



Title IX Training

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Training Objectives



- Understand the **purpose and legal framework** of Title IX
- Define **sexual harassment** under Title IX, including the “reasonable person” standard
- Identify the **scope of Title IX** in education programs and activities
- Learn how to conduct an **investigation and grievance process**, including:
 - Supportive measures
 - Informal resolution
 - Investigations, hearings, appeals, remedies
- Understand **roles, responsibilities, and impartiality requirements**
- Explore **recordkeeping and confidentiality obligations**
- Discuss **complaint filing, student removal, and employee leave**

Purpose of Title IX

Core Principle:

“No person in the U.S. shall, on the basis of sex, be excluded from participation in, denied benefits of, or subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Goals:

- Ensure **equal access** to education
- Prevent and address **sex-based discrimination**, including sexual harassment and misconduct
- Promote a **safe, respectful, and supportive learning environment**

Title IX Scope: Sexual Discrimination

Definition: Conduct on the basis of sex that meets one or more of the following:

- 1. Quid Pro Quo Sexual Harassment:**
 - Educational benefits conditioned on participation in unwelcome sexual conduct
 - *Example:* Teacher offers a better grade in exchange for a date
- 2. Hostile Environment Sexual Harassment:**
 - Severe, pervasive, objectively offensive conduct denying equal access
 - *Example:* Repeated sexually explicit messages causing a student to avoid school
- 3. Sexual Assault / Dating Violence / Domestic Violence / Stalking:**
 - As defined by federal law (20 U.S.C. §1092(f)(6)(A)(v); 34 U.S.C. §12291)
 - *Example:* Sexual conduct with a student incapacitated by alcohol

Consent and Unwelcome Conduct

What is Consent?

- Clear, voluntary, **affirmative agreement** to engage in specific conduct

Key Elements:

- Freely Given, Informed, Mutual, Revocable

What is Unwelcome Conduct?

- Conduct is unwelcome if consent is not given or withdrawn
- Individuals cannot consent if incapacitated due to alcohol, drugs, age, or mental/physical incapacity

Key Considerations:

- Even with consent, conduct may still be hostile environment harassment
- Consent is important but not sole factor under Title IX

CAVEAT: Gender-Based Discrimination

Title IX Limitations

Some claims (e.g., gender identity, sexual orientation) **may not fall under Title IX.**

Other Protections

- **Students:** Illinois law, Illinois Human Rights Act, Board policies (7:10, 7:20)
- **Employees:** Title VII protections

Complaints outside Title IX should follow the **Uniform Grievance Procedure (2:260)**

Title IX Scope

Education Program or Activity

WHAT IS AN EDUCATION PROGRAM OR ACTIVITY?

Applies where the District has **substantial control** over:

- The Respondent
- The context of the alleged harassment

Determining Substantial Control:

- Consider location, activity type, supervision ability
- Consult legal counsel for ambiguous situations

TITLE IX JURISDICTION:

Title IX Jurisdiction:

- **Geographic Limitation:**
Applies only in the U.S.
- **Off-Campus Incidents:**
Covered if part of District operations or control
- **Digital/Online:**
School-owned networks or platforms used in education programs

District Obligation to Respond

Prompt Response Required:

- District must respond **promptly and not be deliberately indifferent**
- Deliberate indifference occurs only if the response is **clearly unreasonable**

Actual Knowledge:

- Triggers Title IX obligations when notice is received by:
 - Any District employee
 - The **Title IX Coordinator**
 - Any official authorized to take corrective measures
- Notice may be **verbal, written, or digital**

Response: Before Filing of Formal Complaint

Immediate Response:

- Refer matter to Title IX Coordinator
- Send Written Notice to both students and parent/guardian. including:
 - Allegations and possible policy violations
 - Rights under Title IX grievance procedures
 - Availability of supportive measures

Assessment of Report:

- Determine if conduct meets Title IX criteria
- Assess location, context, and jurisdiction

Documentation & Legal Consultation:

- Record report details and supportive measures
- Consult Board Attorney if necessary

Filing Formal Complaint:

- Complainant may file; Coordinator may file if safety or compliance concerns exist
- Coordinator remains neutral

Supportive Measures

Definition:

- Non-disciplinary, non-punitive services to restore equal access

Availability:

- Before, during, and after investigation
- Even if no formal complaint filed

Examples:

- Academic adjustments, counseling, no-contact orders, extracurricular changes, transportation changes

Confidentiality:

- Maintain unless disclosure is necessary to implement



Formal Complaint & Grievance Process

Filing a Formal Complaint

- Can be filed by the **Complainant** (victim or other individual) or the **Title IX Coordinator**
- **Initiates the grievance process**, if Title IX criteria met.

Complaint Requirements

- Must be **in writing**
- Must include **signature** or other indication of filing

Title IX Coordinator Role

- **Assigns case** to an Investigator
- Ensures **supportive measures** are in place and remain in place
- Maintains **documentation** throughout the process

Dismissal of Formal Complaints

Mandatory Dismissal	Discretionary Dismissal -
The Coordinator must dismiss a formal complaint if: • The conduct does not meet the Title IX definition of sexual harassment. • The conduct did not occur in the District's education program or activity. • The conduct did not occur in the United States.	The Coordinator may dismiss a formal complaint if: • The Complainant withdraws the complaint. • The Respondent is no longer enrolled or employed. • Specific circumstances prevent evidence collection.
Notice of Dismissal: The Title IX Coordinator must promptly send written notice of the dismissal and reasons to all parties.	
Note: Even if Complaint is dismissed under Title IX, it can still be addressed under other Board Policy or Code of Conduct.	

