



TITLE IX PROCEDURES

East Valley Institute of Technology

A Career and Technical Education District

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TITLE IX

TEXT OF TITLE IX

“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.”

DEFINITION OF SEXUAL HARASSMENT

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

- I. A school employee conditions the provision of aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct;
- II. Unwelcome sexual conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it “effectively denies a person equal access” to the school's education program or activity;
- III. Sexual assault, dating violence, domestic violence, or stalking.

The first and third prongs are easy to identify. The second presents challenges. The conduct under the second prong must be all of the following: severe, pervasive, and objectively offensive.

All allegations of sexual harassment must be referred to Dr. Wilson, the District's Title IX Coordinator.

Do not conduct any investigation of your own. Dr. Wilson initiates the Title IX procedure by referring the matter to a neutral investigator.

PROCEDURES

I. Initial Complaint

- A. Coordinator contacts Complainant:
 1. describe supportive measures (*see* below for description of supportive measures);
 2. ask if supportive measures are wanted;
 3. inform that supportive measures are available without filing a Formal Complaint;
 4. explain process for filing a Formal Complaint.
- B. Provide supportive measures, if Complainant wants them.

II. Formal Complaint:

- A. Coordinator reviews Formal Complaint for required information:
 1. complainant's name;
 2. respondent's name;
 3. location of incident(s);
 4. alleged conduct (with dates and sufficient detail to determine if Title IX is implicated).
- B. Within 10 days, Coordinator sends notice of Formal Complaint to Complainant and Respondent.
- C. Dismissal of Formal Complaint:

1. Required if Complaint:
 - a. does not state an allegation of sexual harassment, even if all the facts are true;
 - b. the sexual harassment did not occur in school program or activity;
 - c. the sexual harassment was not against a person in the United States.
 2. Permitted if:
 - a. complainant decided to withdraw the complaint;
 - b. respondent is no longer employed or enrolled;
 - c. sufficient evidence cannot be gathered.
- D. Informal Resolution (cannot be used if respondent is staff):
1. Coordinator must have written voluntary consent from both parties.
 2. Coordinator will assign a facilitator with no conflict of interest.
 3. Facilitator will notify parties that the informal resolution process has been initiated.
 4. Either party may withdraw consent at any time.
 5. Goal is to reach agreement between parties.
 6. Parties have flexibility to agree together on what will help address the concern that was originally raised. Parties might agree to, but are not limited to:
 - a. requiring one or both parties to participate in educational or training programs;
 - b. mediation by a third party;
 - c. administrative resolution (such as a mutual agreement to abide by a No Contact Order);
 - d. acceptance of responsibility and penalty;
 - e. mediation or other alternative dispute resolution;
 - f. modification of work or academic assignments; or
 - g. an apology.
- E. Formal Resolution:
1. Coordinator assigns investigator ensuring no conflicts of interest.
 2. If there is a current police investigation, the Coordinator will notify the parties that the Title IX investigation will be on hold pending the police investigation.
 3. Otherwise, investigation must begin within 10 to 20 days of formal complaint:
 - a. Notify parties:
 - i. identify witnesses;
 - ii. tell them what evidence is sought (cannot compel medical/psych/therapy records - must get written consent).
 - b. Interview complainant:
 - i. may have advisor (does not have to be a lawyer);
 - ii. advisor can only observe, cannot ask questions or speak on witness's behalf;
 - iii. requires non-disclosure agreement signed by witness and advisor;
 - iv. ask for witnesses and evidence;

- v. ask if there is evidence not in complainant's possession that may be relevant.
- c. Interview witnesses identified by complainant:
 - i. advise witness they may not retaliate;
 - ii. advise witness they cannot discuss the interview with anyone.
- d. Interview Respondent:
 - i. may have advisor;
 - ii. advisor can only observe, cannot ask questions or speak on witness's behalf;
 - iii. requires non-disclosure agreement signed by witness and advisor;
 - iv. ask for witnesses and evidence;
 - v. ask if there is evidence not in respondent's possession that may be relevant.
- e. Interview additional witnesses.
- f. Reinterview complainant, if necessary.
- g. Once gathered, verify signed parties and advisors have signed non-disclosure agreements and send relevant evidence to parties and advisors simultaneously:
 - i. redact confidential information;
 - ii. do not send student records;
 - iii. redact and replace witness names with pseudonyms and create witness key;
 - iv. redact non-relevant information;
 - v. inform them of a right to submit written responses and additional evidence within 10 days.
- h. If parties respond, gather additional evidence, if necessary, and share with parties. They do not get another opportunity to respond.
 - i. Within 10 to 20 days of conclusion of investigation, draft investigative report for decision-maker.
- 4. Coordinator assigns decision-maker ensuring no conflicts of interest:
 - a. coordinator can be decision-maker;
 - b. decision-maker reviews investigative report, weighs evidence, makes decision.

III. If Respondent found responsible, decision-maker:

- A. Sends written determination to parties.
- B. Implements and documents remedies or discipline needed to restore and preserve equal access to education;
 - 1. identifies person responsible for remedy or discipline;
 - 2. imposes deadlines for remedies and discipline;
 - 3. if no supportive measures put in place, document why.
- C. Preserve all evidence and records.

IV. Appeal

- A. Must be made within 10 days of receipt of written determination.
- B. Must meet one of the following criteria:

1. procedural irregularities claimed;
 2. newly discovered evidence that was not reasonably available before determination;
 3. coordinator, investigator, or decision-maker conflict of interest claimed.
- C. If criteria are not met, dismiss appeal.
- D. Otherwise, Coordinator will assign a new decision-maker to decide the appeal.

TIMELINE

- Day 1 - Formal Complaint made.
- By Day 11 – Coordinator notifies parties.
- Between Days 11 and 20 investigation commences.
- By Day 60 investigation must be concluded.
- Between 10 and 20 days from conclusion of investigation, send preliminary written report to parties.
- Parties have 10 days from receipt of written report to respond.
- If response requires additional investigation, continue investigation, send any new evidence to parties (no further response from parties).
- 10 days from conclusion of final investigation, provide investigative report to decision-maker.
- 10 days from receipt of report decision-maker makes decision and sends to parties.
- Parties have 10 days from receipt of decision to appeal.

SUPPORTIVE MEASURES

Non-disciplinary, non-punitive individualized services offered, as appropriate and as reasonably available, and without fee or charge to the complainant or the respondent, before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

TITLE IX DEFINITIONS

TERM	FEDERAL DEFINITION	PRACTICAL IMPLICATION
Actual Knowledge	Notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the recipient with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the recipient. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.	K-12 school must respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment. Having actual knowledge of sexual harassment means being aware of the sexual harassment or allegations of sexual harassment and telling any employee of an elementary and secondary school. Knowing about sexual harassment but not telling someone in authority does not amount to the District having actual knowledge. Reporting sexual harassment or teaching students about how to report it does not qualify someone as having actual knowledge either.
Administrative Leave		A District may place a non-student employee respondent on administrative leave during the pendency of a grievance process provided that this does not modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.
Appeal	A recipient must offer both parties an appeal from a determination regarding responsibility, and from a recipient's dismissal of a formal complaint or any allegations therein, on the following bases: (A) Procedural irregularity that affected the outcome of the matter; (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and (C) The Title IX Coordinator, investigator(s), or decision maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.	Under Title IX regulations, appeal refers to the right of an individual or institution to contest a written decision issued by the decision maker in response to a Title IX complaint. Under Title IX procedures, the decision to grant an appeal is typically made by the school's designated Title IX Coordinator or designee, who will review the appeal and make a decision based on the evidence and information presented. In a K-12 setting, the appeal of a Title IX decision will typically be heard by a higher-level administrative official or a committee designated by the school or district. This may include the superintendent or a body comprised of faculty and staff members.

