

NOTE: Disciplinary action may **not** be taken against a respondent until the conclusion of a grievance process for formal complaints.

- Title IX Coordinator conducts an individualized safety and risk analysis to determine if emergency removal of a respondent is warranted due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment.
- If alternative instructional settings are insufficient, any exclusion of a student from school on this basis must be accomplished in accordance with procedures for suspensions or expulsion in Policy 233 and if applicable Policy 113.1.
- Administrative leave for employees is implemented in accordance with law and policy 317.

NOTE: All written notices, reports and other materials provided to parties throughout the Title IX grievance process for formal complaints are also provided to a party's advisor if any, and normally, also to parents/guardians of a party who is a student.

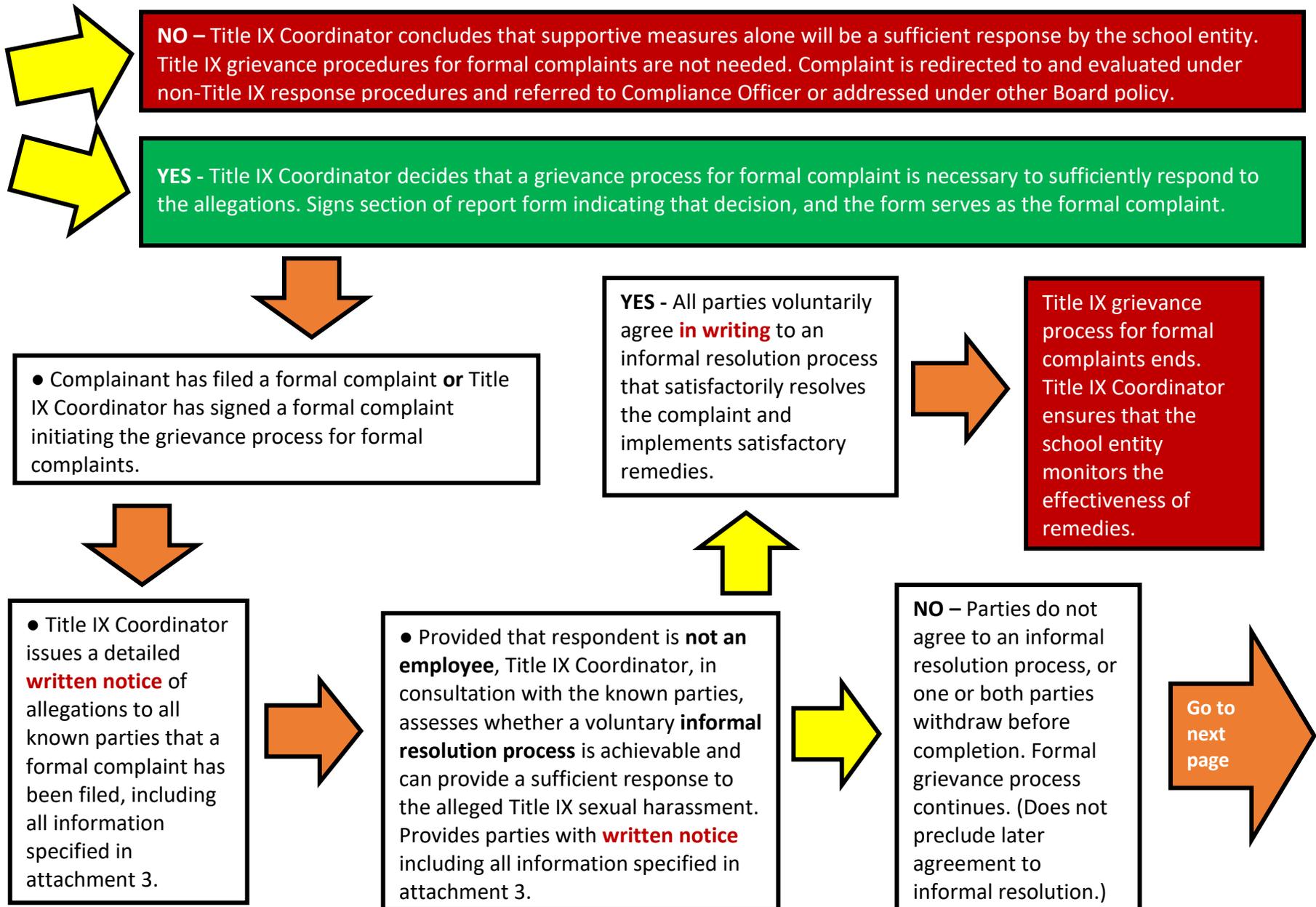
• Title IX Coordinator explains to complainant the grievance process for formal complaints and ascertains whether complainant desires to file a formal complaint under Title IX.

