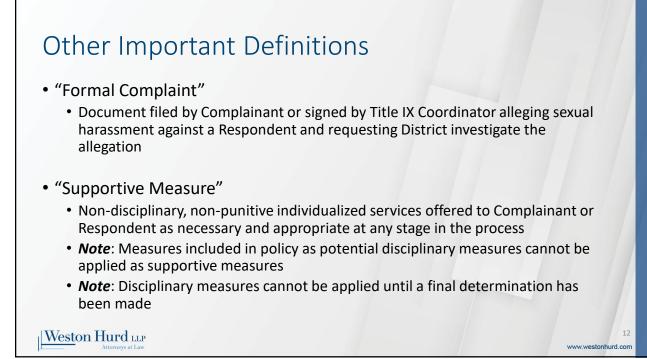


Other Important Definitions

- "Complainant"
 - Individual who is alleged to be the victim of conduct that could constitute sexual harassment
- "Respondent"
 - Individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment
- "Actual Knowledge"
 - Notice of sexual harassment or allegations of same to the Title IX Coordinator or any official of the District who has authority to institute corrective measures on behalf of the District, or to any employee of any elementary or secondary school

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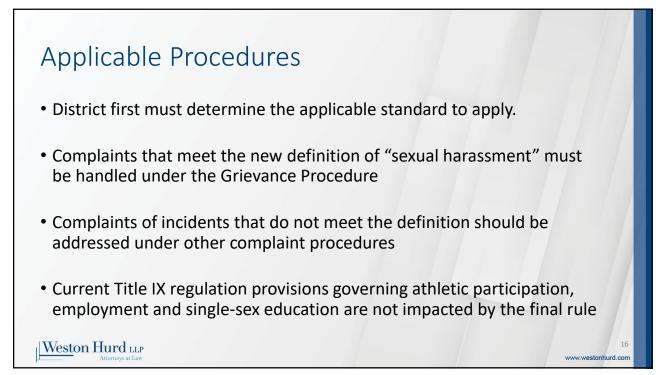
Defining Roles

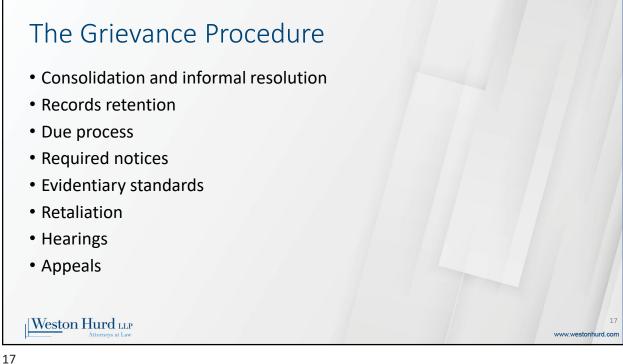
- All current documentation should reference the person serving as Title IX Coordinator
 - Should not use Compliance Officer reference
- The Title IX Coordinator can serve as investigator
- However, neither the Title IX Coordinator nor the investigator can serve as decision-maker
- The investigator is responsible for gathering evidence that will be used by the decision-maker in making his or her decision with regard to the complaint

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Consolidation and Informal Resolution

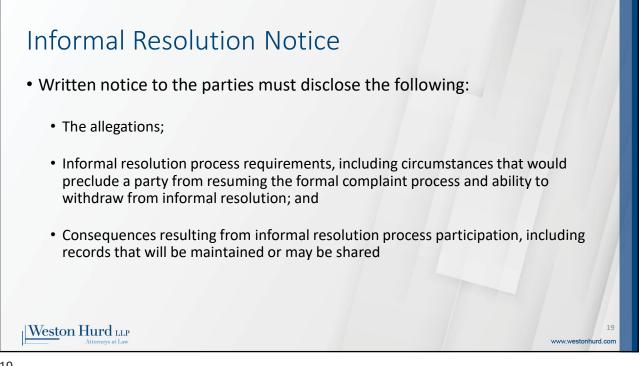
Consolidation

• Formal complaints may be consolidated in circumstances where allegations arise out of the same circumstances

