TITLE IX INVESTIGATION CHECKLIST

Complainant: _____ Student: _____

Respondent(s): _____

Incident Date(s): _____ Date Reported:_____

Compliance Officer and/or Investigator: _____

STAGE ONE – RECEIVE COMPLAINT		
1.	Record date, time, and location verbal complaint was received, along with staff member who received it first.	
2.	Request complaint in writing that provides dates, location, witnesses, and any other information important to them.	
3.	Assess and document whether the complainant faces an ongoing safety concern.	
4.	Implement supportive measures as warranted, which can include: ___ Written safety plan ___ Separation plan ___ No-contact arrangement ___ Schedule changes ___ Point of contact ___ Other accommodations: _____ Supportive measures cannot be something that penalizes or disadvantages either the complainant or the respondent. Complainant must be informed that the law requires a presumption of non-responsibility of the respondent until the investigation is completed.	
5.	Determine if the complainant is requesting confidentiality and explain the limitations this imposes on any investigation (no formal investigation can be opened).	
6.	Determine if the complaint needs to be reported to child protective services or law enforcement.	

7.	Notify the district's Title IX Coordinator/Compliance Officer if not done already.	
8.	Determine if there is any conflict, interest or bias that requires reassignment or a third-party investigator.	
9.	If alleged conduct is potentially criminal, traumatic, or involves very young children, consider: ___ Whether to bring in person with trauma-informed training to conduct investigation. ___ How to coordinate investigation so as not to interfere with law enforcement. NOTE – do not deflect/postpone duty to investigate just because CPS or law enforcement is involved.	
STAGE TWO – PROBABLE CAUSE DETERMINATION		
10.	Determine if the alleged conduct occurred in the school's education program or activity.	
11.	Determine which category of Title IX applies: ___ Quid pro quo conduct by an employee ___ Unwelcome sex-based conduct that is severe, pervasive, and objectively offensive that denies equal access to an education ___ Sexual Assault ___ Dating Violence ___ Domestic violence ___ Stalking	
12.	If the conduct does not fit within one of these categories, determine if it may violate: ___ District's non-discrimination policy ___ Student Code of Conduct ___ Employee code of conduct (grooming/boundaries)	
13.	If the conduct would not fit any of the categories above, even if believed, provide the complainant with written notice that the complaint will not be investigated under the District's Title IX policy.	
14.	If the alleged conduct is not sex-based but may constitute bullying, provide the complainant with a copy of the District's anti-bullying policy.	

15.	If there is a basis to believe the Title IX policy is triggered, determine whether the complainant wishes to pursue: ___ Informal Title IX grievance process ___ Formal Title IX grievance process	
16.	Determine whether the Title IX coordinator should initiate the formal complaint procedure regardless of selection by the complainant.	
17.	If informal, follow the informal processes under the District's policy.	
STAGE THREE – INVESTIGATION OF FORMAL COMPLAINT		
18.	Provide **written notice** to both the complainant and the respondent that a Title IX grievance procedure has been initiated that includes: ___ A copy of the District's Title IX policy. ___ Brief summary of the allegations. ___ Date, location, and nature of alleged conduct. ___ Statement that respondent is presumed not responsible until a final determination is made. ___ Statement that parties have a right to representation of their own choosing. ___ Statement that retaliation is prohibited. ___ Statement that both parties may request supportive measures.	
19.	**Plan the Investigation:** ___ Determine critical investigation timeline/deadlines required by Board policy ___ Define the specific allegations to be resolved. ___ Identify whether security camera footage needs to be preserved. ___ Develop a neutral list of factual questions. ___ Develop list of potential witnesses ___ Make a list of other potential evidence (emails, texts, social media, phone records, etc.) ___ Where evidence gathering may be significant and/or delays are reasonably expected (holidays, etc.), notify the parties that the timeline set forth in District policy may not be strictly followed.	

