



Title IX Investigations

Presented By: Jackie Saxenmeyer

District Title IX Coordinator

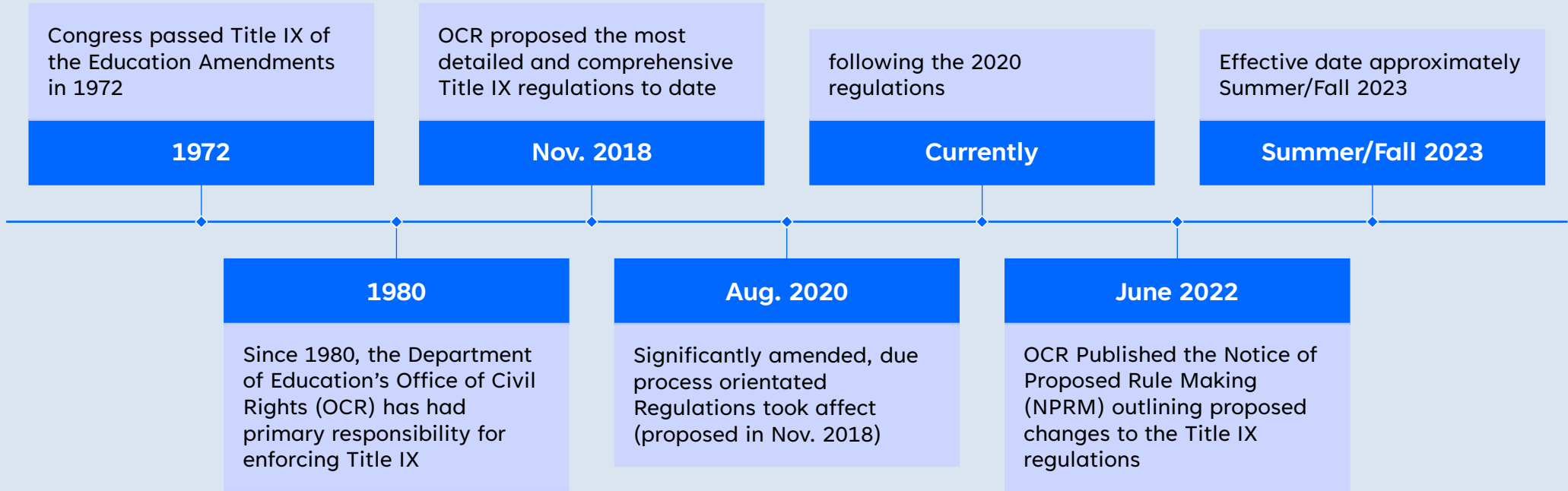
What is Title IX?



Title IX of the Education Amendments of 1972 is a federal civil rights laws that prohibits federally funded educational institutions from discriminating against students or employees based on sex.

“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 educational program or activity receiving federal financial assistance.”
20 U.S.C. § 1681 et seq.

Title IX Regulations



Key Title IX-Related Issues

Sex/Gender-Based Discrimination

- Program Equity
- Recruitment, Admissions, & Access
- Pregnancy
- Athletics
- Employment, Recruitment, & Hiring
- Extra-curricular activities
- Housing
- Access to Course Offerings
- Salaries & Benefits
- Financial Assistance
- Facilities
- Funding
- Sex, Sexual Orientation, & Gender Identity

Sexual Harassment

- Quid Pro Quo
- Hostile Environment
- Sexual Assault
- Domestic Violence
- Dating Violence
- Stalking

Retaliation



The Title IX Team

- Coordinator
- Investigator
- Informal Resolution Facilitator
- Decision-Maker
- Appellate Decision-Maker



Title IX Coordinator

❖ Roles & Responsibilities

- Principal or Assistant Principal
- Point of contact for sexual harassment & Sex/Gender-Based Discrimination complaints
- Stop, Prevent, and Remedy
- After receiving a report consult with District Title IX Coordinator to determine if Title IX applies
- The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, regardless of whether a formal complaint is filed and explain the process to file a formal complaint
- **Mandatory Training**

Title IX Investigator

❖ Roles and Responsibilities

- Assistant Principal or Dean
- Neutral fact-finder
- Conducts interviews
- Gathers evidence
- Maintains accurate and thorough investigation records
- Sends formal letters to parties via email or mail
- Writes Investigative Report
- The TIX Coordinator and TIX Investigator roles can be assigned to the same person, however it is not ideal
- ****Mandatory Training****



Informal Resolution Facilitator

- ❖ District Title IX Coordinator is the trained Facilitator
- **Informal Resolution:** a complaint resolution approved by both parties and the District Title IX Coordinator that occurs prior to a formal Final Determination being reached.
- Must have a formal complaint in order to participate in informal resolution.
- Informal Resolution Includes: supportive measures only, accepted responsibility, and alternative resolution.



