# K-12 TITLE IX INVESTIGATION FLOW CHART

#### Scope

- Title IX prohibits sex discrimination, including sex-based harassment
- Title IX sex-based harassment falls within the following categories:
- Quid pro quo Harassment
- Hostile
   Environment
   Harassment
- Specific Offenses (Sexual Assault, Dating or Domestic Violence, Stalking)

#### Reporting Concerns

- Anyone who believes they have been subjected to sex discrimination (or has knowledge of another person), should promptly report their concerns to the District
- Reports to
   "confidential
   employee" (e.g.,
   school counselor) is
   not shared with the
   Title IX Coordinator
   ("TIXC"), but
   instead, provided
   with information
   about confidential
   employee, the Title
   IX process, and how
   to report to TIXC
- Reports to all other school employees must be reported to the TIXC
- Direct reporting to the TIXC is also an option

### Response to Reports

- TIXC receives allegations (except from confidential employee)
- TIXC provides Complainant and Respondent information about supportive measures, grievance procedures, and option for informal resolution (if permitted)
- Emergency removal of Student-Respondent may occur (if applicable)
- If Student-Complainant and/or Respondent has disabilities, then TIXC must notify proper personnel
- Employee-Respondent may be placed on administrative leave (if applicable)

#### Complaint

- Complainant files oral or written complaint
- TIXC evaluates complaint to determine if within the scope of Title IX and proceed to investigation or dismissal
- If no complaint by Complainant, TIXC must consider specific factors to determine whether to make complaint
- TIXC may consolidate complaints if allegations arise out of the same facts or circumstances (if applicable)
- Notice of complaint is sent to all parties
- Notice of dismissal/appeal rights sent to Complainant (if applicable)
- Notice of dismissal/appeal rights sent to Respondent if he/she has been notified of the allegations (if applicable)

## nvestigation

- The burden is on the District to conduct the investigation
- The Investigator (who may also be Decisionmaker) gathers the evidence and determines what evidence is impermissible
- The Investigator meets with Complainant, Respondent, and witnessess
- The Investigator must provide the Complainant and Respondent an equal opportunity to access the relevant evidence and respond to the evidence
- If the
   Decisionmaker is
   not the
   Investigator, then
   before making a
   determination, the
   Decisionmaker
   must question the
   parties and
   witnesses in order
   to assess a party's
   or witness's
   credibility

#### cision

- The Decisionmaker evaluates all relevant evidence and determines by a preponderance of the evidence if sex discrimination occurred
- The Decisionmaker notifies the parties in writing of the outcome, including the right to appeal
- If found responsible, the TIXC coordinates the discipline against Respondent and remedies for Complainant

### Appeal

- Either party may appeal the decision
   The non-appealing party may respond
- to the appeal
   The Appeals Officer issues a written decision to all
- parties
   If found
  responsible, the
  TIXC coordinates
  the discipline
  against Respondent
  and remedies for
  Complainant

The parties may use the informal resolution process before the decision is issued. But it cannot be used if an employee is alleged in sex-based harassment against a student or if it conflicts with the law.

**Complainant:** Alleged to have been subjected to sex discrimination.

**Respondent:** Accused of sex discrimination. **TIXC:** Title IX Coordinator and reviews the

formal complaint.

**Investigator:** Investigates the formal

complaint.

**Decisionmaker:** Determines if sex

discrimination occurred.

Appeals Officer: Reviews the appeal by

either party.

Note: the TIXC, Investigator, and

Decisionmaker can be the same person, but

not the Appeals Officer.