Consent	The Assistant Secretary will not require recipients to adopt a particular definition of consent with respect to sexual assault, as referenced in this section.	"Consent" is informed, freely and affirmatively given through mutually understandable words or actions that indicate a willingness to participate in the sexual activity. Consent can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Consent to one type of sexual activity does not amount to consent to another type of activity. Prior consent or sexual relations do not imply future consent. The fact that both people does not, by itself, establish consent. A person cannot consent if they are unconscious, asleep, or impaired to the extent that they do not understand what is going on. Minors under the age of 16 are incapable of giving consent to sexual activity with a person more than four years older than the minor. Consent may never be given by mentally disabled person's if their disability was reasonably knowable to a sexual partner who is not mentally disabled. Consent between parties engaging in sexual activity does not prevent the school system from taking disciplinary action against the parties for violation of any other Board Policy
Complainant	An individual who is alleged to be the victim of conduct that could constitute sexual harassment.	
Decision-maker		A decision maker under Title IX regulations is an individual who has been designated by a school or educational institution to investigate, adjudicate, and/or impose sanctions in response to an alleged violation of Title IX. This individual is typically an independent, impartial third-party and is responsible for conducting a prompt, thorough, and equitable investigation of the allegations.
Deliberate Indifference		Deliberate indifference is a standard of liability used to determine whether an educational institution violated Title IX regulations. Under this standard, a school may be held liable for its failure to respond to a known act of sexual harassment or discrimination if the school had actual knowledge of the harassment or discrimination and

		responded in manner that was clearly unreasonable in light of the known circumstances.
Discrimination		Title IX regulations prohibit discrimination on the basis of sex in any educational program or activity that receives federal financial assistance. This includes discrimination in admission, recruitment, athletics, housing, counseling, financial aid, academic programs, and employment. Discrimination can take many forms, including sexual harassment, unequal treatment based on gender stereotypes, and exclusion from educational opportunities.
Elementary and secondary school	A local educational agency (LEA), as defined in the Elementary and Secondary Education Act of 1965, as amended by Every Student Succeeds Act, a preschool, or a private elementary or secondary school. In general The term “local educational agency” means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.	Note: A charter school is not a local educational agency (LEA) defined in the Elementary and secondary Education Act of 1965. According to the U.S. Department of Education, charter schools “are public schools that are typically independent of school] district organization and are operated under the terms of a charter with a local or state authority.” However, Title IX applies to all schools that receive federal funding, including charter schools. This includes any schools that receive funds from the Department of Education or other federal programs or services. Title IX protects students from discrimination based on sex or gender in educational programs and activities, including athletics.
Emergency Removal	Nothing in this part precludes a recipient from removing a respondent from the recipient's education program or activity on an emergency basis, provided that the recipient undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.	A District must conduct an individualized safety and risk analysis and determine that an immediate threat to the physical health or safety of any student or other individual arising from allegations of sexual harassment justifies removal of the respondent from the recipient's education program or activity on an emergency basis. The respondent must be provided with notice and an opportunity to challenge the decision immediately following the removal. This provision does not modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Formal Complaint	A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under § 106.8(a), and by any additional method designated by the recipient. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this part or under § 106.45, and must comply with the requirements of this part, including § 106.45(b)(1)(iii).	
Informal Resolution	A District may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. Requires the parties' voluntary, written consent to the informal resolution process. District may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. At any time prior to reaching a determination regarding responsibility the recipient may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records produced could be shared.	A voluntary process in which a school and the parties involved work together to reach a mutually acceptable agreement to resolve a formal Title IX complaint. This process may involve mediation, conciliation, or other methods of dispute resolution that are appropriate to the circumstances. The process is non- adversarial and does not involve a formal hearing or a decision by a neutral third party.

Investigator		A Title IX investigator is a person who investigates complaints of sexual discrimination and harassment in educational institutions. The investigator is responsible for gathering evidence, conducting interviews, and writing and submitting an investigative report that fairly summarizes relevant evidence. The investigator must have an understanding of the law and be familiar with the school's policies and procedures.
Materials	All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public.	Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.
Respondent	An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.	
Retaliation		Under Title IX regulations, retaliation is defined as an adverse action taken against an individual for filing a complaint or participating in any manner in an investigation or hearing related to a complaint under Title IX. This includes intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX. Adverse actions can include, but are not limited to, denying the respondent due process by, for example, not providing notice of the proceedings or disciplining under school policy only for conduct that would fail under Title IX prior to an investigation.
Sexual Harassment	Conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10),	Conduct relating to a person's sex that is unwanted and is either: (1) linked to the District staff providing an aid, benefit, or service; (2) so severe, pervasive and objectively offensive that it denies a person equal access to the recipient's activities; or (3) is sexual assault, dating violence, domestic violence, or stalking as defined by U.S. law.

	“domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).	
Sexual Assault	An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.	This refers to a crime involving sexual contact without the consent of the victim. Examples include rape, sexual assault, and statutory rape.
Sex Offenses	Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.	Sexual assault is any unwelcome sexual contact that is committed without the consent of the other person. This can include touching, kissing, or any other kind of sexual activity that is done without consent or against someone's will. It may also include any sexual activity with someone who is unable to give consent due to age, mental incapacity, or the influence of drugs or alcohol.
Forcible Rape	(Forcible Sex Offense) The carnal knowledge of a person, forcibly and/or against that person’s will; where the victim is incapable of giving consent because his/her temporary or permanent mental or physical incapacity (or because of his/her youth).	Rape is when someone is forced to have sexual intercourse without their consent. It can also happen when someone is unable to give consent due mental or physical incapacity or because of their age.
Forcible Sodomy	(Forcible Sex Offense) Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly against that person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.	Forcible sodomy is a form of sexual assault where one person forces another to engage in oral or anal sexual intercourse without their consent. This could be done through physical force or by taking advantage of a person who is unable to give their consent, such as someone who is too young or someone with a mental or physical disability.
Sexual Assault with an Object	The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity	Using an object to force someone to have sex against their will or when they are unable to give consent.
Forcible Fondling	The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or not forcibly or against that person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary mental incapacity.	Forcible fondling is the unwanted touching of someone's private body parts for sexual pleasure, either against their will or when they are unable to give consent due to age or mental disability.

Incest	Non-forcible sexual intercourse between person's who are related to each other within the degrees wherein marriage is prohibited by law.	Incest is sexual activity between people who are closely related, such as siblings or cousins, that is not allowed by law.
Statutory Rape	Non-forcible sexual intercourse with a person who is under the age of consent.	Statutory rape is sexual activity with someone under the age of consent
Supportive Measures	Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive measures.	Consider the complainant's wishes with respect to supportive measures. Offered with or without the filing of a formal complaint. Individualized services reasonably available that are non- punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. Based on what is not clearly unreasonable in light of the known circumstances and does not second guess a school's disciplinary _ decisions.
Title IX Coordinator		Title IX A Title IX Coordinator is Coordinator responsible for coordinating an organization's compliance with Title IX. This person is responsible for educating staff, students, and other stakeholders on the organization's Title IX policies, procedures, and resources. They also oversee the investigation, adjudication, and resolution of all allegations of Title IX violations.

Record Keeping		Under Title IX) regulations, institutions must keep records of all reports of sex discrimination, including sexual harassment and sexual violence, as well as investigations, resolutions, and any other actions taken related to the report. Records must include all relevant documents, such as contact information for the complainant and respondent, statements, emails, and any other materials related to the report. Records must be kept for at least seven years from the date of the report.
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FORMS

WRITTEN NOTICE OF FORMAL COMPLAINT

Dr. Chad Wilson
Superintendent/ Title IX Coordinator
East Valley Institute of Technology
1601 West Main Street
Mesa, AZ 85210

DATE

COMPLAINANT
(C/O parent or guardian if a minor)
ADDRESS

RESPONDENT
(C/O parent or guardian if a minor)
ADDRESS

VIA E-Mail and First-Class Mail

CONFIDENTIAL

Re: Written Notice of Formal Title IX Complaint

Dear {name}:

On {DATE}, the East Valley Institute of Technology ("EVIT") received a formal complaint from {NAME} ("Complainant") against {NAME} ("Respondent") (collectively the "Parties"). The complaint includes allegations of sexual harassment under Board Policy. This letter constitutes the District's notice to the Parties, of these allegations and EVIT's grievance process.