Decision Maker

❖ Roles and Responsibilities

- The TIX Decision Maker (DM) is selected from a pool of trained individuals at the District
- Determines whether District policy has been violated
- Sends written notice to both parties allowing them the opportunity to submit relevant questions that they want asked of any party or witness prior to final determination regarding responsibility
- The parties have **10 days** to submit a response to the DM
- Determines appropriate sanctions/discipline when a policy violation is found
- Sends out a written determination letter to the involved parties which outlines the rationale for their decision



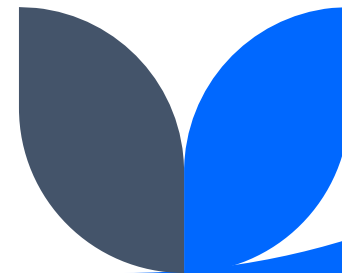
Appellate Decision-Maker

-Both parties have the right to file an appeal to the written determination of responsibility issued by the DM, and the District Title IX Coordinator's dismissal of a formal complaint

-A party must submit a written appeal to the District Title IX Coordinator within **5 days** after receipt of the Decision-Makers determination of responsibility or the Title IX Coordinator's dismissal of a formal complaint

-The Appellate Decision-Maker can not be the coordinator, investigator, or decision-maker in the original grievance process

- ****Mandatory Training****



Bias and Conflict of Interest

- Title IX Regulations prohibit conflicts of interest or bias with Coordinators, Investigators, and Decision-Makers against parties generally or an individual party.
- Simply knowing a student or an employee is typically not sufficient to create a conflict of interest if objectively not compromised.
- Previously disciplining a student or employee is often not enough to create a conflict of interest.
- Separation of roles
- Bias and Conflict of Interest on the part of the Title IX Coordinator, Investigator, or Decision-Maker = grounds for appeal
- For concerns of bias or a potential conflicts of interest by a Title IX team member, contact the District Title IX Coordinator.



Due Process: Current Issues

Due Process concerns are at the heart of 2020 regulations:

- Standard of evidence, “preponderance of Evidence”
- Requirements for “Emergency Removal”
- Detailed Notice of Investigation and Allegations (NOIA)
- Providing investigation report and evidence for review/response
- Title IX investigations are an exception to FERPA Rights
- Involvement of an advisor of choice
- Presumption of non-responsibility for Respondent
- Limited ability to take any punitive or disciplinary actions prior to completion or grievance process.
- Required opportunity to appeal for all parties
- Requirement to publicly post all training materials
- Parties may discuss the allegations under investigation



When Does Title IX Apply?

Brevard Public Schools Policy 2266: *Nondiscrimination on The Basis of Sex in Education Programs and Activities*, outlines the grievance process.

Title IX applies, and BPS Policy 2266 grievance process must be used to resolve allegations of sexual harassment when the District has:

- Control over the **Context** of the harassment

AND

- Control over the **Respondent**



Control of the Context

- 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 District with which the formal complaint is filed.

“Education program or activity”: refers to locations, events, and circumstances over which the District exercised substantial control. This applies to all operations of the District, including but not limited to in-person and online educational instruction, employment, extra-curricular activities, athletics, performances, and community engagement and outreach programs.

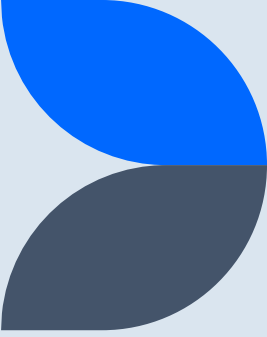
- All programs or activities that occur on school grounds or on other property owned or controlled by the District

- Programs and activities that take place off-school property/grounds over which the District exercises substantial control over both the Respondent and the context in which the sexual harassment occurs (e.g., field trips, incidents on the school bus to/from school ect.).