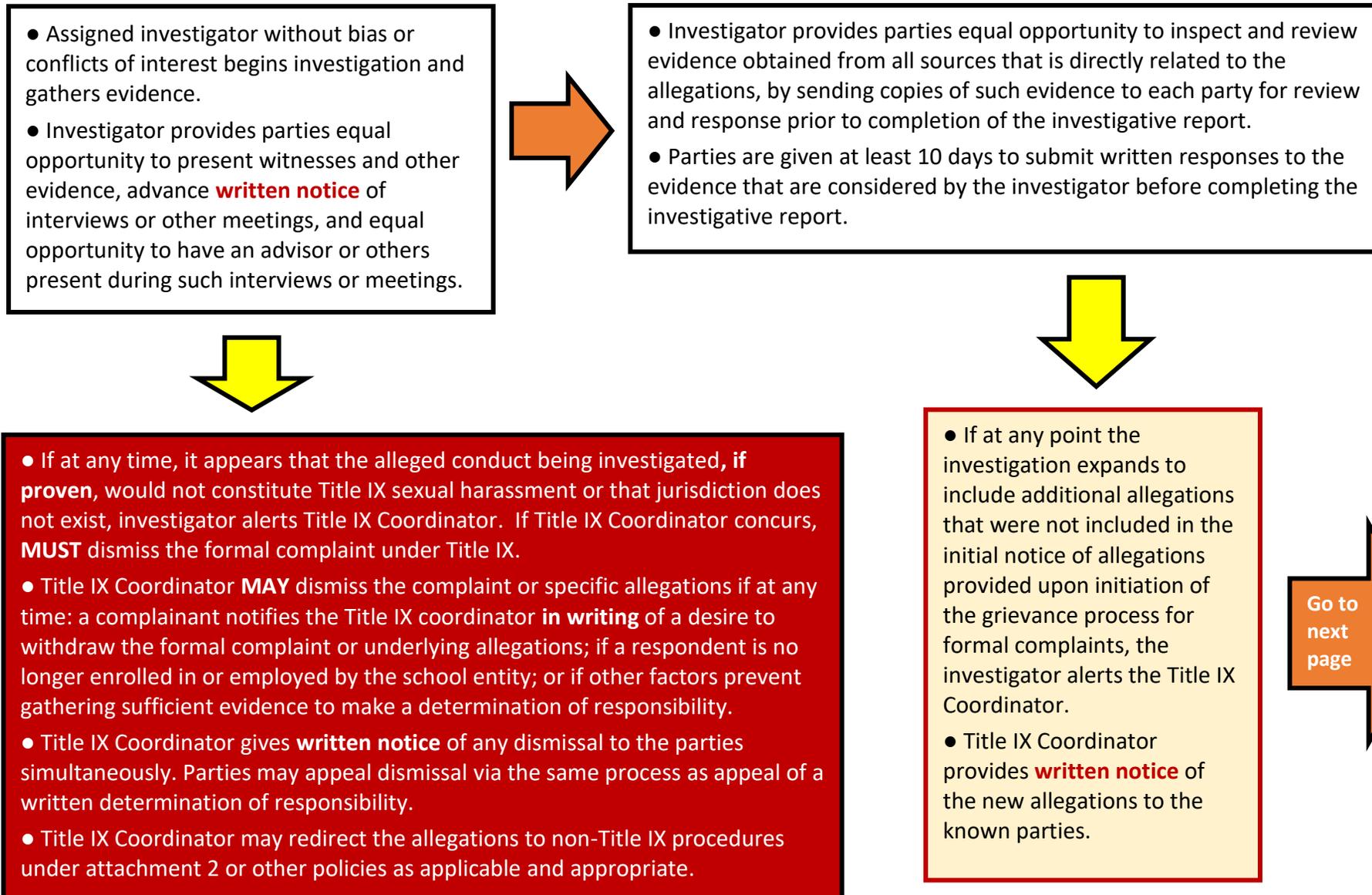
**YES** – Complainant chooses to file a formal complaint with the Title IX Coordinator. Signs section of report form indicating that choice, and that form serves as the formal complaint. Title IX grievance process for formal complaints commences on **next page**.

**NO** – complainant declines to file a formal complaint.

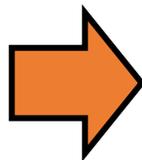
• Title IX Coordinator must decide whether to sign a complaint initiating investigation and grievance process for formal complaints despite complainant's preference. Title IX Coordinator assesses whether actions limited to supportive measures are a sufficient response by the school entity to the behavior alleged, or whether a Title IX grievance process for formal complaints should be initiated in order to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the Title IX grievance process for formal complaints .

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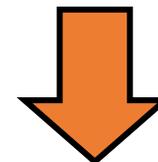


- Investigator prepares a written investigative report that fairly summarizes the relevant evidence.
- Investigator submits the completed investigative report to the designated decision-maker.
- Investigator provides copies of the report to all parties (and to a party's advisor if any) for their review and written response.