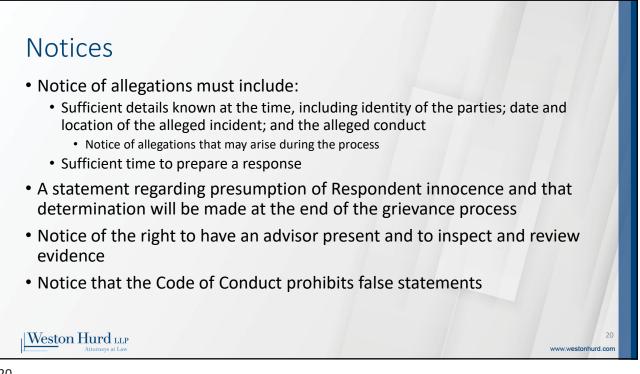
Informal Resolution

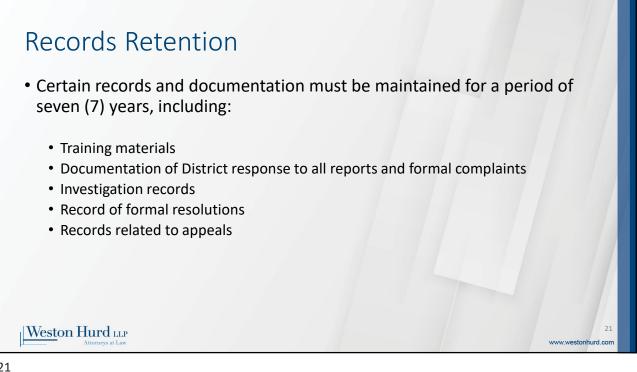
- District may offer informal resolution process at any time during a formal complaint process prior to determination of responsibility, except in the case of allegations that an employee sexually harassed a student or student-to-student sexual assault
- In order to offer this option, District must:
 - · Provide written notice to the parties; and
 - Obtain the parties' voluntary, written consent to informal resolution process

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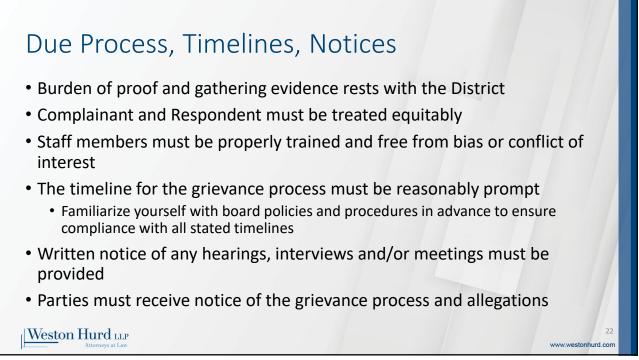