- Conduct that occurs through the use of data or computer software that is accessed at a non-school related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by the District or school, if the harassment substantially interferes with or limits the Complainants ability to participate in or benefit from the services, activities, or opportunities offered by the District or school or substantially disrupts the education process or operation of a school.



Control over the Respondent



Personal Jurisdiction

-If the Respondent is **not** affiliated with the District in any way, the District **lacks authority** to take disciplinary action.

- Employee of an outside company (e.g., vendor, construction worker)
- Guest of invitee
- Former student
- Former employee
- Student from another institution

-The District has control over the Respondent when the District is able to take disciplinary action to address their behavior. Typically, a Respondent must be a member of the “School District Community” for the school District to have control over the Respondent.

Third Party Respondent

-**“Third Party”**- third parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the District, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District Property).

-Per BPS Policy 2266: The District retains the right to limit any vendor’s, contractors, or third-party’s access to school grounds for any reason. The District further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third party, irrespective of any process or outcome under this Title IX policy.



If TIX Jurisdiction Is Not Present

Behavior may still violate:

- Student Code of Conduct policies
- Technology/Acceptable Use policies
- Employee Handbook/Policies
- Professionalism standards

Brevard County, Florida



**Elementary and Secondary
Code of Student Conduct
2022-2023 School Year**

Approved by the School Board on September 8, 2022

Definitions of Sexual Harassment

- Quid pro Quo Sexual Harassment
- Hostile Environment Sexual Harassment
- Sexual Assault
- Domestic Violence
- Dating violence
- Stalking



Quid Pro Quo Sexual Harassment

Quid Pro Quo Is intended to compel a student to engage in “unwelcome” sexual conduct in order to gain or maintain some type of benefit or favor. It applies to any situation a teacher, faculty member, coach, or any other employee of the District holds control or authority over a student.

Examples:

- In order to receive good grades
- Please the teacher
- Avoid getting in trouble
- Holding position within athletic team



Hostile Environment Sexual Harassment

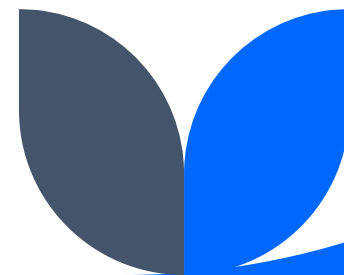
SPOO: Unwelcomed conduct on the basis of sex that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies, a person equal access to the District's education program or activity.

“Unwelcomed”- is subjective and determined by the complainant(except when the Complainant is younger than the age of consent)

“Reasonable Person”- The perspective of an individual in the same or similar circumstance. (In the shoes of the complainant)

Hostile Environment “Severe”

- Physical conduct is more likely to be severe
- Accompanied by threats or violence (Verbal threat to cause physical harm, text, social media)
- Consider the circumstances (The ability of the complainant to remove themselves from the harassment)



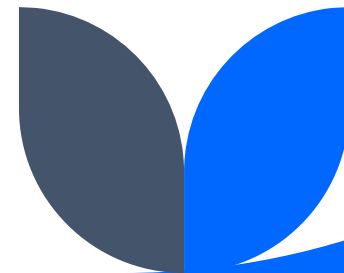
Hostile Environment “Pervasive”

- Widespread
- Openly practiced
- Occurring in public spaces (more likely to be pervasive)
- Frequency for the conduct is often a variable in assessing pervasiveness
- Does not have to be multiple incidents
- Impact on student/employee (not wanting to go to school/work)



Hostile Environment “Objectively Offensive”

- Reasonable person standard
- Age and relationship of complainant and respondent
- Number of person involved
- Frequency
- Physically threatening
- Humiliating
- Intimidating
- Abusive
- Ridiculing



Sexual Assault

- Any sexual act directed against another person, without the consent of the Complainant including instances where the Complainant is incapable of giving consent.

Rape

Sodomy

Sexual Assault with an Object

Fondling

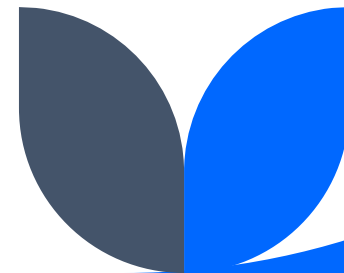
Incest

Statutory Rape



Domestic Violence

- A felony or misdemeanor crime of violence committed by:
 - A current or former spouse or intimate partner of the complainant
 - A person with whom the Complainant shares a child in common
 - A person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner
 - A person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Florida



Domestic Violence Cont.