- Designated decision-maker without bias or conflict of interest notifies parties of the deadline for submitting written responses to the investigative report and submitting written relevant questions for the decision-maker to ask any party or witnesses.
- Decision-maker provides parties with answers to the questions submitted and notifies them of the deadline for submitting limited follow-up questions.
- Decision-maker may exclude questions that are not relevant and must provide parties with an explanation of why a question was deemed not relevant.

**NOTE:** No person can perform more than one role as investigator, decision-maker, appeal authority or facilitator of informal resolution (if any) in the same case. Each must be free of bias or conflicts of interest. Title IX Coordinator cannot serve as decision-maker or appeal authority.

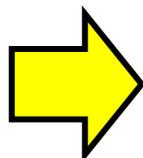


- At least ten days must elapse between providing the investigative report to the parties and the decision-maker's written determination of responsibility for the conduct alleged in the complaint.
- After considering all relevant evidence using the "preponderance of evidence" standard of proof<sup>1</sup>, the decision-maker provides all parties simultaneously with a **written determination** regarding responsibility for the conduct alleged in the complaint.
- The written determination must:
  1. Outline the allegations at issue and procedural steps to that point;
  2. Provide findings of facts and conclusions regarding application of applicable policies and codes of conduct;
  3. Set forth the result and rationale for each allegation, including determination of responsibility and disciplinary sanctions or other remedies deemed appropriate;
  4. Explain the procedures, deadline and permitted grounds for filing an appeal with the Title IX Coordinator.

<sup>1</sup>[NOTE: Title IX Regulations also permit use of a "clear and convincing" standard of proof, a higher standard. Before choosing this alternative, consultation with the solicitor about the legal risk is strongly recommended.]

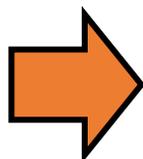


- Neither party files a timely appeal with the Title IX Coordinator within the specified time period.
- Title IX Coordinator provides **written notice** that the written determination of responsibility has become final.
- Title IX Coordinator initiates implementation of any disciplinary sanctions and/or remedies, provides further supportive measures if needed, and monitors effectiveness.



- If the written determination deems suspension or expulsion from school or class to be appropriate disciplinary sanctions for a student respondent, this serves as a recommendation that the school administration initiate applicable procedures prescribed in Policy 233 and in the case of students with disabilities also in accordance with Policy 113.1. Disciplinary sanctions deemed appropriate for employee respondents will proceed in accordance with law and Policy 317/317.1.

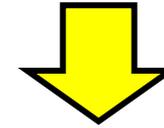
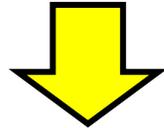
- One or both of the parties file a timely appeal with Title IX Coordinator.
- Title IX Coordinator forwards the appeal(s) to the designated appeal authority.
- Title IX Coordinator provides **written notice** to the parties that appeal(s) have been filed, and of the deadline for submitting written statements in support of or in opposition to the appeal(s).
- Notice identifies the designated appeal authority and explains requirements from attachment 3 that statements in support or opposition to the appeal must include.



- Appeal authority without bias or conflict of interest decides whether the appeal establishes one or more permitted grounds for appeal that justify modifying the written determination.
- Appeal authority may accept and consider evidence submitted in support of or in opposition to an appeal in making any conclusions necessary to deciding the appeal.
- When the appeal authority determines that it is advantageous to further develop the evidentiary record relevant to a basis for appeal, and if it would not result in undue delay, the appeal authority may return the matter to the decision-maker for that limited purpose.

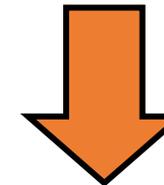


- Appeal authority issues a written decision granting or denying the appeal and explaining the rationale.
- Title IX Coordinator provides the written appeal decision simultaneously to each party.



- Appeal is **granted** in whole or part.
- Appeal authority's written decision sets forth the respects in which the written determination is modified as a result of the appeal.
- Title IX Coordinator initiates implementation of any remaining disciplinary sanctions or remedies set forth in the written determination as modified on appeal, as well as any further supportive measures if needed.
- Title IX Coordinator monitors effectiveness of remedies and supportive measures.

- Appeal is **denied** without modification of the written determination.
- Title IX Coordinator initiates the implementation of any disciplinary sanctions and/or remedies set forth in the written determination and any further supportive measures if needed.
- Title IX Coordinator monitors effectiveness of remedies and supportive measures.



- Title IX Coordinator ensures that the school entity keeps records of Title IX sexual harassment investigations, including any written determination regarding responsibility, any audio or audiovisual recording or transcript, records of any disciplinary sanctions imposed on the respondent, and documentation of other remedies. Records are retained for a minimum of seven years after conclusion of procedures and implementation of sanctions and/or remedies, or in the case of a complainant or respondent who is a minor, until the expiration of the longest statute of limitations for filing a civil suit applicable to any allegation.