EVIT has been notified of the following allegations, which are contained in the formal complaint:

1. INSERT SPECIFIC DETAILS, KNOWN AT THE TIME — IDENTITY OF PARTIES INVOLVED, CONDUCT THAT ALLEGEDLY CONSTITUTES SEXUAL HARASSMENT, DATE AND LOCATION OF ALLEGED INCIDENT/S.

2. NUMBER EACH ALLEGATION SEPARATELY IF MORE THAN ONE INCIDENT.

THESE ARE THE ALLEGATIONS THAT THE PARTIES WILL RESPOND TO AND THE DECISION-MAKER WILL RULE UPON, SO BE AS SPECIFIC AS POSSIBLE. IF NEW ALLEGATIONS ARISE, ADDITIONAL NOTICE MUST BE PROVIDED. THIS MEANS IF THE DISTRICT DOES NOT SET OUT A SPECIFIC ALLEGATION IN THIS OR A SUBSEQUENT NOTICE, SUCH ALLEGATION CANNOT BE INVESTIGATED AND/OR RULED UPON AND CANNOT BE THE BASIS FOR ANY DISCIPLINARY SANCTIONS, AS IT RELATES TO THIS FORMAL COMPLAINT.

Included with this letter is the Policy, which outlines the steps involved in the grievance process. Please take the time to read it thoroughly, as it outlines your rights in the grievance process. This includes the right to be interviewed, submit any relevant documents or information, and name witnesses with pertinent information. You will also be able to review and respond to the evidence

FORMS

collected and the final investigation report. Additionally, you will be able to submit written questions to any party or witness before a final determination of responsibility is made.

You may choose to bring an advisor with you during the grievance process, such as an attorney, who can provide guidance and inspect and review evidence. However, the advisor is not allowed to take part in the interview.

At the conclusion of the grievance process, a written determination regarding responsibility for sexual harassment will be made. Until that time, the Respondent is presumed to be not responsible for the alleged conduct. Please contact me if you would like supportive measures, as defined in Policy , such as {ADD SUGGESTIONS IF APPROPRIATE}.

If, while carrying out the investigation, EVIT finds evidence of any other issues concerning the Parties that are not stated here, EVIT will provide you with notice of the additional allegations.

At this point, the Policy requires an investigation. {NAME} is the investigator and will gather facts relevant to this Complaint. The investigator will be reaching out to each of you soon to schedule an interview. If after reviewing this letter and the attached policy you still have questions, please contact me or the assigned investigator.

You may contact me by email at cwilson@evit.edu or the investigator at {EMAIL}.

If the Complaint is eligible for informal resolution, and the Parties provide voluntarily written consent, I will facilitate the informal resolution process as an alternative to the grievance process.

In addition to the investigator, I have appointed a decision maker for the grievance process. They were chosen because they do no bias towards either Party, no vested interest in the outcome, and no conflict of interest.

The investigation may take up to 60 days. It may take longer under special circumstances. I will provide notice to you if the investigation is delayed. You will receive the investigator's preliminary report within 20 days of the investigation's conclusion. You will have 10 to respond to the report. If either party's response requires additional investigation, the investigator will conduct a further investigation. You will receive the investigator's final report within 10 days of the conclusion of the investigation. You will not have an opportunity to respond to the final report. At the same time, the investigator will provide the final report to the decision maker. The decision maker will review and weight the evidence. The decision maker will make a decision based on a preponderance of the evidence within 10 days. You will have 10 days to appeal the decision to me.

Sincerely,

Dr. Chad Wilson

cc: {INVESTIGATOR}

FORMS

NON-DISCLOSURE AGREEMENT FOR RESPONDENT AND/OR COMPLAINANT

This Non-Disclosure Agreement (“Agreement”) is entered into by {NAME} and the East Valley Institute of Technology (“EVIT”) (collectively the “Parties”) for the purpose of preventing the unauthorized disclosure of Confidential Information as defined herein. The parties hereby agree to enter into a confidential relationship regarding the disclosure of certain information that is considered confidential (“Confidential Information”).

Confidential Information

The Parties acknowledge their role in the Title IX investigation. As part of their involvement, they may have access to confidential information, which includes discussions related to the allegations under investigation, access to evidence, both exculpatory and inculpatory, and review of the investigative report issued by the assigned investigating officer (collectively referred to as “confidential information”).

The Parties agree to use confidential information solely for the purpose of the Title IX Grievance Process and shall not disseminate, disclose, copy, share, provide, or otherwise make the confidential materials or their contents available to any individuals, organizations, groups, or entities, whether in person, in writing, through electronic technology, social media, or by any other means.

Return or Destruction of Confidential Information

Upon the conclusion of the Title IX matter, the Parties agree to promptly return or destroy any and all confidential information provided to them in connection with the Title IX complaint and investigation.

Injunctive Relief

The Parties acknowledges that any breach of this Agreement may result in irreparable harm to EVIT or other parties involved. In addition to any other remedies available, EVIT shall be entitled to seek injunctive relief to prevent any further breach and or to impose discipline under school policy, if applicable.

Non-Disclosure Obligation

By participating in the Title IX investigation, the Parties agrees not to further disclose or disseminate the confidential information, including any copies and reproductions thereof, beyond what is expressly permitted under this Agreement.

Entire Agreement

This Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior discussions, negotiations, and agreements, whether oral or written.

Amendments

This Agreement may not be amended except in writing and signed by the Parties.

The undersigned hereby acknowledges their understanding of, and agreement to, the terms and conditions set forth in this Agreement

Party's signature

Date

Title IX Coordinator's Signature

Date

FORMS

NOTICE OF INSPECTION AND REVIEW OF EVIDENCE

INVESTIGATOR'S NAME

Investigator
East Valley Institute of Technology
1601 West Main Street
Mesa, AZ 95201

{DATE}

Delivered Via Electronic Mail

COMPLAINANT'S NAME
COMPLAINANT'S ADDRESS

RESPONDENT'S NAME
RESPONDENT'S ADDRESS

NOTICE TO PARTIES

Re: Inspection and Review of Evidence

Dear {COMPLAINANT/RESPONDENT/PARENT OR GUARDIAN}:

On {DATE}, a formal complaint was filed alleging sexual harassment. Pursuant to the East Valley Institute of Technology ("EVIT") Title IX process and applicable Title IX regulations, both the Complainant and Respondent are provided an equal opportunity to review any evidence obtained as part of the sexual harassment investigation that is directly related to the allegations raised in the formal complaint and to provide a written response.

Enclosed please find evidence obtained in the investigation directly related to the allegations of sexual harassment raised in the formal complaint. The enclosed evidence includes inculpatory or exculpatory evidence. Exculpatory evidence is evidence that tends to show the respondent did not commit the alleged sexual harassment; inculpatory evidence is evidence that tends to show the respondent did commit sexual harassment. The evidence may also include evidence that EVIT does not intend to rely upon in reaching a determination.

As provided in EVIT's Title IX grievance procedures, you have an opportunity to review the evidence and submit any response you would like the investigator to consider prior to completing the Investigative Report. You will have 10 days, to submit a written response to me at {INVESTIGATOR CONTACT INFORMATION}.

[ADD THIS IF REDACTION AND LOG/KEY USED] Evidence related to the formal complaint may contain details that cannot be disclosed to the parties, or are otherwise precluded from use due to legally recognized and unaltered privilege. The investigator is allowed to eliminate such information and also omit information that is not connected to the allegations.