If not Dismissed: Conduct Investigation

Key Steps for Title IX Investigator:

1. Preparation – Review complaint, plan investigation
2. Evidence Collection – Gather documents, communications, physical evidence
3. Interviews – Complainant, Respondent, witnesses
4. Draft Report – Include findings, analysis, recommendations
5. Review & Comment – Parties submit feedback

Best Practices:

Remain neutral, Maintain confidentiality , Adhere to timelines



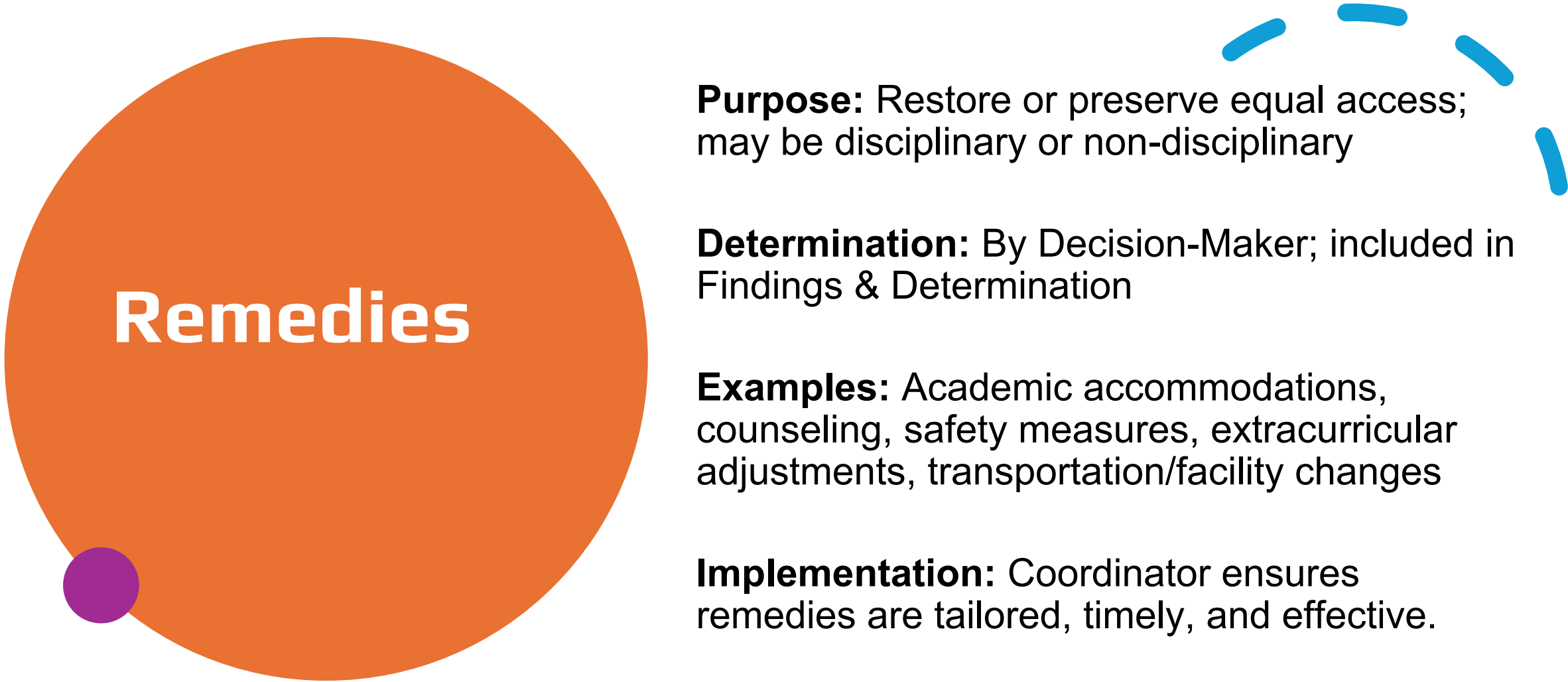
Determination Made-After Investigation

Decision-maker issues written outcome, including:

- Findings of responsibility
- Rationale and evidence summary
- Sanctions/remedies (if applicable)

Coordinator implements supportive measures and sanctions as required.





Remedies

Purpose: Restore or preserve equal access; may be disciplinary or non-disciplinary

Determination: By Decision-Maker; included in Findings & Determination

Examples: Academic accommodations, counseling, safety measures, extracurricular adjustments, transportation/facility changes

Implementation: Coordinator ensures remedies are tailored, timely, and effective.

Appeal Process

Parties may appeal Initial Decision Maker Decision

Grounds for Appeal:

- Procedural irregularity
- New evidence
- Conflict of interest or bias
- Additional grounds may be allowed

Process:

- Appeal filed within 10 school business days
- Both parties may submit written statements
- Appellate Decision-Maker reviews materials, issues written decision

Alternative to Formal Resolution Process: Informal Resolution

Parties can agree to informal resolution process.

Title IX Coordinator provides information to parties about informal resolution process.

Informal Process is conducted by Resolution Facilitator, can include mediation, restorative practices, or facilitated discussion.