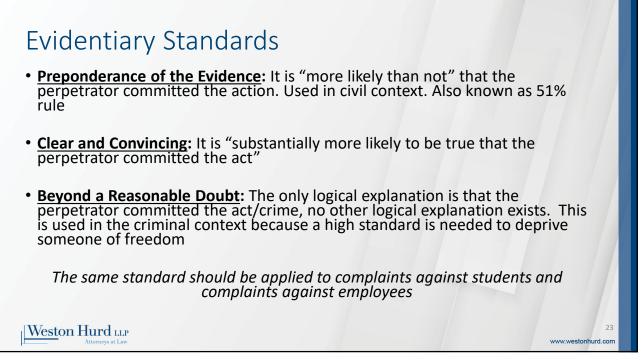


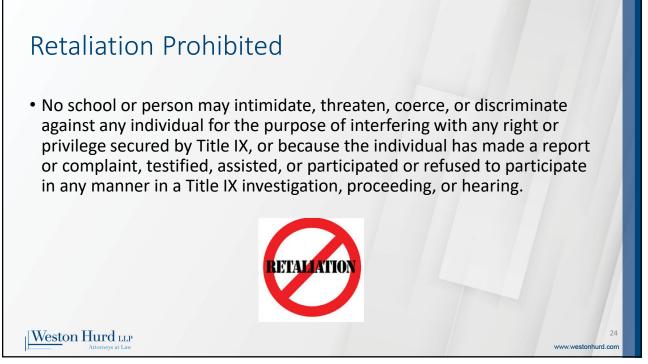




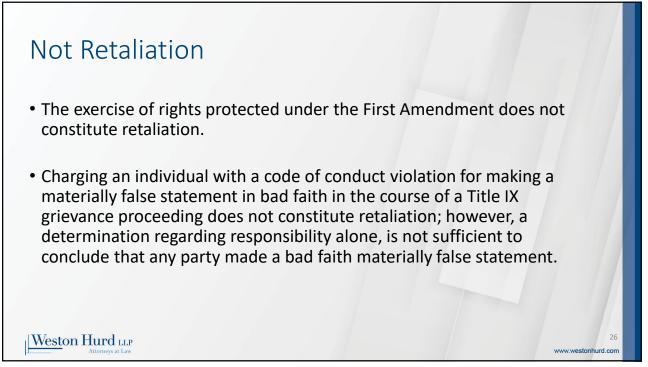


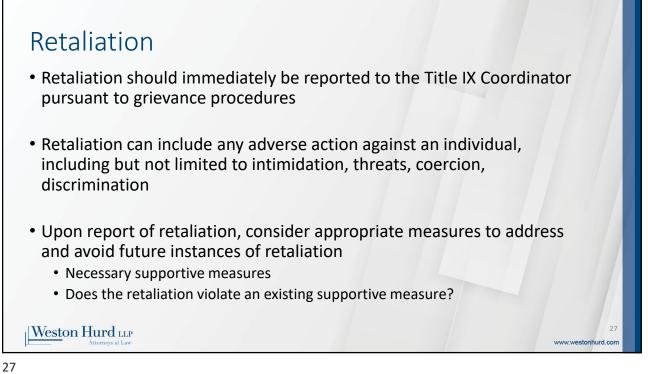






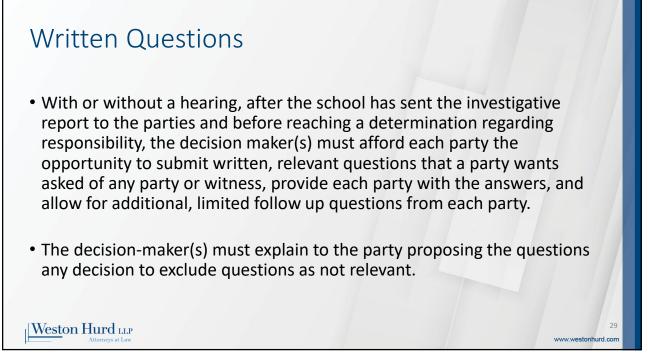
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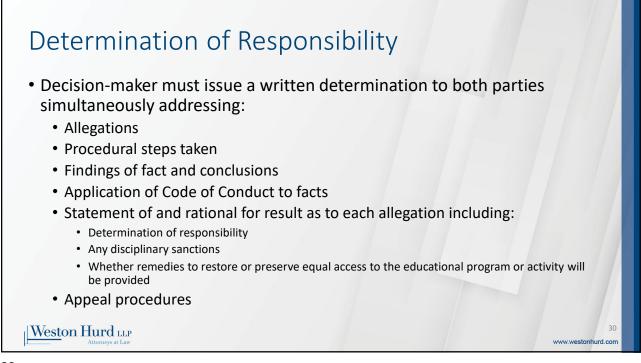


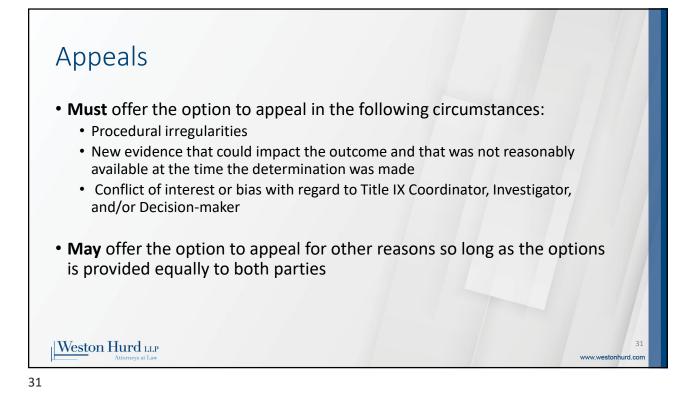


Hearings

- K-12 schools are not required to conduct live hearings, but may choose to
- Regardless of having a hearing, provide each party the opportunity after the completion of the investigative report to submit written, relevant questions that the party wants asked of another party or witness, provide each party with the answers, and provide for limited follow-up questions