You are reminded that the Non-Disclosure Agreement you signed at the start of this investigation strictly forbids any copying, sharing, publishing, printing, emailing or other distribution of the investigative data. However, you are allowed to talk about the investigation and the information you gain from it for the purpose of obtaining more information or answering questions.

If you have any questions or issues accessing the attached information, please contact me at your earliest convenience.

Sincerely,

{NAME}
Title IX Investigator

cc: Title IX Coordinator

FORMS

WRITTEN AGREEMENT TO PARTICIPATE — INFORMAL RESOLUTION

Dr. Chad Wilson
Superintendent/ Title IX Coordinator
East Valley Institute of Technology
1601 West Main Street
Mesa, AZ 85210

DATE

COMPLAINANT
(C/O parent or guardian if a minor)
ADDRESS

RESPONDENT
(C/O parent or guardian if a minor)
ADDRESS

VIA E-Mail and First-Class Mail

CONFIDENTIAL

Re: Invitation to Participate in Informal Resolution

Dear {NAME}:

On {DATE}, the East Valley Institute of Technology (“EVIT”) received a formal complaint (“the Complaint”) alleging a violation under Title IX of the Education Amendments of 1972 (“Title IX”). This letter is to notify you that the Complaint is eligible for informal resolution, to explain that process, and to offer you the opportunity to participate in the process if you would like to do so.

On {DATE WRITTEN NOTICE OF FORMAL COMPLAINT SENT TO PARTIES}, you received a written notice of the allegation(s) in the Complaint and an explanation of the grievance process, including that informal resolution could be an option. Based on the facts in this matter, this Complaint is eligible for informal resolution if both the Complainant and Respondent (the “Parties”) voluntarily agree to participate and sign written consent. Participation in the informal resolution process is voluntary and a party’s refusal to participate will not affect the investigation process or determination outcome in any way.

If the Parties voluntarily agree to participate in the informal resolution process, a facilitator will reach out to you within two days of EVIT of receipt of the Parties’ written consent. The informal resolution process may include a face-to-face meeting between the parties (and advisors, if any) or the facilitator may speak with each party separately.

The goal of the informal resolution process is to develop an agreement between the parties that resolves the Complaint without requiring the parties to go through the formal grievance process. Either party may withdraw from the process at any time and return to the formal grievance process. To help you decide whether you want to engage in the informal resolution process I have included the Informal Resolution FAQ.

If an agreement is reached through informal resolution, it will be in writing and signed by the Parties (or their parents/legal guardians if the parties are minors). If the Parties cannot reach an agreement, or if either party withdraws from informal resolution process prior to reaching an agreement, the formal grievance process will continue and a determination regarding responsibility made. There will

FORMS

Please complete the enclosed form indicating whether you would like to participate in the informal resolution process and return it to me at cwilson@evit.edu. Please contact me with any questions. Thank you.

Sincerely,

Dr. Chad Wilson
Superintendent/Title IX Coordinator

FORMS

INFORMAL RESOLUTION PROCESS FREQUENTLY ASKED QUESTIONS

What is an Informal Resolution?

An Informal Resolution is an alternative to formal investigation and adjudication procedures in which both sides voluntarily agree to “informally” resolve issues or concerns involving harassment, discrimination, or retaliation. The goal of an Informal Resolution is to provide flexibility and the option for the parties to agree on any of a wide range of possible outcomes. Informal Resolution is a voluntary agreement between parties involved in an issue that has come up related to these policies or a climate-related issue. If both parties agree, an Informal Resolution agreement takes the place of a “formal resolution.” (Please see Question 2 below for more information on formal resolution.) Any Informal Resolution must be consistent with the law, [District Policy] and [District Non-Discrimination Policy].

What is a formal resolution or investigation?

A formal resolution involves conducting a fact-finding investigation, reporting the results to a decision maker for review and possible discipline for students and employees.

Who decides whether to resolve a concern by Informal Resolution?

Both parties must agree to participate in an Informal Resolution process and also agree to the terms of an Informal Resolution agreement in order to finalize it. Any party in a formal Title [IX Complaint can request to enter into an Informal Resolution process, but there are some situations where our policies or other factors may not permit it (see #10 below). Unless informal resolution is prohibited by District policy or law, the Title IX Coordinator will share with both parties the option to participate in the informal resolution process. (see Question #10 for additional information)

When can I decide to seek an Informal Resolution?

Either party may tell the Title [IX Coordinator at any time that they would like to seek an Informal Resolution. However, the Title [IX Coordinator may determine that further actions or further investigation are necessary before helping the parties to explore and reach an Informal Resolution.

For Title LX sexual harassment issues, Informal Resolution is only possible after a formal Title [X formal complaint. (Consult with the Title LX Coordinator if you are unsure under which category your concern falls.) For Non-Title [X sexual misconduct issues, or situations involving discrimination or non-sexual harassment, an Informal Resolution is possible at any point after an issue has been raised with the Title [LX Coordinator.

How will I know if the Informal Resolution process has started?

In eligible situations, the Title IX Coordinator will provide the parties with written notice that an Informal Resolution is being offered to resolve the matter. No Informal Resolution process can begin unless both parties agree.

Do I have to talk to the other party during the Informal Resolution Process?

No. The parties do not have to speak to each other during the process, unless they agree/want to do so. Once the parties choose to participate, the Title IX Coordinator or a third-party facilitator can serve as the intermediary to help the parties come to an agreement.

What kinds of things do parties agree to in an Informal Resolution agreement?

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Parties have flexibility under an Informal Resolution to agree together on what will help address the concern that was originally raised to Title IX Coordinator. For example, the parties might agree to terms such as (but are not limited to): requiring one or both parties to participate in educational or training programs, mediation by a third party, administrative resolution (such as a mutual agreement to abide by a No Contact Order), acceptance of responsibility and penalty, mediation or other alternative dispute resolution, modification of work or academic assignments, or an apology.

What are some possible advantages or disadvantages of Informal Resolution?

Some parties may prefer Informal Resolution because it is a flexible process that enables parties to achieve many of the same outcomes as a formal process, but often more quickly. An Informal Resolution may decrease future uncertainty associated with the possibility of participation in a disciplinary hearing in which particular sanctions are determined by a decision maker. However, there are reasons why the parties may wish to choose the formal resolution process. For example, some parties may not feel that the Informal Resolution process will achieve their desired outcome. Others may desire a determination through the formal process, even though that process may or may not result in their desired outcome/ determination.

Does agreeing to an Informal Resolution mean that one party is admitting to any wrongdoing?

No. Unless the parties agree to do so, choosing to pursue an Informal Resolution does not require any party to admit to any alleged misconduct. In addition, if (for reasons discussed in these FAQs, including #13 and #19) a formal investigation resumes in the future, the decision maker will not consider participation in an Informal Resolution as evidence toward whether or not the alleged behavior occurred.

Are there situations in which Informal Resolution is unavailable?

Yes. The Informal Resolution process is not available in Title IX sexual harassment cases involving allegations by a student against an employee. In situations where the most serious sanctions are possible if misconduct is found—including possible suspension or expulsion for students or termination from the District for employees, Informal Resolution is not likely to be the appropriate course of action. In addition, at the discretion of the Title IX Coordinator, certain factors may be considered when determining whether Informal Resolution is appropriate. Considerations may include the nature or severity of the alleged offense; when there is an ongoing threat of harm or safety to the campus community; when the accused is a repeat offender; or when the parties are unable or unlikely to participate in good faith in, or comply with the terms of, the Informal Resolution process. Finally, if one of the parties does not agree to participate in the Informal Resolution process, then Informal Resolution is not available.

If the Title IX Coordinator raises the possibility of Informal Resolution, does that mean they think my issue or complaint is less serious or not likely to be substantiated?

No. Every issue raised is treated with seriousness. The Title IX Coordinator must consider every eligible situation for Informal Resolution. Discussion of Informal Resolution does NOT mean that investigators do not believe the concern is serious or that the allegations as described are false. Rather, Informal Resolution is a different (and sometimes more expedient) way of resolving an issue or complaint. Likewise, discussion of Informal Resolution does not mean that investigators have concluded that the allegations are true or that any misconduct occurred.