Cannot be used for allegations involving sexual assault unless special conditions are met.



Informal Resolution Steps

Parties agree to process and sign **informal resolution agreement**.

Coordinator facilitates informal resolution:

- Conduct sessions or assign trained facilitator.
- Document agreements and next steps.

Resolution is finalized:

- Agreement implemented, monitored, and documented.
- Parties may withdraw from informal resolution and request formal resolution at any time.



**DISTRICT
TITLE IX
TEAM**

- Title IX Coordinator
- Investigator
- Initial Decision-Maker
- Appellate
Decision-Maker
- Resolution Facilitator

Title IX Coordinator

Roles and Responsibilities

Oversees compliance
and grievance
procedures

Receives reports,
coordinates
supportive measures,
issues notices,
implements remedies.

Maintains records for
7 years

Provides staff
guidance/training

Must be an Title IX
trained employee

Title IX Investigator

Roles and Responsibilities

Conducts impartial investigations

Collects evidence, interviews, drafts reports

Maintains confidentiality

May be Title IX trained employee or external consultant

Title IX Initial Decision-Maker Role & Responsibilities

(May be Superintendent, designee, or external consultant if conflict exists)

Review Investigate Report:

- Comprehensive, impartial evaluation of all evidence

Facilitating Written Questions:

- Notify parties, determine relevance, forward questions, allow follow-up

Determination of Responsibility:

- Preponderance of evidence standard
- Written determination must include: findings, conclusions, sanctions, remedies

No Adverse Inference Rule:

- Cannot infer responsibility from refusal to answer
(Must be Title IX trained)

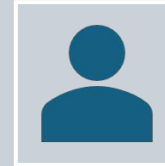


Title IX Appellate Decision Maker

Roles and Responsibilities



Reviews appeals and issues written decisions



Must be independent from initial Title IX team; cannot be the Title IX Coordinator, Investigator, or Decision Maker



Must be trained in Title IX requirements



Must be impartial

Title IX Resolution Facilitator

Roles and Responsibilities

When agreed to by the parties, facilitates voluntary informal resolution.



Cannot be the Coordinator, Investigator, or Decision maker.



Can be a District employee, contracted outside professional, or third party neutral.



Must be Title IX trained.



Record Keeping Requirements

Responsibility: Title IX Coordinator

Records to Maintain:

- Notices, Investigations, determinations, sanctions, remedies
- Appeals and outcomes
- Informal resolutions
- Training materials

Retention: Minimum 7 years



Removal of Respondents

Student

Title IX permits
Emergency Removals:

- Conduct individualized safety/risk analysis
- Provide **Due Process**

Discipline under
School Code may be
an option.

Employee

Provide **Due Process**,
follow Board Policy and
CBA procedures for:

- Suspension with Pay
- Suspension without Pay
- Termination



That's All
Folks!!!



COMPREHENSIVE TITLE IX TRAINING MANUAL FOR SCHOOL COORDINATORS, INVESTIGATORS, DECISION MAKERS AND RESOLUTION FACILITATORS

*Prepared and Presented by Attorneys for District 86, Leslie Quade Kennedy and Felicia Frazier,
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I. TRAINING OBJECTIVES

- Understand the purpose and legal framework of Title IX.
- Define sexual harassment under Title IX regulations, including the "reasonable person" standard.
- Identify the scope of Title IX in education programs and activities.
- Learn how to conduct an investigation and the grievance process, including supportive measures, informal resolution, investigations, hearings, appeals, and remedies.
- Understand the roles and responsibilities and impartiality requirement.
- Explore recordkeeping requirements and confidentiality obligations.
- Discuss who can file a complaint, student respondent removal, and employee leave.

II. PURPOSE OF TITLE IX

A. Core Principle

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

B. Goals

- Ensure equal access to educational programs and activities. .
- Prevent and address sex-based discrimination, including sexual harassment and sexual misconduct.
- Promote a safe, respectful, and supportive learning environment for all students and staff.

III. TITLE SCOPE: SEXUAL DISCRIMINATION.

A. Title IX Definition: Sexual Discrimination.

Sexual harassment is **conduct on the basis of sex** that meets one or more of the following definitions under the 2020 regulations:

1. Quid Pro Quo Sexual Harassment

¹ **Caveat:** This training provides general legal information for employees. It is not individualized legal advice. For advice on specific situations, please consult the District’s Legal Counsel.

- A District employee conditions an educational benefit or service upon a person's participation in unwelcome sexual conduct.
- **Example:** A teacher tells a student, "If you want a better grade, you need to go on a date with me."

2. Hostile Environment Sexual Harassment

- Unwelcome conduct that is severe, pervasive, and objectively offensive, effectively denying a person equal access to the District's education program or activity.
- **Example:** Students repeatedly send sexually explicit messages to a peer, causing the peer to avoid school.

3. Sexual Assault, Dating Violence, Domestic Violence, or Stalking

- As defined by federal law, including 20 U.S.C. §1092(f)(6)(A)(v) and 34 U.S.C. §12291.
- **Example:** A student engages in sexual conduct with another student who is incapacitated due to alcohol, making the conduct non-consensual and unwelcome.

B. Consent and Unwelcome Conduct

1. What is Consent?

Consent is a **clear, voluntary, and affirmative agreement** to engage in specific conduct.

