

Title IX: Employee Sexual Harassment Process / Documentation of Required Steps Checklist

Section 1: Report Received: (Responsibilities of District Title IX Coordinator)

<p>A. Report is received by the District Title IX Coordinator</p>	<p>Date Received: _____</p>
<p>B. Superintendent notified of receipt of report</p>	<p>Date Notified: _____</p>
<p>C. District Title IX Coordinator meets with the alleged victim:</p> <p style="padding-left: 40px;">a. Supportive measures offered</p>	<p>Date of Meeting: _____</p> <p>Yes [<input type="checkbox"/>] No [<input type="checkbox"/>]</p> <p>Identify Supportive Measures:</p>
<p>D. Complainant informed of retaliation protection / expectations</p>	<p>Yes [<input type="checkbox"/>] No [<input type="checkbox"/>]</p>
<p>E. Alleged victim files Formal Complaint</p>	<p>Yes [<input type="checkbox"/>]</p> <p>Proceed to "Section 2: Receipt of Complaint"</p> <p>NO [<input type="checkbox"/>]</p> <p>Address under ACAA or ACAB Section 2 (<i>Not Section 2 below</i>)</p>

Notes on Section 1:

Section 2: Receipt of Complaint: (Responsibilities of District Title IX Coordinator)

<p>A. Document Date of Receipt of Complaint</p>	<p>Date: _____</p>
<p>B. Name of Person Receiving Complaint</p>	<p>Name: _____</p>
<p>C. Does Complaint report include basic information concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who alleged engaged in harassment or discrimination, description of allegation).</p>	<p>Check appropriate box:</p> <p>YES [<input type="checkbox"/>]</p> <p>Continue to "Section 2 D"</p> <p>No [<input type="checkbox"/>]</p> <p>Communicate with complainant to resolve need for additional information then proceed to "Section 2 D"</p>
<p>D. Superintendent informed of receipt of complaint</p>	<p>Date: _____</p> <p>Proceed to "Section 2 E"</p>
<p>E. Determination of District Title IX Coordinator:</p> <p>Is this a mandatory dismissal based on one of the following three criteria:</p> <ul style="list-style-type: none"> a. Conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; b. Conduct alleged did not occur within the scope of the school district's education programs and activities, or c. Did not occur in the United States. 	<p>Yes [<input type="checkbox"/>]</p> <p>Title IX Coordinator must promptly and simultaneously send written notices to both parties <u>explaining reason for dismissal</u>. Address issue under Section 2 of ACAA-R or ACAB-R</p> <p>No [<input type="checkbox"/>]</p> <p>Proceed to "Section 2 F"</p>
<p>F. Determination of District Title IX Coordinator:</p> <p>Did the District Title IX Coordinator CHOOSE to dismiss the complaint due to:</p>	<p>Yes [<input type="checkbox"/>]</p>

<ul style="list-style-type: none"> a. Complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b. Respondent is no longer employed by the school district; or c. Specific circumstances exist that prevent the school district from gathering evidence sufficient to reach a determination regarding the formal complaint. 	<p>Title IX Coordinator must promptly and simultaneously send written notices to both parties <u>explaining reason for dismissal</u>. Address issue under Section 2 of ACAA-R or ACAB-R</p> <p>No [<input type="checkbox"/>]</p> <p>Proceed to <u>“Section 3: Administrative Leave Consideration”</u></p>
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Notes on Section 2:

Section 3: Emergency Removal / Administrative Leave Consideration: (Responsibilities of District Title IX Coordinator and Superintendent)

<p>A. Does the alleged action of the respondent require assignment to Emergency Removal or administrative leave under the following criteria:</p> <ul style="list-style-type: none"> a. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent’s threat of self-harm due to the allegations. b. The respondent (and their parent/legal guardian) will be provided notice of the emergency removal, and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). 	<p>Yes [<input type="checkbox"/>]</p> <p>District Title IX Coordinator will recommend to Superintendent and decision will be made in compliance with applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.</p> <p>NO [<input type="checkbox"/>]</p> <p>Proceed to <u>“Section 4: Notice to Parties of Formal Complaint”</u></p>
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<p>The respondent has the burden to demonstrate why the emergency removal was unreasonable.</p>	
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Notes on Section 3:

Section 4: Notice to Parties of Formal Complaint: (Responsibilities of District Title IX Coordinator)

<p>A. Provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure.</p> <p>Notification includes:</p> <ul style="list-style-type: none"> a. Notice regarding the complaint procedure and the availability of an informal resolution process; b. Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days); 	<p>Complainant Notified:</p> <p>Date: _____</p> <p>Method: _____</p> <p>Respondent Notified:</p> <p>Date: _____</p> <p>Method: _____</p> <p>YES []</p> <p>YES []</p> <p>YES []</p>
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- c. As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence;
- d. Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
- e. Notice that knowingly making false statements or submitting false information during the complaint procedure is prohibited and may result in disciplinary action; and
- f. Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.