What if I do not want to file a complaint with the Title IX Coordinator, but still want to resolve a concern through an Informal Resolution?

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Prior to filing a formal complaint, you may inform the Title IX Coordinator of your desire to resolve your concern through an Informal Resolution; the Coordinator will then advise you whether Informal Resolution is an available option to resolve the concern under our policies, and, if so, will work with both parties to resolve the concern through the Informal Resolution process, assuming both parties agree. Please note that, for situations involving Title IX sexual harassment (as defined in the District Policy), Informal Resolution is not available unless the party raising the concern has filed a Title IX formal complaint.

What is required to resolve a concern through an Informal Resolution?

Resolving a concern through the Informal Resolution process must be acceptable to both parties and the Title IX Coordinator. .

Who will facilitate the Informal Resolution process?

In situations involving allegations of discrimination or non-sexual harassment, the Title IX Coordinator will work with the parties in the informal resolution process. In situations that involve allegations of sexual misconduct, the Informal Resolution process is led by an Informal Resolution Facilitator, a qualified staff or faculty member designated by the Title IX Coordinator in coordination with the District Administration (for students) or Human Resources (for employees).

What if I do not want to proceed with an Informal Resolution?

Both parties have choice to proceed with an Informal Resolution process, and the process cannot take place unless both parties agree. Likewise, either party can choose to end the Informal Resolution process at any time prior to finalizing the Informal Resolution, in accordance with District Policy. If the Informal Resolution process ends, the Title IX Coordinator will proceed with a formal process.

How would I know if an Informal Resolution agreement has been reached?

When a concern involves a climate-related issue, discrimination and/or non-sexual harassment, both parties will be involved in discussion with the Title IX Coordinator regarding possible terms of the Informal Resolution before it becomes final. Once all terms have been agreed upon, the Title IX Coordinator will prepare and send to both parties a written memorandum memorializing the agreed-upon resolution and the consequences for non-compliance.

In situations involving sexual misconduct allegations, the Informal Resolution Facilitator designated by the Title IX Coordinator will complete the above steps.

Once finalized, the Informal Resolution agreement will be treated as a binding contract and the allegations of discrimination or sexual misconduct (and for Title IX Sexual Harassment matters, the Title IX Formal Complaint) will be deemed resolved.

What information may be included in an Informal Resolution?

In general, the informal resolution memorandum will include the agreed-upon terms, the consequences for a violation of the terms, the duration of the informal resolution agreement, and any other information or terms needed to reflect the agreed-upon terms by both parties or required by law and policy.

Terms may include (but are not limited to): participation in educational or training programs, mediation by a third party, no-contact or stay-away agreements between the parties for a set period of time, modification of work or academic assignments, an apology, or placement of certain terms of the agreement in a student's or employee's file or record.

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What if the parties involved fail to reach a mutually agreeable outcome through the Informal Resolution process?

The Title LX Coordinator will check on progress toward reaching Informal Resolution every thirty days. If an agreement is not reached by both parties to resolve the concern within a reasonable time frame, the individual who brought the concern to the Coordinator will have the option to file a complaint with the Coordinator or continue the formal investigation process if a complaint has already been filed (see Question #2) or take no further action.

How long does the Informal Resolution process last?

Informal Resolution suspends the formal complaint process for a reasonable but not unlimited period of time; this time period can be extended upon consent of both parties, at the discretion of the Title IX Coordinator. The time frame for investigations will be suspended while the parties engage in the Informal Resolution process. The Title IX Coordinator must reevaluate the parties' progress towards informal resolution every thirty (30) days and has the discretion to terminate the Informal Resolution process and resume the investigation at any time. If an Informal Resolution is not reached within a reasonable time frame, then the individual who brought the concern to the Coordinator will have the option to initiate or continue the formal investigation process or to take no further action.

What is the duration of an Informal Resolution agreement?

The duration of an Informal Resolution agreement varies; it may last only a few weeks or significantly longer than that. The precise duration should be reasonable given the nature of the allegations, and will be determined by mutual agreement of the parties and Title LX Coordinator or his/her designee (for situations involving sexual misconduct allegations).

What happens if one or both parties violate a term of the Informal Resolution?

The parties should notify the Title IX Coordinator immediately if they have reason to believe a term has been violated. Violations of Informal Resolution agreements will be referred for discipline or other appropriate action in accordance with District Policy.

Will the Informal Resolution go on my record?

In many instances, an Informal Resolution is not placed in a student or employee's permanent file or "record" that is housed by the Registrar or Human Resources or communicated with any other individual. For students, all Informal Resolutions are sent to the Title IX Coordinator and maintained in a file by his/her office until their expiration. In some circumstances, the parties may seek or agree to placement of certain terms or the agreement in a student or employee file or record. You should discuss the possibility and ramifications of this with the Title IX Coordinator or the Informal Resolution Facilitator. However, once finalized, the agreement will be maintained for seven (7) years by the District.

Who should I contact to have more information about the Informal Resolution process?

Title LX Coordinator [name, address, email, phone].

FORMS

TITLE IX COORDINATOR CHECKLIST

COMPLAINANT NAME:

RESPONDENT NAME:

DETERMINATION OF RESPONSIBILITY DUE:

Date Initial Report Received (no Formal Complaint):

Date Completed	Task
	Contact Complainant and discuss: • Supportive measures available • His/her wishes for supportive measures • Inform that supportive measures are available with or without the filing of a formal complaint; and • The process for filing a Formal Complaint
	Provide supportive measures and document what was provided
Notes	

Date Formal Complaint Received: / /

Date Completed	Task
	Does the formal complaint contain all required information? Complainant name Respondent name Location of Incident

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	Conduct alleged (Details of incident sufficient to demonstrate that if true, a Title IX violation has been alleged)
	Issue written notice of the Formal Complaint to both Complainant and Respondent
	Does the Complaint require dismissal? Mandatory if any of the following apply: • The Complaint does not state an allegation of sexual harassment, even if all facts are found to be true • The sexual harassment, even if it did occur, did not occur in a School program or activity • The sexual harassment did not occur against a person in the United States
	Does the Complaint need to be dismissed for another permissive reason? ☐ Yes ☐ No May dismiss if: • Complainant wishes to withdraw the formal Complaint • Respondent is no longer employed or enrolled in the School/District • Other circumstances prevent the gathering of sufficient evidence as described below. Explain:
	Is the Complaint acceptable for informal resolution? ☐ Yes ☐ No If yes, must obtain written voluntary consent from both parties and provide the parties with written notice of their rights e Assign facilitator, ensuring no conflict of interest exists

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	If no, proceed with assigning investigator <i>Remember: Informal Resolution is not available in matters where Respondent is a staff member and Complainant is a student.</i>
Notes	

Investigation:

Date Completed	Task
	Assign investigator, ensuring that no conflict of interest exists between the investigator and all involved parties
	Assign Decision Maker, ensuring that no conflict of interest exists between the Decision Maker and all involved parties
	Determine if there is a need for good cause delay • Is there concurrent police or child services involvement? • If there is a need for good cause delay, send out letter to parties

If a Determination of Responsibility is Made:

Date Completed	Task
	Written Determination of Responsibility sent to all parties

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	Was the determination that Respondent was responsible? ☐ Yes ☐ No
	If yes: Review and work with decision maker and administration to ensure implementation of remedies and/or discipline needed to restore or preserve equal access to the education program/activity
	Document: e Measures taken to restore or preserve equal access to program/activity e Action e Name of person responsible for action e Deadline by which action is completed e If did not provide supportive measures to Complainant, document the reasons why that was not clearly unreasonable.
	Safely preserve all evidence and records related to the Formal Complaint to meet record keeping requirements

Appeals:

Date Completed	Task
	Was an appeal received in a timely manner? (i.e., within 10 calendar days of receipt of Determination of Responsibility) ☐ Yes ☐ No Date Received:
	Does the request for appeal meet one of the 3 criteria for acceptance? e Procedural irregularity that affected the outcome of the matter ☐ Yes ☐ No

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	e New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter ☐ Yes ☐ No e The Title [X Coordinator, investigator(s), or decision-makers(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter. ☐ Yes ☐ No If yes to any, forward appeal to person designated to hear the appeal noting the reason the appeal was granted.
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FORMS

TITLE IX COORDINATOR INITIAL MEETING OUTLINE

- Have claimant lay out the allegation in detail
 - Ask how often has it occurred
 - Ask for dates and times
 - Ask if there are other victims or witnesses
 - Ask if she has any supporting documentation
- See if claimant is interested in supportive measures and, if interested, offer appropriate supportive measures
 - Counseling
 - Course modification
 - Schedule change
 - Increased supervision
- Supportive measure cannot punish claimant and claimant must consent to them.
- Explain the formal complaint process
 - Allegations will be shared with respondent
 - Investigator will be assigned
 - Claimant and Respondent will be interviewed
 - ✓ may have an advisor present, but advisor cannot participate in interview
 - Respondent will have a chance to respond
 - Witnesses will be interviewed
 - ✓ Witnesses will have to sign a non-disclosure agreement
 - Parties may be interviewed again
 - Initial investigative report will be shared with parties
 - ✓ Parties may present additional evidence
 - ✓ Investigation will continue
 - Final investigative report sent to parties
 - Decisionmaker will be assigned and report sent to decisionmaker.
 - ✓ Decisionmaker weighs evidence and makes determination
 - ✓ Parties may appeal decision
 - Process may take up to three months.
- Ask claimant if claimant wants to file a formal complaint
 - Provide formal complaint form.
- If claimant does not want to sign a formal complaint, the Title IX Coordinator (you) can file it.
 - No formal complaint
 - cannot discipline the respondent.
 - document that the complainant declined and that the matter was closed.

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AFTER THE INITIAL MEETING, IF THERE IS A FORMAL COMPLAINT

- Can dismiss complaint if:
 - it does not constitute sexual harassment, even if true
 - physical contact is *per se* actionable, otherwise conduct must be severe, pervasive, and objectively offensive; or
 - there is a *quid pro quo*
 - the harassment did not occur on school grounds or occurred outside the US
 - respondent no longer an employee
 - claimant withdraws the complaint
 - claimant refuses to cooperate
 - allegations are too old to investigate
- Title IX Coordinator can sign formal complaint, if there are no grounds for dismissal
 - Don't have to decide that at the initial meeting
- Provide written notice to both parties (we have a template)
 - Assign an impartial investigator and an impartial decisionmaker
 - I'll need to give them some guidance

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NOTICE TO PARTIES - DELAY

Dr. Chad Wilson
Superintendent, Title IX Coordinator
East Valley Institute of Technology
1601 West Main Street
Mesa, Arizona 85201

DATE

Via E-Mail

Dear {NAME}:

On {DATE}, the East Valley Institute of Technology ("EVIT") received a formal complaint ("the Complaint") alleging a violation under Title IX of the Education Amendments of 1972 ("Title IX"). EVIT's Title IX policy requires that the grievance process investigation be complete no later than 60 days from the date a formal complaint was received. This letter is to notify you that the District has good cause for a temporary delay in completing the grievance process.

{INSERT REASON FOR GOOD CAUSE DELAY AND HOW MANY ADDITIONAL DAYS YOU ANTICIPATE NEEDING TO COMPLETE THE PROCESS. For examples: 1) The Complaint was received two working days prior to a 10-day school break. The school break has created good cause for a temporary delay and, therefore, the District anticipates that the grievance process will be completed 70 days from the date the Complaint was received. 2) Law enforcement is investigating the allegations and to avoid interfering in that investigation EVIT will delay its investigation until law enforcement allows EVIT to move forward.}.

Sincerely,

Dr. Wilson
Superintendent, Title IX Coordinator

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NOTICE TO PARTIES OF DISMISSAL PRIOR TO DETERMINATION

Dr. Chad Wilson
Superintendent
East Valley Institute of Technology
1601 West Main Street
Mesa, Arizona 85201

February 29, 2024

Via E-Mail

NOTICE TO PARTIES

Re: Dismissal of Complaint Prior to Determination

Dear {NAME}:

On {DATE}, the East Valley Institute of Technology (“EVIT”) received a formal complaint (“the Complaint”) alleging a violation under Title IX of the Education Amendments of 1972 (“Title IX”). This letter is to notify you that EVIT is dismissing the Complaint prior to the conclusion of an investigation and a determination regarding responsibility.

[IF MANDATORY DISMISSAL]

EVIT is required to dismiss the complaint for one of the following reasons:

- ☐ Assuming the facts alleged are true, the Complaint does not state an allegation of sexual harassment.
- ☐ The sexual harassment, even if it did occur, did not occur during an EVIT program or activity.
- ☐ The sexual harassment did not occur in the United States.

{[Include brief explanation of relevant facts/factors requiring mandatory dismissal]}

[IF PERMISSIVE DISMISSAL:

EVIT is dismissing the complaint because one of the following is true:

- ☐ Complainant wishes to withdraw the Complaint.
- ☐ Respondent is no longer an EVIT student or employee.
- ☐ Circumstances prevent EVIT from gathering sufficient evidence to make a determination of responsibility.

{[Include brief explanation of relevant facts/factors leading to permissive dismissal]}

Either party has the right to appeal the dismissal of the Complaint. Appeals must in writing and submitted to the Dr. Wilson, the Title IX Coordinator, within 10 days of receipt of this notice and must be based on one or more of the following appeal criteria:

- Procedural irregularity that affected the outcome of the matter;

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- New evidence that was not reasonably available prior to dismissal, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator(s), or decision-makers(s) had a conflict of interest or bias for or against complainants or respondents that affect the outcome of the matter.

Dr. Wilson will forward any appeal based that meets one of the appeal criteria to the individual designated to hear the appeal, which will not be the Dr. Wilson, the investigator, or the decision-maker in this case. The individual hearing the appeal will provide a copy of the appeal request to the non-appealing party and will provide that party an opportunity to submit a written response to the appeal. The decision of the person hearing the appeal will be final.

Sincerely,

Dr. Wilson
Superintendent, Title IX Coordinator

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NOTICE OF INTERVIEW OF RESPONDENT

INVESTIGATOR NAME

TITLE

ADDRESS

February 29, 2024

WITNESS

C/O parent or guardian if a minor

ADDRESS

VIA E-Mail and First Class Mail

CONFIDENTIAL

Re: Notice of Interview

Dear {NAME}:

You have (OR your child has) been named in a Title IX sexual harassment complaint. I have scheduled an interview with you regarding that complaint on {DATE} at {TIME} at {LOCATION}. The interview was scheduled to allow you enough time to prepare in advance and be within in our policy guidelines. If this time does not work for you, please contact me to arrange an alternate time. CHOOSE ONE [I and {NAME OTHER PERSON} (should not interview a minor alone. If witness brings an advisor it is not necessary to have another person to be present) will be present at the interview} OR {(if witness is not a minor) I will be conducting the interview.} You may bring an advisor with you, but the advisor cannot ask questions or participate in any way. If you intend to bring an advisor, you must provide the name of the advisor, the advisor's relationship with you, and the advisor's contact information.

The purpose of the interview is to gather evidence, identify witnesses, and allow you an opportunity to respond to the allegations.

Thank you for your cooperation in this matter.