- By any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Florida
- To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.



Dating Violence

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:
 - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
 - Dating violence does not include acts covered under the definition of domestic violence



Stalking

- Engaging in a **course of conduct** directed at a specific person that would cause a **reasonable person** to:
 - Fear for the person's safety or the safety of others: or
 - Suffer **substantial emotional distress**

- For Purposes of this definition:

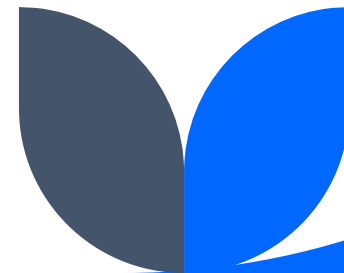
Course of Conduct: means two or more acts, including, but not limited to, acts in which the stalker directly, or indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates, to or about a person, or interferes with a person's property



Stalking Cont.

Reasonable Person: means a reasonable person under similar circumstances and with similar identities to the Complainant

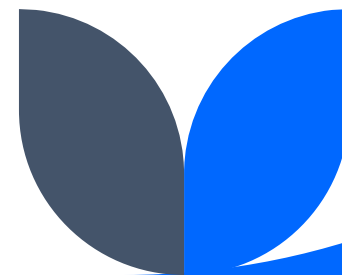
Substantial Emotional Distress: means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling



Case Study: Is it Title IX?

- A student attends a party at a friend's house over the weekend.
- At the party, the student is sexually assaulted by another person who attended the party.
- The student reports the sexual assault to the local police department and to the school.

Does the District have jurisdiction over the sexual assault?



Case Study: Jennifer and Ian

- 15 year old student Jennifer reported that her boyfriend 17 year old student Ian sent her a text message while at school to meet outside one of the boys' bathrooms.
- Jennifer stated that she voluntarily entered the boys' bathroom with Ian and engaged in consensual sexual intercourse with Ian.
- Ian videotaped the interaction on his cell phone and posted it on social media while at school for other students to view.
- Jennifer's parents notified the principal and the school resource officer of the incident and filed a police report.

Which sexual harassment definition applies?



Case Study: Emily and Travis

- 8th grade student Emily and 8th grade student Travis have been dating one another for approximately one month.
- Over the weekend Travis tells Emily that if she doesn't send nude photos of herself to him via text that he is going to break up with her.
- Emily decides to send the photos to Travis.
- Monday morning when Travis is riding on the bus to school, he air drops the nude photos of Emily to a few of his close friends.
- One of Travis's friends decided to report Travis to the school administration.

Which Sexual Harassment Definition applies?



Case Study: Amanda and Sean

- 18 year old student Amanda and 17 year old student Sean have been dating one another throughout high school.
- Amanda finds out through friends at school that Sean has been texting another female student and has plans to take that person out on a date.
- Amanda who is upset approaches Sean in school about the rumors. Sean admits to the date he has planned. Amanda begins shoving Sean in his chest and slaps him across the face.
- A school administrator is close by and breaks up the two students.

Which Sexual Harassment Definition applies?

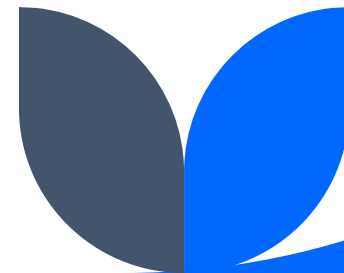


Title IX Process

Incident	Initial Assessment (Following a formal complaint)	Formal Investigation	Determination	Appeal
<ul style="list-style-type: none"> -Report- from anyone/anytime -Notification to the school Title IX Coordinator, and District Title IX Coordinator 	<ul style="list-style-type: none"> -Jurisdiction? -Policy violation implicated? 	<ul style="list-style-type: none"> -Notice to parties (NOIA) -Interview Scheduling (Complainant, Witnesses, Respondent) 	<ul style="list-style-type: none"> -Exchange of written relevant questions and answers with Decision-Maker (10 days) -Determination 	<ul style="list-style-type: none"> -5 days to appeal to District TIX Coordinator after receiving written determination from Decision-Maker -3 grounds for appeal (procedural error, new evidence, conflict of interest)
<ul style="list-style-type: none"> -Discuss/offer supportive measures -Explain process for filing a formal complaint (student/parent reporting form) 	<ul style="list-style-type: none"> -Mandatory or Permissive Dismissal? -Emergency Removal 	<ul style="list-style-type: none"> -Evidence Collection (Video surveillance, photos, text messages, etc.) -Share Directly Related Evidence with involved parties (10 days) 	<ul style="list-style-type: none"> -Sanctions/discipline -Written determination from Decision-Maker 	
<ul style="list-style-type: none"> -Report incident to LEO or DCF? 	<ul style="list-style-type: none"> -Informal or formal resolution 	<ul style="list-style-type: none"> -Complete Investigative Report 		