YES []

YES []

YES []

Were additional notice of allegations required?

YES [] Document additional notices below:

Complainant Notified:

Date(s): _____

Method(s): _____

Respondent Notified:

Date(s): _____

Method(s): _____

B. Supportive measures discussed with both parties

Discussed with Complainant:

Method of Contact: _____

Date of Contact: _____

Yes [] Describe measures employed below:

No []

Discussed with Respondent: _____

	<p>Method of Contact: _____</p> <p>Date of Contact: _____</p> <p>Yes [] Describe measures employed below:</p> <p>No [] Proceed to <u>“Section 5: Informal Resolution Process”</u></p>
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Notes on Section 4:

Section 5: Informal Resolution Process: (Responsibilities of District Title IX Coordinator)

<p>A. Does the District Title IX Coordinator Recommend Informal Resolution without investigation or determination?</p>	<p>Yes []</p> <p>Proceed to “Section 5 B”</p> <p>NO []</p> <p>Proceed to <u>“Section 6: Investigation”</u></p>
<p>B. Do both parties agree to Informal Resolution?</p>	<p>Yes []</p> <p>Proceed to “Section 5 C”</p> <p>NO []</p> <p>Proceed to <u>“Section 6: Investigation”</u></p>

<p>C. Parties agree to Informal Resolution in Writing</p>	<p>Yes [<input type="checkbox"/>]</p> <p>Proceed to "Section 5 D"</p> <p>NO [<input type="checkbox"/>]</p> <p>Proceed to "<u>Section 6: Investigation</u>"</p>
<p>D. Informal Resolution Format Utilized:</p> <ul style="list-style-type: none"> a. facilitated discussions between the parties b. restorative justice c. acknowledgment of responsibility by a respondent d. apologies e. disciplinary actions against a respondent f. requirement to engage in specific services g. supportive measures h. other 	<p>Check all that apply:</p> <ul style="list-style-type: none"> [<input type="checkbox"/>] [<input type="checkbox"/>] [<input type="checkbox"/>] [<input type="checkbox"/>] [<input type="checkbox"/>] [<input type="checkbox"/>] [<input type="checkbox"/>] [<input type="checkbox"/>] Describe Below: <p>Proceed to "Section 5 E"</p>
<p>E. Superintendent approval and agreement to terms of informal resolution.</p>	<p>Yes [<input type="checkbox"/>]</p> <p>Final resolution is documented and retained on file, signed by involved parties, and binding to terms within agreement. Proceed to "<u>Section 10: Records</u>"</p> <p>No [<input type="checkbox"/>]</p> <p>Return to "Section 5 D" or proceed to "<u>Section 6: Investigation</u>"</p>

Notes on Section 5:

Section 6: Investigation: (Responsibilities of Assigned Investigator, Principal, Assistant Principal, or Director with Title IX related investigation training)

A. District Title IX Coordinator assigns trained investigator.	Name of Investigator Assigned: _____ Date of Assignment: _____
B. Investigator consult held with District Title IX Coordinator	Date of Consultation: _____
C. Investigation Process Begins	Start Date of Investigation: _____
D. Investigation Interviews Conducted a. Names of Interviewed listed in report b. Dates of interviews recorded c. Time of interview recorded d. Location of interview recorded e. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.	Check all that apply: [] [] [] [] [] Date of Meeting(s): Complainant: _____ Respondent: _____

<p>f. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.</p>	<p>[]</p>
<p>g. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.</p>	<p>[]</p>
<p>h. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).</p>	<p>[]</p>
<p>i. Consider evidence that is relevant and directly related to the allegations in the formal complaint.</p>	<p>[]</p>
<p>j. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the school district does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.</p>	<p>[]</p>
<p>k. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response.</p>	<p>[]</p> <p>Were 10 business days provided? YES []</p> <p style="text-align: right;">No []</p>
<p>l. Consider the parties' written responses to the evidence prior to completing the investigation report.</p>	<p>[]</p>
<p>m. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written</p>	<p>[] Date of report provision: _____</p> <p>Were responses to report received within 10 business days?</p>