Sincerely,

NAME, Title IX Investigator

cc: Title IX Coordinator

FORMS

NOTICE OF INTERVIEW OF MINOR

East Valley Institute of Technology
INVESTIGATOR NAME
Title IX Investigator
1601 West Main Street
Mesa, AZ 85210

DATE

WITNESS
(C/O parent or guardian if a minor)
ADDRESS

VIA E-Mail and First-Class Mail

CONFIDENTIAL

Re: Notice of Interview

Dear {NAME}:

I have scheduled an interview with you (or your child) regarding your (or your child's) Title IX Complaint on {DATE} at {TIME} at {LOCATION}. If this time does not work for you, please contact me to arrange an alternate time. CHOOSE ONE [I and {NAME OTHER PERSON} (should not interview a minor alone. If witness brings an advisor, it is not necessary to have another person to be present) will be present at the interview} OR {(if witness is not a minor) I will be conducting the interview.} You may bring an advisor with you, but the advisor cannot ask questions or participate in any way. If you intend to bring an advisor, you must provide the name of the advisor, the advisor's relationship with you, and the advisor's contact information.

The purpose of the interview is to gather evidence, identify witnesses, and allow you an opportunity to give further details of your allegations.

Thank you for your cooperation in this matter.

Sincerely,

NAME
Title IX Investigator

cc: Dr. Chad Wilson, Title IX Coordinator

FORMS

NOTICE OF COMPLAINANT INTERVIEW

INVESTIGATOR NAME

Title IX Investigator
East Valley Institute of Technology
1601 West Main Street
Mesa, AZ 85201

February 29, 2024

WITNESS

C/O parent or guardian if a minor
ADDRESS

VIA E-Mail and First-Class Mail

CONFIDENTIAL

Re: Notice of Interview

Dear {NAME}:

You have (OR your child has) been named in a Title IX sexual harassment complaint. I have scheduled an interview with you regarding that complaint on {DATE} at {TIME} at {LOCATION}. The interview was scheduled to allow you enough time to prepare in advance and be within in our policy guidelines. If this time does not work for you, please contact me to arrange an alternate time. CHOOSE ONE [I and {NAME OTHER PERSON} (should not interview a minor alone. If witness brings an advisor, it is not necessary to have another person to be present) will be present at the interview} OR {(if witness is not a minor) I will be conducting the interview.} You may bring an advisor with you, but the advisor cannot ask questions or participate in any way. If you intend to bring an advisor, you must provide the name of the advisor, the advisor's relationship with you, and the advisor's contact information.

The purpose of the interview is to gather evidence, identify witnesses, and allow you an opportunity to respond to the allegations.

Thank you for your cooperation in this matter.

Sincerely,

NAME

Title IX Investigator

cc: Dr. Chad Wilson, Title IX Coordinator

FORMS

NOTICE OF INTERVIEW OF ADULT WITNESS

{INVESTIGATOR NAME}
Title IX Investigator
East Valley Institute of Technology
1601 West Main Street
Mesa, AZ 85201

February 29, 2024

WITNESS
C/O parent or guarding if witness is a minor
ADDRESS

VIA E-Mail and First-Class Mail

CONFIDENTIAL

Re: Notice of Interview

Dear {NAME}:

You have been identified as a witness regarding a Title IX Complaint. I have scheduled an interview with you on {DATE} at {TIME} at {LOCATION}. If this time does not work for you, please contact me to arrange an alternate time. CHOOSE ONE [I and {NAME OTHER PERSON} (should not interview a minor alone. If witness brings an advisor, it is not necessary to have another person to be present) will be present at the interview} OR {(if witness is not a minor) I will be conducting the interview.} You may bring an advisor with you, but the advisor cannot ask questions or participate in any way. If you intend to bring an advisor, you must provide the name of the advisor, the advisor's relationship with you, and the advisor's contact information.

The purpose of the interview is to gather evidence, identify witnesses, and allow you an opportunity to give further details of your allegations.

Thank you for your cooperation in this matter.

Sincerely,

{INVESTIGATOR NAME}
Title IX Investigator

cc: Title IX Coordinator

FORMS

INFORMAL RESOLUTION AGREEMENT

This agreement documents the terms of resolution regarding the Formal Complaint that was filed by {insert name of complainant} under the East Valley Institute of Technology's ("District's") Formal Grievance Procedures ("Policy"). In lieu of a formal finding of a violation or no violation of the Policy, the parties have agreed to an informal resolution of the Formal Complaint. The Informal Resolution Process is a voluntary, structured interaction between the involved parties and a facilitator to resolve the allegations following the filing of a Formal Complaint and before a determination. All parties, the informal resolution facilitator, and the Title LX Coordinator must accept the terms outlined for the Informal Resolution Agreement to be effective.

Case Number: _____

Complainant: _____

Respondent: _____

Informal Resolution Facilitator: _____

Incident Date(s): _____

Informal Resolution Agreement Date: _____

Informal Resolution Type: _____

The parties have agreed to the following specific actions to resolve the allegations:

{LIST TERMS}

The parties agree to the following consequence if, for any reason, a party violated any of the terms of this agreement:

{LIST CONSEQUENCES}

For the purpose of consideration In the event of any further allegations of misconduct or the need to impose additional discipline, the Respondent's discipline record may be considered and will state that the following discipline was imposed:

{LIST DISCIPLINE}

The outcome of this informal resolution agreement will be shared with:

{LIST: RESPONDENT, RESPONDENT'S ADVISOR, IF ANY, COMPLAINANT, COMPLAINANT'S ADVISOR, IF ANY, TITLE IX COORDINATOR, DEAN OF STUDENTS, PROGRAM DIRECTOR}

The outcome of this informal resolution agreement includes the following additional understandings:

{LIST}

FORMS

By signing this agreement, each party affirms the following:

- I voluntarily agree to the terms of this agreement and understand that I am relinquishing my right to have this matter resolved through the formal grievance process and that I can choose not to sign this agreement and engage the Formal Resolution Process.
- I understand that if I violate the terms of this agreement, I may be subject to further discipline.
- I understand that this Agreement is the final resolution and not appealable.
- I understand that the District deems this matter resolved, and the allegations addressed by this Informal Resolution Agreement will not be subject to further investigation, adjudication, remediation, or discipline by the District, except as otherwise provided in this agreement.
- I am aware that the District will maintain a record of this agreement and associated information in accordance with District policy and applicable laws.

Complainant Signature (Parent/Legal Guardian if under 18) Date

Complainant Printed Name

Respondent Signature (Parent/Legal Guardian if under 18) Date

Respondent Printed Name

Facilitator's Signature Date

I have reviewed and approved this agreement, thereby resolving this matter.

Dr. Chad Wilson, Title IX Coordinator Date

FORMS

NOTICE OF OTHER PARTY'S WRITTEN RESPONSE TO THE EVIDENCE

{INVESTIGATOR NAME}
Title IX Investigator
East Valley Institute of Technology
1601 West Main Street
Mesa, AZ 85201

{DATE}

PARTY'S NAME
PARTY'S ADDRESS

Delivered Via Electronic Mail

NOTICE TO PARTIES

RE: Notice of Other Party's Written Response to the Evidence

Dear [Complainant/Respondent/Parent or Guardian]:

On {DATE}, both parties were provided an opportunity to review the evidence in the investigation into the complaint into allegations of sexual harassment filed on {DATE} and submit any response they would like the investigator to consider prior to completing the Investigative Report. I am enclosing with this letter a copy of the written response to the evidence submitted by the other party. The investigator will consider this response prior to completing the Investigative Report. Please contact me at [contact information] if you have any questions.

Sincerely,

Sincerely,

{INVESTIGATOR NAME}
Title IX Investigator

cc: Title IX Coordinator

FORMS

NOTICE OF INVESTIGATION REPORT

{INVESTIGATOR NAME}
Title IX Investigator
East Valley Institute of Technology
1601 West Main Street
Mesa, AZ 85201

{DATE}

PARTY'S NAME
PARTY'S ADDRESS

Delivered Via Electronic Mail

Re: Notice of Investigative Report

Dear {COMPLAINANT/RESPONDENT/PARENT OR GUARDIAN}:

On {DATE}, {COMPLAINANT'S NAME} submitted a Formal Complaint against {RESPONDENT'S NAME} alleging a violation of Title IX. I am writing to notify you that I have completed the investigation in this matter. Included with this notice is the investigative report, which contains an impartial analysis of the data gathered during the investigation, including statements from both parties as well as any other related evidence.

