TITLE IX INVESTIGATION STEPS

1. Actual Notice/Report to Title IX Coordinator: If any employee of the district has notice of conduct that may violate Title IX's prohibition against sexual harassment, report it to the Title IX coordinator and building principal.

2. Initial Discussion/Supportive Measures: Title IX coordinator contacts the complainant (i.e., the individual alleged to be the victim of harassment) and:

    a. offers supportive measures, and
    b. explains how to file a formal complaint.

3. Law Enforcement/DHS Referral: Does the allegation require a law enforcement or DHS referral?

4. Formal Complaint: To proceed under Title IX, a formal complaint must be submitted by the complainant or the Title IX Coordinator? If no formal complaint, proceed under a different aspect of the student code of conduct.

5. Jurisdictional Determination: Determine whether the district has jurisdiction over the subject matter, the people, and the place, event, or activity at which the conduct allegedly occurred.

6. Notice to Parties/Assign Investigator: Provide written notice to parties that meets the requirements of 34 C.F.R. 106.45(b)(2) and assign an employee to investigate the allegation(s).

7. Supportive Measures: The Title IX Coordinator determines whether supportive measures are necessary for both parties.

8. Emergency Removal: Before an emergency removal, the district must perform an individualized risk analysis, determine that an immediate threat to the health or safety of students or employees justifies removal, and provide the respondent with notice and an opportunity to challenge the decision immediately following removal.

9. Informal Resolution: If the district offers an informal resolution process, determine whether it is appropriate in the matter being investigated. (Informal resolution is not appropriate if the respondent is an employee of the district.)

10. Investigation

    a. Notice of Interviews: Provide notice of interviews that provides the date, time, place, and purpose.

b. Interviews: Interview the complainant and respondent, and any witnesses that may have relevant information to contribute.

c. Evidence: Obtain any evidence that will help the district make a determination (e.g., text messages, emails, social media posts, surveillance video, medical documentation, etc.). ***This should begin after notice of the possible conduct and continue throughout the investigation*.**

11. Opportunity to Inspect: Prior to completion of the investigatory report, provide all evidence directly related to the allegation(s) to both parties and their advisors in electronic or hard copy format, and allow both parties ten (10) days to provide a written response. These responses must be considered before finalizing the investigatory report.

12. Investigative Report: Write a report that contains all relevant evidence and analyzes the issues under investigation. Witness statements, interview notes and other evidence should be attached as exhibits.

13. Submit Report to Parties and Decision-Maker: The report must be submitted to the parties and their advisors at least ten (10) days prior to a hearing or decision. Any responses from the parties should be considered by the decision-maker prior to a final determination.

14. Live Hearing and/or Follow-up Questions: Live hearings are options for K-12 institutions but mandatory for postsecondary institutions. With or without a live hearing, the decision-maker must ask each party and any witnesses any relevant questions and follow-up questions, including that challenging credibility, that a party wants asked of any party or witnesses.

    a. Afford each party the opportunity to submit written questions;
    b. Provide each party with the answers; and
    c. Allow for additional, limited follow-up questions from each party.

15. Written Determination/Outcome Letter: Send a written notice of the determination, that complies with 34 C.F.R. 106.45(b)(7), to both parties.

16. Appeal: Ensure that the parties are aware of their rights to appeal the final determination. If an appeal is filed, follow the steps in district policy.