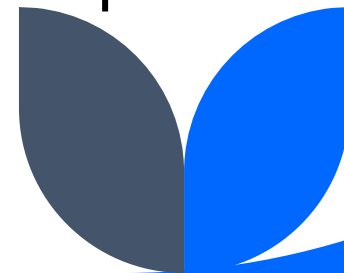
Grievance Process Timeframe

- There is no set requirement in the regulations to complete the investigation other than to have reasonably prompt timeframes for the conclusion of the process.
- BPS Policy 2266, “The District will endeavor to conclude the grievance process within **60 days** of receipt of the Formal Complaint”.
- BPS Policy 2266, “The timeline, however, may be subject to a temporary delay or a limited extension for **good cause** with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action”



Mandatory Reporting

- All school board employees must comply with any mandatory reporting responsibilities regarding suspected abuse, abandonment, or neglect of a child pursuant to F.S. 39.201 and BPS policy 8462- Student Abuse, Abandonment, and Neglect.
- If the reported activity is criminal in nature, you must immediately notify your School Resource Officer/Law Enforcement and the Department of Children and Families (DCF).
- A reporting person may file criminal charges with law enforcement.
- The Title IX grievance process is a separate investigation conducted by the school in order to determine responsibility for a potential violation of BPS policy 2266.



Incident/Report

- Upon receiving a “report” (either from the would-be Complainant, parent/guardian, or third party):
 - Notify Title IX Coordinator
 - Promptly reach out and provide support to the Complainant and Respondent by discussing and offering supportive measures
 - Explain process to file a formal complaint



Supportive Measures

- Provided to both parties throughout the process:
 - Non disciplinary
 - Individualized services designed to restore and preserve equal access to education, protect student and employee safety, and deter sexual harassment.
 - A formal complaint is not required to provide supportive measures
- **Examples of supportive measures:** stay away contract, safety plan, classes schedule change, class seating assignment, scheduled meeting with school counselor, academic support, extending assignment deadlines, increased security and monitoring ect.

[Forms to Complete/Send: \(Preferably by email, Convert to PDF\)](#)

- BPS Notice 1(a) “Notice to Title IX Complainant of Report of Title IX Sexual Harassment and Supportive Measures Meeting” (Optional)
- BPS Notice 1(b) “Summary of Supportive Measures Meeting with Title IX Complainant”

Formal Complaint- TIX Regulations

- A formal complaint can either be a document (student or parent reporting form) or electronic submission (email).
- Filed by the Complainant, preferably the parent/guardian.
- The District Title IX Coordinator has ultimate discretion to file a Formal Complaint “PPTVWM”
- Alleging sex/gender-based discrimination or sexual harassment
- Requesting an investigation be completed
- Complainant must be participating or attempting to participate in the District’s education program or activity at the time of filing.



Parent and Student Reporting Form

Reporting Form (Parent-Guardian, Witness, BPS Staff or Volunteer) Revised 10-10-22 JS.pdf - Adobe Acrobat Pro DC (64-bit)

File Edit View E-Sign Window Help

Home Tools Reporting Form (Pa... x

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For reports of sexual harassment as defined in Brevard Public Schools Policy 2266, do you want the school to conduct a formal investigation? Yes No

**The District Title IX Coordinator has the discretion to dismiss a formal complaint under the pervasions described within Brevard Public Schools Policy 2266, Subsection I, Dismissal of a Formal Complaint (Mandatory or Permissive).*

I certify that, to the best of my knowledge and belief, that the information provided by me on this form is “true and correct” and not a “false statement or charge” to the best of my knowledge. Providing false information may lead to discipline pursuant to federal and state law and/or regulations.