Key Elements:

- **Freely Given:** Without coercion, force, or threats.
- **Informed:** Both parties understand the nature of the conduct.
- **Mutual:** Both parties agree to the conduct.
- **Revocable:** Consent can be withdrawn at any time.

Relation to Unwelcome Conduct:

- Conduct is **unwelcome** if consent was not given or is withdrawn.
- **Lack of Consent** includes coercion, force, or deception.
- Individuals **cannot consent** if incapacitated due to:
 - Alcohol or drug use
 - Age (e.g., minors under the age of consent)
 - Mental or physical incapacity

Key Considerations:

- Even if consent is given, conduct may still be considered **hostile environment harassment** if it is severe, pervasive, and objectively offensive.

- Consent is important in evaluating unwelcome conduct but is **not the sole factor** under Title IX.

C. Caveat for Gender-Based Discrimination

1. Title IX Limitations:

Some gender-based discrimination claims (e.g., based on gender identity or sexual orientation) may not fall under Title IX due to ongoing legal challenges, including *Tennessee v. Cardona*.

2. Other Protections:

- **Students:** Illinois law, the Illinois Human Rights Act, and Board policies (e.g., 2:260-Uniform Grievance Procedure, 7:10-Equal Educational Opportunities, and 7:20- Harassment of Students Prohibited) may provide protections.
- **Employees:** Protections exist under **Title VII** and may exist in Board Policies (e.g., 2:260-Uniform Grievance Procedure, 5:10-Equal Employment Opportunity and Minority Recruitment; 5:20-Workplace Harassment Prohibited)

IV. TITLE IX SCOPE: EDUCATION PROGRAM OR ACTIVITY

A. What is an Education Program or Activity?

Title IX applies to **locations, events, or circumstances in the United States where the District exercises substantial control** over both:

- The **Respondent** (the alleged perpetrator).
- The **context in which the alleged sexual harassment occurred**.

This ensures the District can **effectively address sexual harassment** and fulfill its obligations under Title IX.

B. Title IX Jurisdiction

- **Geographic Limitation:** Title IX applies **only to discrimination occurring in the United States**.
- **Off-Campus Incidents:** Title IX may cover off-campus sexual harassment if:
 - The conduct occurs as part of the District's operations (e.g., school activities, programs, or District-owned or controlled facilities).
 - The District has **substantial control over the Respondent and the context** of the alleged harassment.
 - **Digital and Online Environments:** Title IX may apply to harassment occurring via:

- School-owned or operated computers, networks, or digital platforms.
- Any digital environment used in connection with the District’s educational programs or activities.

C. Determining Substantial Control

When evaluating whether the District has **substantial control** over the Respondent and the context:

- **Consider Factors Such As:**
 - The **location** of the incident (e.g., on school property, at a school-sponsored event).
 - The **nature of the activity** (e.g., extracurricular programs, field trips, school clubs).
 - The District’s **ability to supervise, regulate, or intervene** in the Respondent’s conduct.
- **Consult Legal Counsel:**
 - For complex or ambiguous situations, the Title IX Coordinator or District staff should **consult the Board Attorney** to determine whether the District exercised sufficient control for Title IX jurisdiction to apply.

V. DISTRICT OBLIGATION TO RESPOND

Under Title IX, when a recipient (the District) has **actual knowledge** of sexual harassment in an education program or activity, it must respond **promptly** and in a manner that is not **deliberately indifferent**.

A response is deliberately indifferent only if it is **clearly unreasonable** in light of the known circumstances.

A. What Constitutes Actual Knowledge?

“Actual knowledge” is the **threshold** that triggers the District’s responsibility to respond. The District is considered to have actual knowledge when **any of the following individuals receive notice of sexual harassment** or allegations of sexual harassment:

- Any District employee.
- The District’s Title IX Coordinator.
- Any official of the District with authority to institute corrective measures on behalf of the District.

Notice may be provided **verbally, in writing, or through other means**, and once received, it triggers the District’s obligations under Title IX.

VI. STEPS BETWEEN RECEIPT OF A SEXUAL HARASSMENT REPORT AND FILING OF A FORMAL COMPLAINT

Upon receiving a report of sexual harassment, the District must act promptly to ensure compliance with Title IX and provide a supportive, equitable process for all parties.

A. Immediate Response to the Report

- The **Title IX Coordinator** must promptly contact the Complainant to discuss **supportive measures**.
- Supportive measures must be **offered regardless of whether a formal complaint is filed**.
- The Title IX Coordinator must **explain the formal complaint process**, the Complainant's rights under Title IX, and clarify that a **report is not the same as a formal complaint**.

B. Assessment of the Report

- Determine whether the reported conduct meets the **Title IX definition of sexual harassment**.
- Assess whether the alleged conduct occurred:
 - Within the District's **education program or activity**, and
 - Within the **United States**.
- If the report does **not meet Title IX criteria**, the Coordinator must document the reasons and consider whether **other District policies** apply.

C. Implementation of Supportive Measures

- Offer supportive measures as defined in Section VII below.

D. Documentation

- Maintain **detailed records** of the report, including:
 - Date, time, and nature of allegations
 - Supportive measures offered, accepted, or implemented

E. Consultation with Legal Counsel (as needed)

For **complex cases** or incidents involving **substantial control or jurisdictional questions**, consult the **Board Attorney** to ensure compliance with Title IX.

