

CLINTONDALE COMMUNITY SCHOOLS

35100 Little Mack – Clinton Township, Michigan 48035 - 586-791-6300 – www.clintondaleschools.net

BOARD POLICY

Series 3000: Operation, Finance, and Property

3100 General Operations

3118-F-8 Title IX Determination of Responsibility

Formerly known as “outcome” or “conclusion” letters, these letters notify the parties of the Decision-Maker’s determination of responsibility. The letters must be substantially similar in content and sent to the Complainant(s) and Respondent(s) simultaneously once the Decision-Maker has made a determination of responsibility.

To be sent on District letterhead

[Date]

[Name]

[Address]

[City, State, Zip Code]

Re: Title IX Investigation - Determination of Responsibility

Dear [Name]:

The District has completed its investigation into the Formal Complaint of sexual harassment, [Choose one - filed on/signed] on [Insert date] by [Insert Complainant Name if filed by Complainant or Title IX Coordinator Name if signed by Coordinator].

The allegations of sexual harassment, as that term is defined in the District’s Title IX Sexual Harassment Policy (the “Policy”), include: [Identify allegations, e.g., “engaged in inappropriate conduct with another District student on a District school bus,” “another student inappropriately touched your student”].

The Policy defines “sexual harassment” as conduct on the basis of sex that satisfies one or more of the following:

- A District employee conditioning the provision of a District aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
- Unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking, as defined by the Violence Against Women Act, 34 USC § 12291 et. seq., and the uniform crime reporting system of the Federal Bureau of Investigation, 20 USC 1092(f)(6)(A)(v).

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Upon the receipt of the Formal Complaint, the District took the following procedural steps [This list is not exhaustive. Modify this list depending on what was done during the investigation, include relevant dates and a description for each procedural step taken]:

- Notice to the parties informing them of the commencement of the investigation and the allegations involved;
- Witness interviews;
- Party interviews;
- Site visits; and
- Evidence reviewed - Identify the methods used to gather other evidence].

On [Insert date at least 10 calendar days before investigation report was finalized], you were given an opportunity to review all evidence compiled during the investigation and to provide a written response, which you [did/did not do]. On [insert date at least 10 calendar days before date of this letter], you received a copy of the investigation report. You had the opportunity to review the investigation report, submit a written response to the report, and submit written questions to the other party or witnesses before my determination of responsibility. You [identify whether party did/did not submit written response or written questions]. [Provide additional relevant information about written questions (e.g., whether the Decision-Maker determined the questions to be irrelevant; whether the party/witness to whom the questions were directed responded; how the Decision-Maker considered responses to the questions)].

Based on a preponderance of the evidence, I make the following findings of fact: [Insert findings of fact relevant to whether the allegations are true and whether they constitute sexual harassment. Include specific dates, times, locations, and quotes. Make necessary credibility decisions and explain basis for those decisions.]

Based on the foregoing, I determine:

[Insert whether a preponderance of the evidence substantiated each allegation and the rationale for that decision, e.g., “Based on witness testimony and video surveillance, a preponderance of the evidence substantiates that Respondent touched Complainant inappropriately on the bus.”]

[Insert conclusions about the application of the findings of fact to the Title IX Policy, e.g., “I find that, based on a preponderance of the evidence, a reasonable person would find that the (comments made to the Complainant/inappropriate touching/ etc.) was so severe, pervasive, and objectively offensive that it effectively denied the Complainant equal access to the District’s educational program or activity.”]

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[If applicable, insert conclusions about the application of the findings of fact to other relevant code of conduct, policy, law, or rule, e.g., "Respondent's behavior also violated other District policies and codes of conduct. Specifically, (identify and describe policy/law/rule/code section and how it was violated.)]

As a result of this determination of responsibility, the District will take the following actions to restore or preserve equal access to the District's education programs and activities: [Insert broad description of action.]

For Complainant, remedial measures [Choose one - will/will not] be provided.

For Respondent, the District [Choose one - will/will not] impose disciplinary sanctions. [Insert disciplinary sanctions to be taken, if any].

The Title IX Coordinator will communicate separately with each party about implementation of applicable remedial measures.

Pursuant to the Policy, you may appeal this determination of responsibility within 5 business days of this correspondence for the following reasons:

1. A procedural irregularity that affected the outcome;
2. New evidence that was not reasonably available at the time the determination of responsibility was made that could affect the outcome; or
3. The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against the Complainant or Respondent, generally or individually, that affected the outcome.

The Appeals process is described in the District's Title IX Policy, which can be found here: [Insert link to policy]. A hard copy of the Policy is also enclosed.

As a reminder, the District prohibits retaliation against any person who files a sexual harassment complaint or who cooperates in the investigation of such a complaint.

Please do not hesitate to contact me if you have any additional information or questions.

Sincerely,

[Decision-Maker]

Enclosure: [District's Title IX Sexual Harassment Policy]

C: Title IX Coordinator