

[TO BE PROMPTLY SENT TO COMPLAINANT. IF DISMISSAL OCCURS AFTER THE RESPONDENT HAS BEEN NOTIFIED OF THE ALLEGATIONS. ALSO SEND SIMULTANEOUSLY TO THE RESPONDENT]

NOTICE OF DISMISSAL

Notice is hereby given, in accordance with 34 C.F.R. § 106.45(d), that the complaint on behalf of [name of complainant] alleging sex discrimination by [name of respondent] is dismissed as of [insert date].

1. The School District may dismiss a complaint or any allegations therein if at any time during the investigation:
 - a. The school district is unable to identify the respondent after taking reasonable steps to do so;
 - b. The respondent is not participating in the school district's education program or activity and is not employed by the School District;
 - c. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint under 34 C.F.R. § 106.44(f)(1)(v), and the School District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
 - d. The school district determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX.

2. The parties are hereby notified that [the complaint/portions of the complaint] has been dismissed in accordance with [insert which section above applies] of this Notice. The reasons for dismissal are as follows:

[Insert facts that support how to above reason for dismissal has been met. For example, on January 1, 2024, the Respondent withdrew as a student from the School District and is no longer participating in the School District's education program or activity.]

3. Pursuant to 34 C.F.R. § 106.45(d)(3), you have the right to appeal this dismissal within [insert number] days. Any appeal must be made in writing and filed with [NAME OF APPELLATE DECISIONMAKER] who may

be contacted [E-MAIL ADDRESS] or [ADDRESS]. The grounds on which you may appeal are as follows:

- A. Procedural irregularity that would change the outcome;
 - B. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; or
 - C. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
4. Appeals on any other grounds will be dismissed. If you do not appeal in writing within [insert number] days, the appeal will be deemed waived.