After review, you have the right to submit a written response to the report. Please send your response to my attention at {CONTACT INFORMATION} by {DATE TEN DAYS LATER}. Your response will be shared with {DECISIONMAKER'S NAME}, the Title IX Decisionmaker assigned to this Formal Complaint and the Title IX Coordinator.

Should you have any questions, please contact me at {CONTACT INFORMATION} at your earliest convenience.

Sincerely,

{INVESTIGATOR NAME}
Title IX Investigator

cc: Title IX Coordinator

FORMS

INVESTIGATIVE REPORT

{INVESTIGATOR NAME}

Title IX Investigator
East Valley Institute of Technology
1601 West Main Street
Mesa, AZ 85201

{DATE}

PARTY'S NAME
PARTY'S ADDRESS

Delivered Via Electronic Mail

Re: Title IX Sexual Harassment Investigative Report — {COMPLAINANT} v. {RESPONDENT}

This Report has been compiled as part of an investigation into an alleged incident of sexual harassment in violation of Title IX, as described in the Formal Complaint. This Report summarizes the evidence collected in my investigation.

On {DATE}, {CLAIMANT}, an EVIT {STUDENT OR STAFF MEMBER} submitted a Formal Complaint to Title IX Coordinator, Dr. Chad Wilson. I was responsible for investigating the allegations as outlined below, in accordance with EVIT Title IX procedures and federal Title IX regulations.

This Report is an unbiased document that contains a summary of all relevant evidence obtained in the investigation. On {DATE}, I gave each party a copy of my preliminary report. Both parties were given 10 days to present their evidence and comment on the evidence collected. I assessed all the information and the parties' responses prior to completing this Report. I took these responses into consideration.

This Report outlines the evidence collected and reviewed throughout the investigation and does not include any conclusions or a determination of responsibility. This Report and the related evidence will be submitted to an independent and impartial decision-maker to reach conclusions and make a determination of responsibility.

Jurisdiction

The District has the legal authority to examine this case in accordance with its Policy and Title IX because the Respondent is an EVIT {STUDENT OR STAFF} and the incident is alleged to have happened in an EVIT educational program or activity within the United States.

Allegations Investigated

{NUMBER AND LIST EACH ALLEGATION AND SET OUT SPECIFIC ALLEGATIONS FROM COMPLAINT WITH DATES/TIMEFRAME OF INCIDENTS}

[IF RELEVANT, LIST ANY NEW ALLEGATIONS ACCUSATIONS THAT CAME UP DURING THE INVESTIGATION. NOTE THAT PEOPLE INVOLVED MAY BECOME PEOPLE WHO REPORT OR MAKE A COMPLAINT THAT SHOULD BE SENT TO THE TITLE IX COORDINATOR. ADDITIONALLY, MULTIPLE GRIEVANCES THAT ORIGINATED FROM THE SAME FACTS MAY BE COMBINED TOGETHER.]

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[IF MORE COMPLAINTS ARE REPORTED, PROVIDE THE DATES AND TIMES OF THE INCIDENTS, THE PERSON WHO REPORTED THE ALLEGATIONS, THE DATE OF REFERRAL TO THE TITLE IX COORDINATOR (IF APPLICABLE), AND THE DATE OF THE WRITTEN NOTICE OF ADDITIONAL ALLEGATIONS ISSUED BY THE TITLE IX COORDINATOR TO THE PARTIES INVOLVED.]

Other Applicable School Policies and Code of Conduct Provisions

This investigation was focused upon the alleged violation of the sexual harassment policy. There may be other EVIT school policies that were violated and may be investigated by EVIT for which there may be other discipline-related issues.

Investigation Timeline

The Investigation included the following:

- {DATE} — Alleged incident/s underlying complaint occurred.
- {DATE} — Formal Complaint filed with Title [X Coordinator
- {DATE} — Parties Notified of Formal Complaint of Title IX Sexual Harassment
- {DATE} — Notice of Title [X Interview (Complainant/Respondent)
- {DATE} — Investigative Interview with Complainant
- {DATE} — Investigative Interview with Respondent
- {DATE} — Investigative Interview with Witness (for each witness)
- {DATE} — Notice of Follow-up Interview with Party
- {DATE} — Follow-up Interview with Witness
- {DATE} — Notice of Directly Related Evidence
- {DATE} — Complainant responded to Evidence
- {DATE} — Respondent responded to Evidence
- {DATE} — Investigator reviewed responses to evidence
- {DATE} — Investigation concluded
- {DATE} — Investigative Report to Parties

Individuals Interviewed with Relevant Information

1. Complainant Interviews and Submitted Information

- a. Date(s):
- b. Location:
- c. Individuals Present:

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d. Summary of Interview: [Summarize what was said in the investigative interviews with each party you interviewed. Details that make it into this portion should be relevant to the analysis of the underlying charge].

e. Notes/Transcript of Interviews with Complainant are included with Appendix ---, Evidence.

f. Relevant Additional Information Provided by Complainant: [List additional information submitted by Complainant — documents, emails, texts, etc. with dates, identification of sender/recipient, and relevance/relationship to allegations. Include all actual documents/records submitted which directly relate to the allegations as attachments in Appendix ---, Evidence. |

2. Respondent Interviews and Submitted Information

a. Date(s):

b. Location:

c. Individuals Present:

d. Summary of Interview: [Summarize what was said in the investigative interviews with each party you interviewed. Details that make it into this portion should be relevant to the analysis of the underlying charge].

e. Notes/Transcript of Interviews with Respondent are included with Appendix ---, Evidence.

f. Relevant Additional Information Provided by Respondent: [List additional information submitted by Respondent — documents, emails, texts, etc. with dates, identification of sender/recipient, and relevance/relationship to allegations. Include all actual documents/records submitted which directly relate to the allegations as attachments in Appendix ---, Evidence. |

3. Witness Interview with Submitted Information

a. Date(s):

b. Location:

c. Individuals Present:

d. Summary of Interview: [Optional — with witnesses you may only want to include the notes/transcript]. [Summarize what was said in the investigative interviews with each party you interviewed. Details that make it into this portion should be relevant to the analysis of the underlying charge].

e. Notes/Transcript of Interviews with Respondent are included with Appendix ---, Evidence.

f. Relevant Additional Information Provided by Respondent: [List additional information submitted by Respondent — documents, emails, texts, etc. with dates, identification of sender/recipient, and relevance/relationship to allegations. Include all actual documents/records submitted which directly relate to the allegations as attachments in Appendix ---, Evidence. |

{REPEAT FOR EACH WITNESS}

4. {EXPLAIN ANY UNSUCCESSFUL ATTEMPTS TO INTERVIEW A PARTY AND/OR WITNESS}.

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Relevant Evidence

5. List Additional Relevant Evidence Obtained

The investigator reviewed the following evidence gathered in the investigation:

- [name of document], [description]
- [List any additional relevant information gathered such as file inspections, surveillance video, attendance records, any correspondence. Include any/all evidence that directly relates to the allegations in Appendix---, Evidence.]
 - If you have kept an Evidence Log, rather than listing here, you can reference. 6. List Relevant Evidence Sought But Not Obtained

Summary of Relevant Evidence

[Identify all facts and information deemed relevant to the allegation/s in a numbered list. Conflicting assertions should be identified with appropriate description/explanation. May want to organize by allegation].

- 1.
- 2.
- 3.
- 4.

This Report summarizes relevant evidence obtained as a result of a thorough, objective, and impartial investigation.

Sincerely,

[Name]

[School/District name] Title [X Investigator]