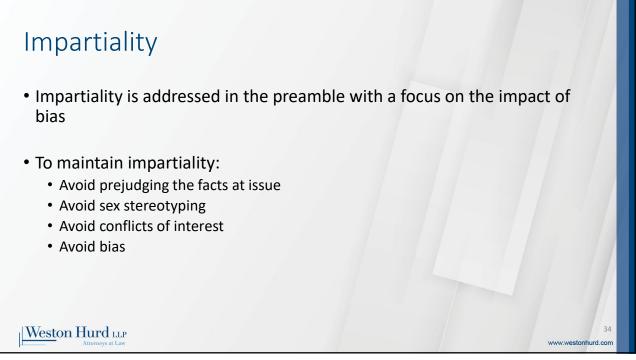


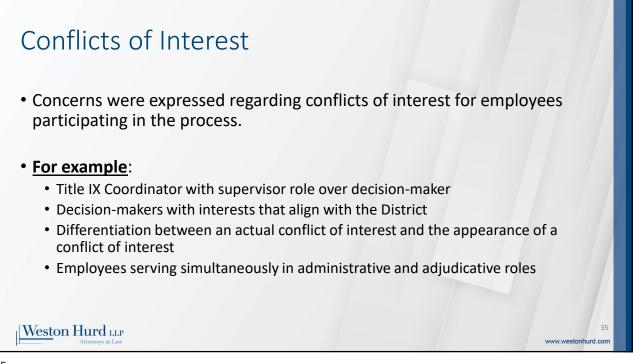
- Written notice should be provided to the other party any time an appeal is filed
- A different decision-maker is required; cannot be the Title IX Coordinator, investigator, or original decision-maker
- Appeal decision-maker must be properly trained and cannot have a conflict of interest or bias against Complainant or Respondent
- Both parties should be provided the ability to submit a written statement
- The appeal decision-maker must issue a written decision, which should be provided to both parties simultaneously and should provide basis for appeal decision

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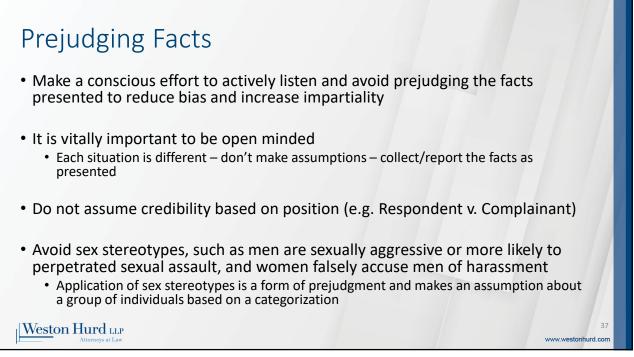




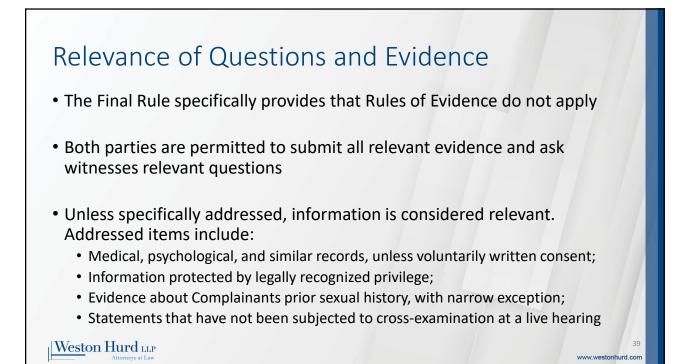


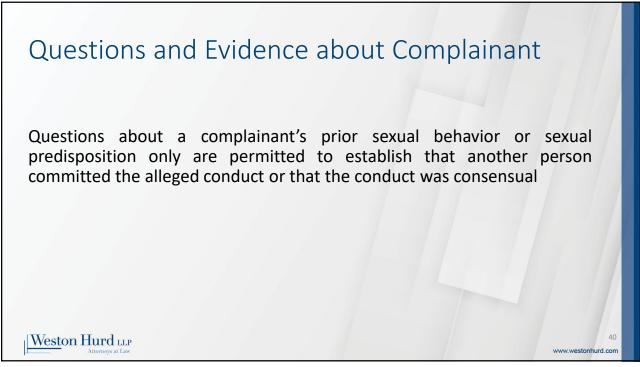
Bias

- Determining whether bias exists is a fact-specific determination
 - Use common sense
 - Avoid generalizations
- Take caution to avoid unreasonable conclusions of bias:
 - By making assumptions about groups of individuals
 - Based solely on outcomes of grievance processes decided under the Final Rule
- Final Rule allows for use outsourcing of investigation and adjudication functions where employees have conflicts of interest or bias