	<p>Yes [<input type="checkbox"/>]</p> <p>No [<input type="checkbox"/>]</p> <p>If no, describe why below:</p>
<p>B. Were any questions posed by parties excluded from decision-making?</p>	<p>YES [<input type="checkbox"/>]</p> <p>Proceed to "Section 7 C"</p> <p>No [<input type="checkbox"/>]</p> <p>Proceed to "Section 7 D"</p>
<p>C. Did the decision maker explain to a party proposing questions if the decision maker excluded a question as not relevant?</p>	<p>YES [<input type="checkbox"/>]</p> <p>Proceed to "Section 7 D"</p> <p>No [<input type="checkbox"/>]</p> <p>Decision-maker must provide rationale to affected party before continuing to Section 7 D"</p>
<p>D. Were both parties provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.</p>	<p>Yes [<input type="checkbox"/>]</p> <p>Proceed to "Section 7 E"</p> <p>No [<input type="checkbox"/>]</p> <p>Contact parties and offer opportunity for written feedback.</p>
<p>E. Was each party provided a copy of the responses to any follow-up questions?</p>	<p>Yes [<input type="checkbox"/>]</p> <p>Proceed to "Section 7 F"</p> <p>No [<input type="checkbox"/>]</p> <p>Provide copies to parties then proceed to "Section 7 F"</p>

<p>F. Did the Decision-maker draw a conclusion from the investigative process using the preponderance of evidence standard (More likely than not)?</p>	<p>Yes [<input type="checkbox"/>]</p> <p>Proceed to "Section 7 G"</p> <p>No [<input type="checkbox"/>]</p> <p>Review investigative feedback and utilize the Preponderance of Evidence standard to determine responsibility. Then, proceed to "Section 7 G"</p>
<p>G. The decision-maker's issued written determination statement includes the following elements:</p> <ul style="list-style-type: none"> a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy; b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held; c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations; d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school district's programs and activities will be provided to the complainant; e. The school district's appeal procedure and permissible bases for the parties to appeal the determination 	<p>Check all that apply:</p> <p>[<input type="checkbox"/>]</p> <p>[<input type="checkbox"/>]</p> <p>[<input type="checkbox"/>]</p> <p>[<input type="checkbox"/>]</p> <p>[<input type="checkbox"/>]</p> <p>Proceed to "Section 7 H"</p>
<p>H. Written determination is provided to both parties simultaneously.</p>	<p>Date of provision: _____</p> <p>Method of Provision: _____</p> <p>Proceed to "Section 7 I"</p>

	<p><input type="checkbox"/> Denial of appeal – Proceed to “<u>Section 9: Remedies, Discipline, and Other Actions</u>”</p> <p><input type="checkbox"/> The appeal is granted – remand to Decision-Maker for further consideration – Proceed to “Section 7 A” and repeat process.</p> <p><input type="checkbox"/> The appeal is granted – Disciplinary action is revised. Proceed to “<u>Section 10: Records</u>”</p>
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Section 9: Remedies, Discipline, and Other Actions (Responsibilities of District Title IX Coordinator, Superintendent)

<p>A. District Title IX Coordinator meets with Superintendent and Respondent and assigns remedies depending upon the needs of the complainant to ensure equal access to the district’s programs and activities.</p>	<p>Date of Meeting: _____</p> <p>Remedies Provided: Please describe below</p> <p>Proceed to “Section 9 B”</p>
<p>B. Superintendent meets with respondent (and applicable union representation) and reviews disciplinary outcome(s)</p>	<p>Date of Meeting: _____</p> <p>Check all that apply:</p> <p><input type="checkbox"/> Written warning</p> <p><input type="checkbox"/> Probation</p> <p><input type="checkbox"/> Demotion</p> <p><input type="checkbox"/> Suspension without pay</p> <p><input type="checkbox"/> Discharge</p> <p><input type="checkbox"/> Performance Improvement Plan</p> <p><input type="checkbox"/> Counseling</p> <p><input type="checkbox"/> Training</p> <p><input type="checkbox"/> Loss of leadership / stipend position</p>
<p>C. Written notice providing written documentation of disciplinary outcomes provided to respondent.</p>	<p>Date of provision of written notice: _____</p> <p>Proceed to “Section 9 D”</p>

D. Respondent appeals disciplinary outcome within 5 business days of receipt of written notice.	<p><input type="checkbox"/> Yes</p> <p>Proceed to "Section 8 B"</p> <p><input type="checkbox"/> No</p> <p>Proceed to "<u>Section 10: Records</u>"</p>
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Section 10: Records (Responsibilities of District Title IX Coordinator)

A. District Title IX Coordinator ensures that all Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven years in a secure location.	<p><input type="checkbox"/> Yes</p> <p>Records are securely stored within SAU.</p>
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