Signature _____ Date _____

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Sending the NOIA

-The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Complainant and Respondent upon commencement of the Formal Grievance Process.

-State the Title IX Charge

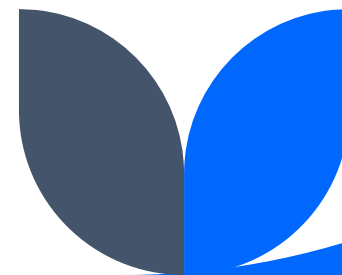
Forms to Complete/Send:

1. BPS Notice 2(a) Notice of Allegations of Title IX Sexual Harassment by a Complainant
2. Advisor Conduct Expectations Letter
3. Advisor Release of Information form
4. Copy of BPS Policy 2266



Advisor of Choice

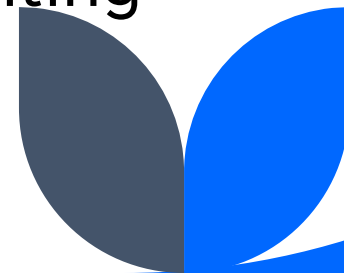
- The Complainant and the Respondent may each have an Advisor of their choice present with them for all meetings, and interviews during the grievance process.
- For students, the Advisor is someone in addition to their parent/legal guardian.
- The Advisor can be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with throughout the grievance process.
- Advisors are present during interviews primarily to assist and support the party being interviewed. The interviewed party is responsible for presenting their own information.
- **Advisor Release of Information form**- If the party wishes to have the school share documentation and evidence related to the allegations with their Advisor.
- **Advisor Conduct Expectations letter**- Outlines the role of the Advisor and the school's discretion to remove an Advisor.



Hope Scholarship

- Supportive measure- Formal Complaint must be filed first and NOIA sent
- Students subjected to an incident of violence or bullying at school have the opportunity to seek a transfer to another District school with capacity or request a scholarship to attend an eligible private school.
- Contingent upon availability, a student in grade k-12 is eligible for a Hope Scholarship if it is established that the student was subjected to, and subsequently reported to the principal or designee, any of the following incidents per F.S. 1002.40(3):

** Battery; harassment; hazing; bullying; kidnaping; physical attack; robbery; sexual offenses; threat or intimidation; fighting **



Emergency Removal

The District may remove a student Respondent from the education program or activity on an emergency basis, only after:

*****Must Consult with District Title IX Coordinator*****

1. Threat Assessment Team (TAT) completes an individualized safety risk analysis
2. Determining if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal
3. Providing the Respondent with notice and an opportunity to challenge the decision immediately following the removal while respecting all rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, as applicable.



Mandatory Dismissal

If one of the following preceding circumstances exist, the District Title IX Coordinator shall dismiss the formal complaint and close the Title IX investigation:

The conduct alleged does not constitute sexual harassment even if proven true

Conduct did not occur in an educational program or activity

Conduct did not occur against a person in the U.S.

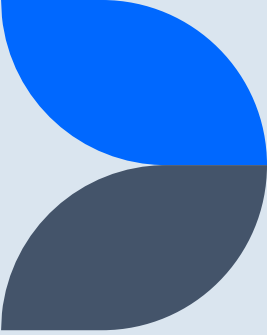
** Both parties have the right to appeal the District Title IX Coordinators dismissal of a formal complaint**



Mandatory Dismissal Cont.

If the District Title IX Coordinator dismisses the Formal Complaint due to one of the proceeding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of any applicable student or employee code of conduct, Board policy, and/or Employee/Administrative Handbook.

Permissive Dismissal



The District Title IX Coordinator may dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation:

The Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations therein;

The Respondent is no longer enrolled within BPS or employed by the Board; or

Specific circumstances prevent BPS from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations contained therein.

