questions and follow-up questions of the other parties and witnesses.
- ☐ Must provide written explanation to a party if a question is determined not relevant, including the basis for the decision.
- ☐ After that process, reaching a determination as to responsibility in formal complaint procedures using a preponderance of the evidence standard.

What Questions are Not Relevant?

- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior (Note: This includes prior dating relationships) are not relevant.
 - Unless such questions and evidence about prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct, 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.**

Remember Exceptions

- Medical treatment records
- Privileged information
- Information about the complainant's past sexual history or predisposition unless for limited uses authorized by the rule

Relevance

- Evidence is generally considered *relevant* if it has value in proving or disproving a fact at issue, and relevance means the evidence will be relied upon by the Decision-Maker
 - Regarding alleged policy violation and/or
 - Regarding a party or witness' credibility
- The investigator will have made initial relevance “decisions” by including evidence in the investigation report...
- Relevance is ultimately up to the Decision-Maker, who is not bound by the investigator's judgment.
- All relevant evidence must be objectively evaluated

Role of Decision-Maker: Overview

Decision-Maker is also responsible for:

- ☐ Reaching findings of fact and conclusions based on investigative report and parties' questions
- ☐ Determining whether a Respondent is found responsible
- ☐ Producing a written determination as to responsibility and providing it to both parties at the same time

Written Determination

- The Decision-Maker must create a written determination regarding responsibility in accordance with Title IX procedures.

Role of Decision-Maker: Overview

A Written Determination should:

- ☐ Identify allegations
- ☐ Describe procedural steps taken in grievance process
- ☐ Include a statement of facts
- ☐ Apply code of conduct
- ☐ State finding for each allegation, according to adopted standard of proof, **including rationale**
- ☐ Describe bases for appeal

Title IX Grievance Process: Determining Responsibility

The District must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final:

- ☐ If an appeal is filed: “on the date that the recipient (the District) provides the parties with the written determination of the result of the appeal.”
- ☐ If an appeal is NOT filed: “on the date on which an appeal would no longer be considered timely.”

Written Determination

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 College decision-maker, that _____ [did/did] not sexually harass _____ as the term is defined in federal regulations and College 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 College's education program]

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

Allegations potentially constituting sexual harassment:

The parties involved in the allegations are: _____

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

Procedural steps 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:

Findings of fact and statements of, and rationale for, the result as to each allegation:

[Specify and number findings of relevant facts]

Conclusions regarding the application of the College's code of conduct to the facts:

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

Appeal

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

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

Pursuant to College 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 College 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:

Disciplinary or Corrective Action

- If the Decision-Maker determines that prohibited conduct occurred, the District shall promptly respond by taking disciplinary action or corrective action reasonably calculated to address the conduct.

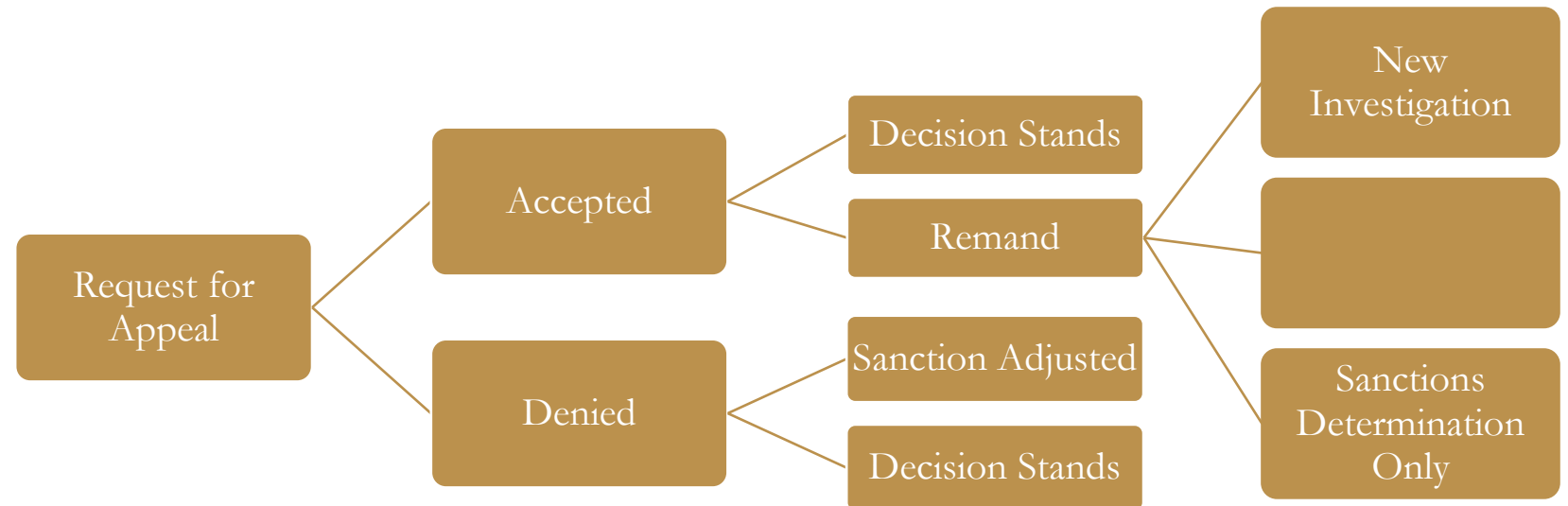
Disciplinary or Corrective Action

- Disciplinary Measures
- Training
- Comprehensive Education Program
- Counseling
- Permitting either Party to drop a course (students)
- Conducting follow up inquiries to determine if any new incidents have occurred
- Climate survey
- Increase staff monitoring
- Reaffirming District's policies
- Taking other appropriate action

Appeals

- Covered in Part 2.

Appeals: The Process



Questions?

Title IX Investigators

What did you learn?

- ☐ You learned how to investigate.
- ☐ You learned your duty to gather information objectively and to be impartial.
- ☐ You learned how to document an investigation.
- ☐ You learned how to create an investigative report “that fairly summarizes relevant evidence.”

Decision-Maker:

What Will You
Learn?

- ☐ An understanding of the Title IX grievance process
- ☐ An understanding of what evidence is relevant and what is not
- ☐ How to objectively evaluate evidence and credibility
- ☐ Applying the standard of proof to determine responsibility

Appendix

- | | |
|---|--|
| 1 | Notice of Title IX Notice of Formal Complaint (Respondent) |
| 2 | Notice of Receipt of Formal Complaint and Supportive Measures in Place (Complainant) |
| 3 | Notice of Supportive Measures in Place (Respondent) |
| 4 | Notice of Emergency Suspension Pending Title IX Investigation (Respondent) |
| 5 | Title IX Letter Regarding Opportunity to Review Evidence (Respondent) |
| 6 | Title IX Letter Regarding Opportunity to Review Evidence (Complainant) |
| 7 | Preliminary Title IX Investigate Report Template |
| 8 | Title IX Written Determination |

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