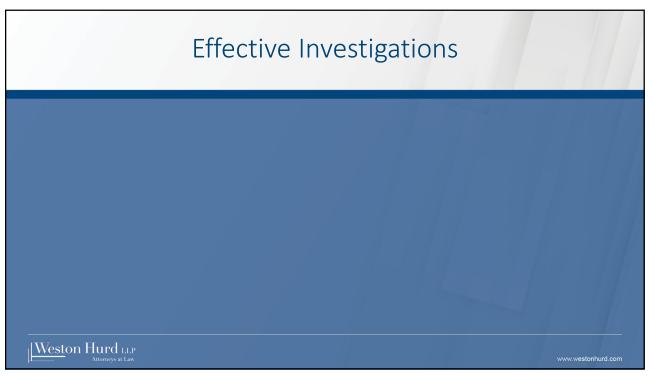








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Effective Investigations

- Review grievance process in advance; look out for other impacted policies
- Remain impartial and unbiased throughout the process; remember your role
- Review and document all relevant evidence at investigation outset and each step during the process
- Prepare in advance for interviews general questions first, and then drill down to specifics
- Adjust for new information gathered during the investigation and properly document evidence

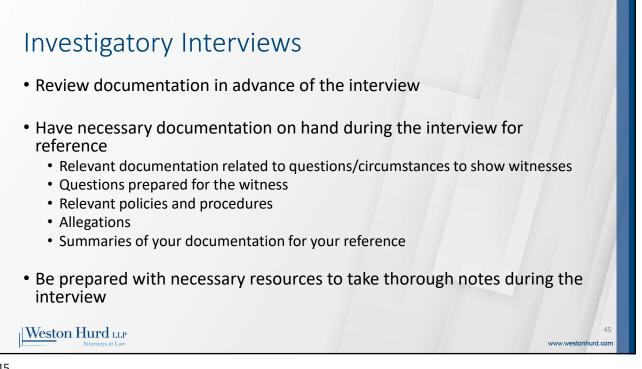
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Effective Investigations

- Review all available documentation and procedures as the first step in the process
- Document evidence gathered at the outset of the investigation
- Consider relevant witnesses and individuals who need to be interviewed, as well as individuals who should not be interviewed
- Remain flexible throughout the process to ensure the investigation is thorough
- Take caution to avoid prejudgment with regard to guilt or innocence, stereotyping, bias, etc.
- Use the information gathered at this stage to craft questions for witnesses

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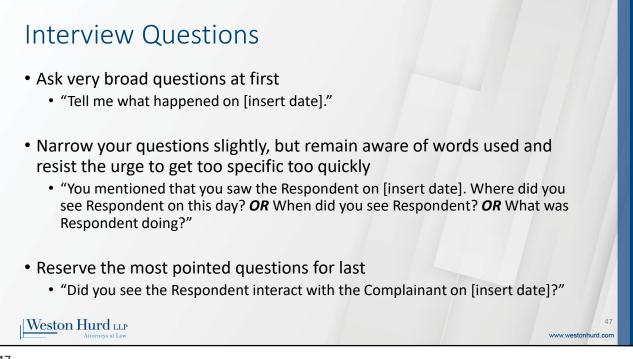


Investigatory Interviews

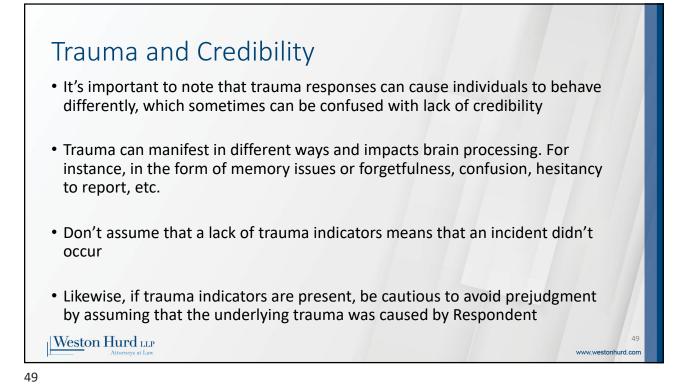
- Provide written notice to parties of date, time, participants, purpose, and location of each investigative interview, with sufficient time to prepare
- · Be persistent in scheduling witness interviews
- Prepare questions in advance of the interview
 - Tailor questions to each witness
 - Plan to begin with open-ended questions that allow the witnesses to speak in narrative form
 - Gradually narrow questions, with most specific, pointed questions reserved for last
 - Adjust questions as necessary to address information gathered during the interview