F. Filing of a Formal Complaint

- If the Complainant chooses to file a formal complaint, the Title IX Coordinator must ensure it is **documented and processed** according to the District's grievance procedures.

- If the Complainant **does not file a formal complaint**, the Coordinator may still initiate one if circumstances warrant further investigation to **protect the safety and access of the District’s education program**.
- The Coordinator must **not encourage or discourage** the filing of a complaint.

VII. SUPPORTIVE MEASURES

A. Definition:

Supportive measures are **non-disciplinary, non-punitive, individualized services** offered to **Complainants and Respondents** to **restore or preserve equal access** to the District’s education program or activity.

B. Availability:

- Can be offered **before, during, and after an investigation**.
- Available **even if a formal complaint is not filed**.

C. Examples:

- **Academic Adjustments:** Extensions of deadlines, changes to class schedules.
- **Safety Measures:** No-contact directives, increased monitoring or supervision.
- **Counseling Services:** Referrals to school counselors or external mental health professionals.
- **Extracurricular Adjustments:** Modifications to participation in sports, clubs, or school events.
- **Transportation Changes:** Reassigning bus routes or seating.

D. Confidentiality:

- Supportive measures must be **kept confidential** unless disclosure is necessary to implement the measures.

VIII. FORMAL COMPLAINT AND GRIEVANCE PROCESS

A. Definition of a Formal Complaint

A **Formal Complaint** is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegations. Filing a formal complaint **initiates the Title IX grievance process**.

B. Requirements for Filing a Formal Complaint

- Who Can File:

- *Complainant*: An individual alleged to be the victim of conduct that may constitute sexual harassment under Title IX.
- *Title IX Coordinator*: May sign a formal complaint in certain circumstances, such as when the Complainant is unknown, reluctant, or unwilling, to ensure District compliance and safety.
- Content of the Complaint:
 - Must include the Complainant's physical or digital signature, or otherwise indicate that the Complainant is filing the complaint.
 - If signed by the Title IX Coordinator, the document must indicate the Coordinator is acting in an official capacity.

C. Implications of the Title IX Coordinator Signing a Formal Complaint

1. Ensuring Compliance with Title IX:

- The Title IX Coordinator must act to address known allegations of sexual harassment to ensure the District is not deliberately indifferent to potential Title IX violations.
- Signing a formal complaint allows the District to investigate and take appropriate action, even in the absence of a willing Complainant.

2. Balancing the Interests of All Parties:

- The Title IX Coordinator must carefully consider the rights and interests of both the Complainant and the Respondent when deciding to sign a formal complaint.
- The Coordinator's decision to sign should be based on the need to protect the educational environment and ensure compliance with Title IX, rather than on behalf of the Complainant.
- When the Complainant is Unknown:
 - If the identity of the Complainant is unknown, the Title IX Coordinator may sign a formal complaint to initiate an investigation into the allegations.
 - This ensures that the District fulfills its obligation to address potential Title IX violations and prevent further harm.
- When the Complainant is Reluctant or Unwilling:
 - The Title IX Coordinator may sign a formal complaint if the allegations involve significant safety concerns, such as a pattern of misconduct, the use of violence, or allegations involving minors.
 - The Coordinator must document the rationale for signing the complaint and ensure that supportive measures are offered to the reluctant Complainant.
 - Complainant may choose not to participate or cooperate in the investigation.

- **Neutrality of the Title IX Coordinator:**
 - By signing a formal complaint, the Title IX Coordinator does not become a party to the grievance process.
 - The Coordinator must remain neutral and ensure that the grievance process is conducted fairly and impartially for all parties involved.

D. Key Considerations for the Title IX Coordinator

- *Documentation:* The Title IX Coordinator must document the reasons for signing a formal complaint, including any safety concerns or the need to address a pattern of misconduct.
- *Supportive Measures:* The Coordinator must ensure that supportive measures are offered to the Complainant, regardless of whether the Complainant participates in the grievance process.
- *Consultation with Legal Counsel:* For complex cases, the Title IX Coordinator should consult with the Board Attorney to ensure compliance with Title IX regulations and District policies.

E. Formal Complaint Resolution

Steps in the Formal Complaint Process

- **Notice of Allegations:** Title IX Coordinator notifies all parties of the allegations, rights, and grievance process.
- **Investigation:** Investigator gathers evidence, interviews parties, and prepares an investigative report.
- **Determination:** Decision-Maker reviews the report, facilitates written questions, and issues a determination.
- **Appeals:** Either party may appeal the determination or dismissal of the complaint.
- **Implementation of Remedies:** Title IX Coordinator ensures remedies are implemented.

F. Dismissal of Formal Complaints

1. Mandatory Dismissal - The District must dismiss a formal complaint if:

- The conduct does not meet the Title IX definition of sexual harassment.
- The conduct did not occur in the District's education program or activity.
- The conduct did not occur in the United States.

2. Discretionary Dismissal - The District may dismiss a formal complaint if:

- The Complainant withdraws the complaint.
- The Respondent is no longer enrolled or employed.
- Specific circumstances prevent evidence collection.

Note: Even if Complaint is dismissed under Title IX, it can still be addressed under other Board Policy or Code of Conduct.

G. Notice of Dismissal

The Title IX Coordinator must promptly send written notice of the dismissal and reasons to all parties.