** Both parties have the right to appeal the District Title IX Coordinators dismissal of a formal complaint**

Informal Resolution

- Informal Resolution (IR) can include the following approaches:
 - **Supportive Resolution**- supportive measures (only) to remedy the situation
 - **Alternative Resolution**- Facilitated dialogue, mediation, restorative practice
 - **Accepted Responsibility**- Respondent accepts responsibility for violating policy and accepts the recommended sanction(s)
- District Title IX Coordinator must determine that IR is appropriate.
- To initiate IR, a Complainant must submit a formal complaint first.
- The Complainant and Respondent must both agree to participate in IR and sign “BPS Notice 5(a) Offer of Title IX Informal Resolution”



When to Interview Parties and Witnesses

Complainant → Complainant's requested witnesses → Neutral Witnesses
→ Respondent → Respondent's requested witnesses → Any additional
Witnesses identified by parties → Follow up interviews

Forms to complete/send:

- “BPS Notice 6(a) Notice of Title IX Interview or Meeting with Title IX Party”
- “BPS Notice 6(b) Notice of Title IX Interview or Meeting with Non-Party Witness”



Prepare For Each Interview

- Must receive parent approval before interviewing.
- Parents of witnesses must be made aware that statements collected are not confidential.
- Outline interview questions in advance but be flexible. Be prepared to deviate from your script and insert a logical follow-up question, if necessary.
- Plan the order of interviews.
- Most beneficial to conduct interviews in person, if conditions permit. May interview by phone or virtually.
- Interviews should be conducted in a neutral, quiet, and private setting with no or minimal likelihood of interruptions.
- Let the victim write their account of the incident and then follow up with questions.



Prepare For Each Interview Cont.

- Use open-ended questions to draw out their side of the story: Who, What, Where, When, Why, and How
- Attempt to build a rapport with the interviewee
- Listen to the party and repeat their explanation back to them for clarification.
- Be neutral, non-judgmental, and non accusatory.
- Take good written notes and type up afterwards. Your notes are considered evidence.



Collecting Evidence

Types of Evidence

Documentary Evidence: Written statements and official documents

Electronic Evidence: Photos, text messages, videos, school video surveillance footage
(Stored for 30 days)

Save video surveillance evidence immediately

Direct or Testimonial Evidence: “Eyewitness”
personal observation or experience

Circumstantial Evidence: “Not Eyewitness”, but compelling

Real Evidence: Physical object (less common)



Directly Related Evidence

Evidence directly related to allegations must:

- Be sent to each party and their Advisor
- Be in electronic format or hard copy
- Include evidence upon which the District does not intend to rely
- Include exculpatory and inculpatory evidence

Forms to complete/send:

- “BPS Notice 7(a) Notice of Directly Related Evidence”
- “BPS Notice 7(b) Notice of Other Party’s Written Response to the Evidence” (If applicable)

After sending the evidence, the investigator must:

- Allow **10 days** for written response
- The term “Days” means business day(s) that the Board Office is open. Mon-Fri, excluding state-recognized holidays.
- The parties may elect to waive the 10 days.
- The investigator will share the responses from the parties.
- Consider response prior to completion of investigative report.



Investigative Report

-At the conclusion of the investigation, the Investigator shall create an investigative report that fairly summarizes relevant evidence.

The Investigative Report must be sent:

1. To both parties, their advisor(s), and the Decision Maker
2. In an electronic format or hard copy
3. For the parties review and provide written response to the DM
4. The parties have **10 days** to respond to the Investigative Report prior to the DM determination.

Forms to Complete/Send:

- Investigative Report template



Determination of Responsibility

- The District Title IX Coordinator will appoint a Decision-Maker (DM) to issue a determination of responsibility.
- Pool of 20 trained DM's within the District.
- The DM will afford each party the opportunity to submit written, relevant questions, that a party wants asked of any party or witness and provide each party with the answers. The DM may exclude questions that are not relevant.
- If the DM feels additional information is required to make a determination, they may coordinate with the Title IX Coordinator to request the Investigator conduct additional interviews, ask additional questions, or gather additional evidence.
- Any additional material will be added to the Investigative Report and made available to the parties for response, at least **10 days** prior to the DM issuing a determination regarding responsibility.

Forms to Complete/Send:

- "BPS Notice 9(a) Notice of Opportunity to Submit Questions" (Sent by the DM at the same time as the Investigative Report)
- BPS Notice 9(b)-9(e) Completed by DM if applicable
- BPS Written Determination of Title IX Decision Maker



Appeal

- Both parties have the right to file an appeal from a determination regarding responsibility. The request for appeal must be in writing to the District Title IX Coordinator within **5 days** of the delivery of the notice of outcome.
- Disciplinary Sanctions/Remedies can not be enforced until the end of the appeal timeframe is complete.

Grounds for Appeal

1. Procedural irregularity that affected the outcome of the matter;
2. 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;
3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against the Complainant or Respondent.



Questions?

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