20.	**Interview the Complainant** ___ Consider privacy (after school or other location) ___ Include non-threatening witness who can take notes. ___ Explain the purpose of the meeting in caring but neutral fashion. ___ Use open ended questions as much as possible. ___ Determine when and where all events occurred. ___ Determine who was present. ___ Determine firsthand knowledge from information heard from others. ___ Determine what evidence there may be. ___ Assess credibility through demeanor, inconsistencies, and similar factors. ___ Ask what specific remedy they are seeking from the investigation. ___ Avoid promises of absolute confidentiality. ___ End the interview by explaining the District's prohibition against retaliation and who to contact.	
21.	**Interview the Respondent** ___ Provide sufficient notice of the interview. ___ Include non-threatening witness who can take notes. ___ Explain the allegations in a neutral manner. ___ Explain the presumption of non-responsibility. ___ Give the respondent an opportunity to respond to all allegations. ___ Ask open ended questions. ___ Ask about potential alibis, witnesses, and corroborating evidence. ___ Assess credibility through demeanor, inconsistencies and similar factors. ___ End the interview by explaining the District's prohibition against retaliation and who to contact.	
22.	**Interview Witnesses** ___ Notify parents if minors. ___ Include note-taker. ___ Identify the witness's relationship to the parties. ___ Determine whether the witness has firsthand knowledge. ___ Use neutral, developmentally appropriate questions. ___ Avoid telling witnesses what other people said unless necessary. Ask for any other witnesses or evidence.	

	___ Collect any relevant documents (texts, photos, etc) ___ Assess credibility through age, developmental level, demeanor, inconsistencies, and similar factors. NOTE. You are not required to interview every witness identified by the parties, especially where the events happened in a full classroom or recess space. Consider triage of witnesses with the most direct information and knowledge. When details have been largely filled in and become duplicative, you can conclude.	
23.	**Collect and evaluate all relevant non-witness evidence**.	
STAGE FOUR – EVIDENCE REVIEW AND REPORT		
24.	**Prepare the Preliminary Investigation Report**. ___ This is <u>not</u> a finding of responsibility or final decision. ___ Outline the allegations. ___ Provide a neutral summary of the witness statements ___ Consider using initials or other identifications for third-party witnesses in the report. ___ Include any relevant facts going to the credibility of the complainant, respondent, or witnesses. ___ Provide a list and summary of all other evidence. ___ Do not include irrelevant or non-credible information that came up during interviews.	
25.	**Provide the complainant and respondent a copy of the investigation report** with a notice that: ___ Includes a date that they may provide any written rebuttals to the evidence. ___ Includes a date for providing a list of any other witnesses and/or evidence the District should collect. ___ Includes a date the investigation report will be deemed final and will be submitted for decision.	
26.	**Prepare a Final Investigation Report.** This is still <u>not</u> a finding of responsibility. It should incorporate any new testimony or evidence presented by the parties.	

STAGE FIVE – DETERMINATION		
27.	Determine **who** should make the Final Decision. ___ Compliance Officer ___ Investigator ___ Building Administrator ___ Superintendent ___ Neutral third party	
28.	**Submit the final investigation file for a decision**: ___ Written complaint ___ Any written response from respondent ___ Preliminary investigation report ___ Final investigation report	
29.	**Prepare Final Decision** ___ State the applicable standard of proof under District's policy (preponderance of the evidence) ___ State that the law requires a presumption of non-responsibility unless the evidence establishes otherwise. ___ List each allegation separately ___ Briefly specify whether the evidence establishes that the specific conduct occurred. ___ Briefly specify whether the conduct meets the applicable Title IX standard. ___ Briefly explain the decision by stating "based upon the facts and evidence listed in the Investigation Report." ___ Identify appeal rights and a deadline for submitting an appeal.	
30.	**Appeal**. If appeal is permitted under District policy: ___ Submit any appeal, along with the investigation report and final decision, to a qualified person who was not involved in the investigation or initial finding. ___ Consider outside third-party such as the ESC. ___ Issue Decision on appeal ___ Notify parties of the outcome of the appeal.	

STAGE SIX – DISCIPLINE AND REMEDIES		
31.	If a finding of sexual harassment is made: ___ Determine appropriate discipline under District policy. ___ Provide remedies to the complainant designed to restore or preserve access to the education program or activity. ___ Continue appropriate supportive measures when warranted. ___ Take steps reasonably calculated to prevent recurrence. ___ Remind all parties of the prohibition against retaliation, which includes retaliation by friends or family. ___ Document 30-day follow-up communications and remedies with parents/complainant. ___ Determine whether any staff training or policy changes are warranted. ___ Preserve the entire investigation file. ___ Document the date the matter was closed. ___ Ensure any state-mandated reported was completed.	