H. Investigation Procedures

1. Key Steps:

1. Preparation:

- Review the Formal Complaint and relevant policies.
- Develop an investigation plan, including timeline, witnesses, and evidence to be collected.

2. Evidence Collection:

- Gather all relevant evidence: electronic communications, documents, and physical evidence.
- Provide both parties an **equal opportunity** to present witnesses and evidence.
- Exclude **privileged or irrelevant evidence**, including:
 - Privileged communications (attorney-client, confidential employee).
 - Medical/psychological records without written consent.
 - Complainant's prior sexual conduct unless directly relevant to consent or attribution of conduct.

3. Interviews:

- *Complainant:* Gather their account with open-ended, non-leading questions.
- *Respondent:* Provide opportunity to respond and review evidence; remain neutral.
- *Witnesses:* Ask fact-based questions and document statements accurately.

4. Draft Investigative Report:

- Include summary of allegations, procedural steps, findings of fact, analysis, and recommendations.
- Avoid speculation, personal opinions, or irrelevant information.

5. Review and Comment:

- Provide draft report to both parties for written response (minimum 10 school business days).
- Incorporate relevant feedback into the final report, which is submitted to the Decision-Maker.

I. Confidentiality:

Maintain throughout, sharing information only on a **need-to-know basis**.

Best Practices:

- Remain neutral and unbiased.
- Document thoroughly and organize evidence.
- Adhere to investigation timelines, documenting and communicating extensions if necessary.

IX. RESPONSIBILITIES OF THE DECISION-MAKER IN THE TITLE IX FINAL DETERMINATION PROCESS

A. Review of Investigative Report

- **Comprehensive Review:** Examine all materials provided by the Investigator, including the investigative report and all evidence submitted by the parties.
- **Objective Evaluation:** Ensure an **impartial and thorough evaluation** of all relevant evidence, including both inculpatory and exculpatory evidence.

B. Facilitating Written Questions

- **Notice to Parties:** Notify parties in writing of the opportunity to submit **written**, relevant questions for any party or witness.
- **Submission Timeline:** Parties must submit questions **within five (5) school business days**.
- **Relevance Determination:**
 - Review all questions for relevance.
 - Exclude irrelevant questions and provide the proposing party with a written **explanation**.
- **Forwarding Questions and Answers:**
 - Forward relevant questions to the appropriate party or witness.
 - Require responses within **five (5) school business days** and provide copies to both parties.
- **Follow-Up Questions:**

- Notify parties of the opportunity for **limited follow-up questions**, which must also be submitted within five school business days and follow the same relevance and response process.

C. **Determination of Responsibility**

- **Standard of Evidence:** Use the **preponderance of evidence** standard.
- **Written Determination:** Must include:
 - Allegations constituting Title IX sexual harassment.
 - Procedural steps taken during the grievance process, including notifications, interviews, site visits, and evidence collection.
 - Findings of fact supporting the determination.
 - Conclusions regarding application of the District's code of conduct.
 - A statement of, and rationale for, the result as to each allegation, including:
 - Determination regarding responsibility.
 - Any **disciplinary sanctions** imposed on the Respondent.
 - Remedies provided to restore or preserve the Complainant's equal access to the District's education program or activity.

D. **Written Notice of Determination**

- Issue the **written determination simultaneously** to all parties.
- Include information about **appeal procedures** and permissible bases for appeal.

E. **No Adverse Inference Rule**

- **Decision-Maker Questions:** Cannot draw an inference of responsibility based solely on a party's or witness's refusal to answer questions.
- **Investigator Consideration:** Refusal to answer during the investigation may limit the scope of evidence but **cannot automatically affect findings**.

Applicability:

- **Complainant or Respondent:**
 - *Investigation Phase:* Refusal to answer may limit evidence collection.
 - *Decision-Maker Phase:* No adverse inference may be drawn.
- **Witness:**
 - *Investigation Phase:* Limited scope if refusal occurs.
 - *Decision-Maker Phase:* No adverse inference may be drawn.

F. **Key Takeaways**

- The Decision-Maker ensures **procedural fairness** through impartial review and the written question-and-answer process.
- The **written determination** must clearly document findings, conclusions, sanctions, and remedies.

- The **no adverse inference rule** protects parties and witnesses from being penalized for declining to answer questions posed by the Decision-Maker.
- Adherence to these procedures ensures **compliance with 2020 Title IX regulations** and maintains the integrity of the grievance process.

X. APPEALS PROCESS IN TITLE IX GRIEVANCE PROCEDURES

A. Purpose of the Appeals Process

The appeals process ensures fairness, addresses potential errors in the grievance process, and provides both parties an opportunity to challenge the determination regarding responsibility or the dismissal of a formal complaint or any allegations therein.

B. Grounds for Appeal

Appeals may be filed on the following bases, as outlined in 34 C.F.R. §106.45(b)(8)(i):

- *Procedural Irregularity.* A procedural error occurred that affected the outcome of the determination or dismissal.
- *New Evidence.* Evidence not reasonably available at the time of the determination or dismissal that could affect the outcome.
- *Conflict of Interest or Bias.* The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome.
- *Additional Grounds.* The District may offer additional bases for appeal, provided they are offered equally to both parties. Consultation with the Board Attorney is recommended before offering additional grounds, as they may overlap with or impact related proceedings.