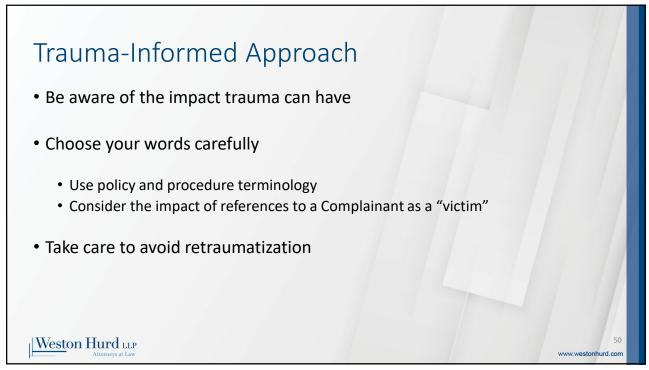
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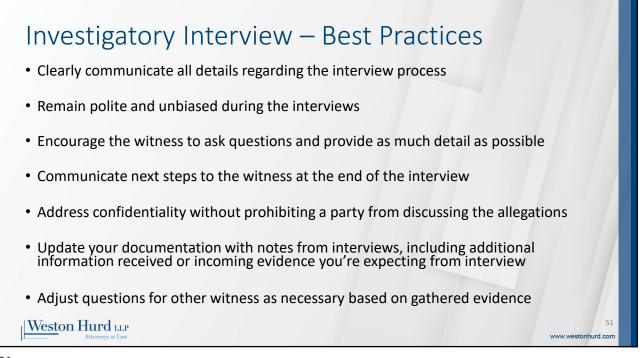
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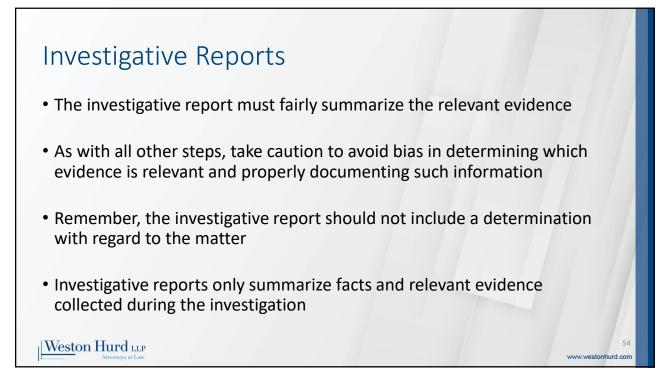


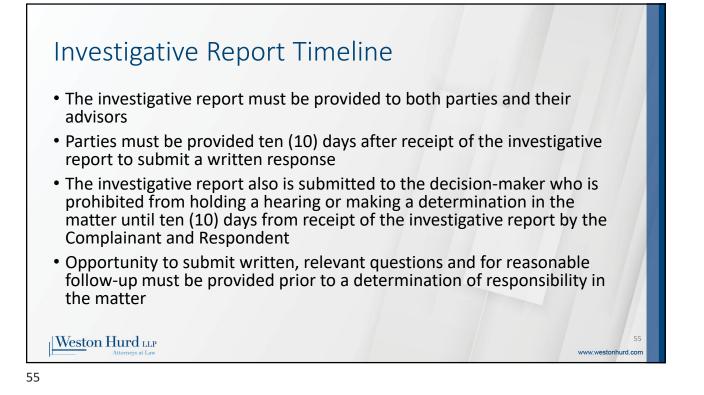


Investigation Finalization

- Prior to investigative report finalization, each party and his/her advisor must receive evidence to inspect and review in electronic format or hard copy
 - All evidence directly related to the allegations must be provided
- Parties must be provided ten (10) days to submit written responses
 - Follow-up on submitted responses as needed
- The investigator must consider these written responses prior to completion of the investigative report







 Highlights

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Highlights

- Know the policies and procedures and ensure compliance with all requirements and timelines
- Know the facts of the circumstances being investigated
- Evaluate for conflicts of interest
- Know your biases don't prejudge facts, choose your words wisely, remain unbiased
- Be flexible and adjust for information gathered during the process
- Properly document all facts and evidence collected, but don't make any conclusions with regard to the matter – don't lose sight of your role in the process

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