

ALBUQUERQUE AVIATION ACADEMY

TITLE IX COMPLAINT PROCESS

STANDARD OPERATING PROCEDURES



I. General Overview

- A. The Title IX Coordinator's name and contact information will be published on the School's website.
- B. The process for a student/family/employee to file a Title IX report ("Report") will be published and available on the School's website.
- C. Reports may be made via email to the Title IX Coordinator, by submitting the Title IX complaint form to the Title IX Coordinator or by calling the Title IX coordinator.
- D. All District employees are mandatory reporters.
 - 1. A Report, made to a School employee, must be immediately reported to the Title IX coordinator.
 - 2. The Report form may be found on the School's website, and here at abqaviation.com/about-us/title-ix.

II. Handling a Report

- A. When a Report is received, the Title IX Coordinator, or Designee, i.e. Deputy Title IX Coordinators, will conduct a preliminary inquiry, when necessary to gather more information to determine Title IX jurisdiction.
- B. Based on the allegations, or preliminary inquiry, the Title IX Coordinator will determine if the allegations in the Report fall within Title IX jurisdiction, or if the Report will be referred to another department.
- C. When a formal Report is received from a Complainant, and the allegations do not meet the criteria for Title IX jurisdiction, a Notice of Dismissal ("Dismissal") will be sent to the Complainant.¹
 - 1. If Respondent is aware of the Report, Respondent will also receive the Dismissal.
 - 2. Both the Complainant and Respondent ("the Parties") have the right to appeal a Dismissal.
 - a. To appeal, a written appeal must be submitted to the Title IX Coordinator, within five (5) days of the issuance of a Dismissal.
 - b. The appeal, and any associated documents, will be sent to the Director of Operations for review.
 - c. If the Director of Operations agrees that Title IX jurisdiction does not attach to the Report, the Director of Operations will issue a written denial of the appeal.
 - d. This denial will be sent to the Title IX Coordinator for distribution to the Party(ies).
 - e. If the Director of Operations determines that the matter should be

investigated through the Title IX process, the matter will be returned to the Title IX Coordinator for assignment and investigation.

III. Investigation Process

- A. If Title IX jurisdiction attaches to the allegations in the Report, the Title IX Coordinator will initiate the Title IX Investigation Process.
- B. The Title IX Coordinator may assign a Deputy Title IX Coordinator, or other designee, to offer and assist in the delivery of Supportive Measures to the Parties.
 - 1. Supportive Measures may include, but are not limited to: counseling, change of class schedule or work assignment, extracurricular changes, excused absences, etc.
 - 2. Supportive measures are offered to both Parties.
 - 3. The Title IX Coordinator/Designee will determine if either of the Parties is in special education or on a Section 504 plan.
 - a. Contact will be made with the case manager of any student receiving special education services or any student, or employee, receiving services through a 504 plan, at a minimum.
- C. The Title IX Coordinator will assign an investigator to begin investigation of the Report.
 - 1. If a conflict, real or perceived, between the assigned investigator and the Parties exists, the investigator will notify the Title IX Coordinator.
 - 2. The Title IX Coordinator will determine whether an actual conflict exists, and either reassign the Report to another investigator or continue with the assigned investigator.
- D. If a Party needs to be placed on interim suspension during the pendency of the investigation, as a result of significant safety concerns, the Title IX Coordinator will conduct a risk assessment prior to a removal.
 - 1. If it is determined that a Party is to be placed on interim suspension, the Party to be removed has the right to appeal the removal to the school site level administrator(principal/designee), or to their direct supervisor, if an employee.
 - a. The Appeal must be submitted to the Title IX Coordinator within five (5) days of removal.
 - b. The Party will be informed in writing from the Title IX Coordinator, within five (5) days of submission of Appeal, of the outcome.
- E. A Title IX investigation commences upon the investigator serving written notice of allegations to Complainant and Respondent (both Parties receive the allegations).
 - 1. Respondent has five (5) days to respond in writing, to the allegations; however, Respondent is not required to respond in writing.
 - 2. The Parties will be provided with the opportunity to provide witnesses and evidence, relevant to the allegations in the Report.
 - 3. The investigator will conduct the investigation, according to standard investigatory methods, and adhere to the procedures for Title IX investigations.
 - 4. The investigator may inform supervisors, or site level administrators, when Parties have been served.
- F. Upon completion of the investigation, the investigator will draft an investigation report.
 - 1. The Parties will receive a draft copy of the investigation report, and all exhibits.
 - 2. Parties may review the investigation report and exhibits, and respond in writing,

should they choose to do so, within ten (10) days.

G. After ten (10) days, the investigator will finalize the investigation report.

1. The final report will include any response that a Party submitted in writing to the draft report.
2. The Final Report will be transmitted to the Title IX Coordinator.
3. Title IX Coordinator transmits the final investigation report, along with all exhibits to the Decision-Maker.

IV. Determination

A. The Decision-Maker determines, based on the report and evidence, whether the Respondent should be found responsible for a violation of policy.

1. The Decision-Maker drafts a written decision (“Determination”) within ten (10) days of receipt of the final investigation report and exhibits.
2. The Determination is sent to the Title IX Coordinator for distribution to the Parties.

B. The Title IX Coordinator distributes the Determination to the Parties simultaneously, along with a description of procedural next steps, within five (5) days of receipt.

C. Appeal of Determination

1. If either Party chooses to appeal the Determination, they may send a written appeal to the Title IX Coordinator within five (5) business days of distribution of Determination.
2. All Parties will be made aware of an Appeal of the Determination.

D. The Title IX Coordinator will transmit the Appeal, along with the final investigation report and exhibits, to a Contracted Trained Third-Party Appellate, or Designee, for review and decision.

E. An Appeal of the Determination may be considered only when one of the following criteria is met:

1. New facts and evidence are presented, that were not available at the time of the investigation, which will *impact* the outcome of the investigation; or
2. Evidence is produced that demonstrates that the School had a conflict of interest, or bias, that *affected* the outcome of the investigation; or
3. Evidence is produced that the investigation procedures were not followed, which would have *impacted* the outcome of the investigation.

F. The Appellate, or Designee, will issue a written decision on the Appeal, and transmit the decision to the Title IX Coordinator within ten (10) days of receipt of the Appeal.

1. The Title IX Coordinator will transmit the written decision to the Parties.
2. The decision of the Appellate, or Designee, is final.

1 A formal Report is one submitted by the Complainant, requesting an investigation.