C. Filing an Appeal

- *Who May File:* Either the Complainant or Respondent may file an appeal.
- *Timeline.* Per District procedures, appeals must be submitted in writing to the Title IX Coordinator within ten (10) school business days of receiving the determination regarding responsibility or the notice of dismissal.
- *Content of Appeal.* The written appeal must specify the grounds for the appeal, as outlined above.

D. Title IX Coordinator's Responsibilities Upon Receiving an Appeal

- *Notification.* Notify the other party in writing that an appeal has been filed.
- *Submission of Statements.* Provide both parties five (5) school business days to submit written statements supporting or challenging the outcome.

- *Forwarding Materials.* Promptly forward all materials related to the appeal, including the investigative report, determination, and appeal statements, to the Appellate Decision-Maker.

E. Appellate Decision-Maker's Role and Responsibilities

- *Impartiality and Independence:*
 - The Appellate Decision-Maker must not have a conflict of interest or bias for or against complainants or respondents generally, or the individual parties involved.
 - The Appellate Decision-Maker cannot be the same person as the Initial Decision-Maker, Investigator, or Title IX Coordinator.
- *Review of Appeal:*
 - Review all materials, including the investigative report, determination, and written statements submitted by the parties.
 - Ensure compliance with Title IX standards and procedural fairness.
- *Decision on Appeal:*
 - Within thirty (30) school business days, affirm, reverse, or amend the determination regarding responsibility or the notice of dismissal.
 - Issue a written decision describing the result of the appeal and the rationale for the decision.
 - Provide the written decision simultaneously to both parties within five (5) school business days of the decision.

F. Appellate Decision-Maker Written Decision Requirements

1. Content of the Written Decision

The Appellate Decision-Maker's written decision must include:

- A description of the allegations that potentially constitute **Title IX sexual harassment**.
- A summary of the **procedural steps** taken from the receipt of the formal complaint through the initial determination, including notifications, interviews, site visits, and evidence collection.
- **Findings of fact** supporting the decision.
- **Conclusions** regarding the application of the District's policies and procedures to the facts.
- A statement of, and rationale for, the result as to each allegation, including:
 - Determination regarding responsibility.
 - Any recommended **disciplinary sanctions** for the Respondent.
 - Remedies designed to restore or preserve the Complainant's **equal access** to the District's education program or activity.

- **Appeal information**, including the District’s procedures and permissible bases for further appeal, if applicable.

2. Finality of Determination

The determination becomes **final**:

- On the date the Appellate Decision-Maker issues the written decision if an appeal is filed.
- If no appeal is filed, on the date when an appeal would no longer be considered timely.

3. Key Takeaways

- The appeals process ensures **procedural fairness** and compliance with 2020 Title IX regulations.
- Both parties are provided **equal opportunity** to challenge the determination or dismissal.
- The Appellate Decision-Maker must be **impartial, independent, and trained** in Title IX regulations.
- The written decision must be **detailed, transparent, and issued simultaneously** to both parties.

XI. REMEDIES

A. Purpose of Remedies

- Designed to **restore or preserve the Complainant’s equal access** to the District’s education program or activity.
- May be **disciplinary or non-disciplinary**, depending on the circumstances.
- Distinct from supportive measures, which are non-punitive and available at all stages of the process.

B. Determination of Remedies

- Remedies **are determined by the Decision-Maker** (e.g., Superintendent or designee) and **included in the Findings and Determination**.
- Remedies **are not included in the investigative report**.

C. Examples of Remedies

- *Academic Accommodations*:
 - Adjustments to class schedules
 - Extensions of deadlines or other course-related modifications
- *Counseling Services*:
 - Referrals to school counselors or external mental health professionals

- *Safety Measures:*
 - No-contact directives between parties
 - Increased monitoring or supervision in specific areas
- *Extracurricular Adjustments:*
 - Modifications to participation in sports, clubs, or other activities
- *Other Measures:*
 - Adjustments to transportation or access to facilities

D. Implementation of Remedies

- The **Title IX Coordinator** is responsible for implementing remedies as ordered by the Decision-Maker.
- Remedies must be **tailored to the specific needs** of the Complainant and should avoid **imposing an unreasonable burden** on the Respondent.
- Remedies must **be effective in addressing the effects of the harassment** and in **preventing recurrence**.

E. Key Takeaways

- Remedies are critical to ensuring the **Complainant's continued access to education**.
- The Title IX Coordinator must ensure **timely and effective implementation**.
- Remedies should be **individualized, appropriate, and proportional** to the situation.

XII. INFORMAL RESOLUTION PROCESS

Role and Purpose:

- Voluntary process designed to **resolve complaints after a Formal Complaint is filed**, with consent of both parties.
- Cannot be used for allegations of **sexual assault, dating violence, domestic violence, or stalking**.

Process:

- Conducted by a trained **Resolution Facilitator**.
- Both parties must **voluntarily agree** to participate.
- Participation may be **withdrawn at any time**.
- Agreements must be **documented and enforceable**.

Limitations and Compliance:

- Resolution Facilitator **cannot serve as Title IX Coordinator, Investigator, or Decision-Maker** for the same complaint.

- Informal resolution is **optional**, and supportive measures remain available throughout the process.

XIII. ROLES, RESPONSIBILITIES, AND REQUIREMENTS OF TITLE IX TEAM MEMBERS

A. Title IX Coordinator

Role: Oversees the District’s compliance with Title IX and ensures consistent implementation of grievance procedures.

Responsibilities:

- Receives and assesses reports of sexual harassment or allegations of sexual harassment.
- Coordinates and implements supportive measures for both the Complainant and Respondent.
- Issues Notice of Allegations once a Formal Complaint is filed.
- Ensures implementation of remedies or sanctions ordered by the Decision-Maker.
- Maintains records of all Title IX processes for at least seven years.
- Provides guidance and training to staff regarding Title IX obligations.

Must Be an Employee?

Yes. The Title IX Coordinator **must be an employee** of the District to ensure authority, access, and oversight.

B. Investigator

Role: Conducts a thorough, **impartial investigation** of the allegations in the Formal Complaint.

Responsibilities:

- Collects relevant evidence and conducts interviews with parties and witnesses.
- Drafts an **Investigative Report** summarizing all relevant evidence.
- Maintains **confidentiality** throughout the investigation.
- Ensures compliance with **Title IX timelines and procedures**.

Must Be an Employee?

No. Investigators may be employees or external consultants, provided they **are trained, impartial, and free from conflicts of interest**.

C. Decision-Maker

Role: Reviews the Investigative Report, facilitates the written question-and-answer process, and issues a determination regarding responsibility.

Responsibilities:

- Reviews all materials collected by the Investigator.
- Facilitates **written questions** and ensures relevance.
- Issues a **written determination regarding responsibility**, including findings of fact, conclusions, and rationale.

Must Be an Employee?

No. Typically, the Superintendent or designee serves as the Decision-Maker unless:

- The allegations involve the Superintendent, designee, or a Board Member.
- The Decision-Maker has a conflict of interest or cannot be impartial.
- In such cases, an **outside consultant** (e.g., attorney, retired administrator) serves as the Decision-Maker.

D. Appellate Decision-Maker

Role: Reviews appeals submitted by either party and issues a decision on the appeal.

Responsibilities:

- Reviews all materials related to the appeal.
- Ensures **impartiality and independence** from the original investigation and decision.
- Issues a **written decision** describing the result and rationale of the appeal.

Must Be an Employee?

No. The Appellate Decision-Maker **cannot be the Initial Decision-Maker, the Investigator, or the Title IX Coordinator**. If the Board serves as the Appellate Decision-Maker, members must complete **required Title IX training**.

E. Resolution Facilitator (Optional/Informal Resolution Role)

Role: Facilitates a voluntary **informal resolution** between parties when appropriate, after a Formal Complaint is filed and both parties agree to participate.

Responsibilities:

- Explains the **informal resolution process** to both parties.
- Ensures the process is **voluntary, confidential, and documented**.
- Monitors and documents agreed-upon **resolutions or remedies**.
- Cannot **coerce participation** or pressure parties to resolve disputes informally.
- **Cannot serve as the Title IX Coordinator, Investigator, or Decision-Maker** for the same complaint to ensure impartiality.

Must Be an Employee?

Yes. The Resolution Facilitator must be a trained employee or qualified designee who:

- Has received **specific training in informal resolution procedures**.
- Is **impartial and free from conflicts of interest** regarding the complaint.

Limitations:

- Informal resolution **cannot be used for allegations involving sexual assault, dating violence, domestic violence, or stalking** under 2020 regulations.
- Participation by both parties must be **voluntary**, and either party may **withdraw at any time**.

XIV. RECORDKEEPING REQUIREMENTS

A. Responsibility

The **Title IX Coordinator** is responsible for maintaining all records related to the District's Title IX processes.

B. Records to Be Maintained (per 34 C.F.R. §106.45(b)(10)(i))

- *Investigations:*
 - Determinations regarding responsibility
 - Disciplinary sanctions imposed on the Respondent
 - Remedies provided to the Complainant
- *Appeals:*
 - Records of any appeals and their results
- *Informal Resolutions:*
 - Records of informal resolution processes and outcomes
- *Training Materials:*
 - All materials used to train Title IX Coordinators, Investigators, Decision-Makers, and Informal Resolution Facilitators

C. Retention Period

All records must be maintained for **at least seven (7) years**.

D. Relevant District Policies

- Personnel Records: Board policy 5:150 and administrative procedure 5:150-AP

- Student Records: Board policy 7:340 and administrative procedures 7:340-AP1 and 7:340-AP2
- Illinois Local Records Act (50 ILCS 205)

E. Key Takeaways

- Recordkeeping ensures **compliance with Title IX regulations** and supports transparency, accountability, and consistency in handling complaints.
- The Title IX Coordinator is the **central custodian** of all Title IX records and must ensure proper storage, confidentiality, and retention.

XIV. Removal of Student and Employee Respondents

1. Emergency Removal – Student Respondent

The District may **remove a student Respondent from its education program or activity on an emergency basis** only when all of the following conditions are met:

- An **individualized safety and risk analysis** has been conducted.
- The analysis determines that the student poses an **immediate threat to the physical health or safety** of any individual.
- The student Respondent is provided **notice of the removal** and an **opportunity to challenge the decision promptly** following the removal.

Note: Emergency removal is **non-disciplinary** and may occur **prior to any formal determination of responsibility**.

2. Employee Respondent

- The Superintendent may place an **employee Respondent on paid, non-disciplinary administrative leave** during the pendency of a Title IX investigation.
- This leave is **intended to protect safety and preserve the integrity** of the investigation.