

SEXUAL HARASSMENT UNDER TITLE IX
(Formal Complaint of Sexual Harassment under Title IX)

This form will be completed by the Title IX coordinator.

Based on the report and intake consultations, the Title IX coordinator determined that the conduct, if proven, is conduct based on sex that occurred within the scope of the district's education programs or activities that meets one or more of the following criteria (check all that apply):

- An employee of the district conditioned the provision of an aid, benefit or service of the district on the complainant's participation in unwelcome sexual conduct.
- Unwelcome conduct based on sex or of a sexual nature that a reasonable person would consider to be so severe, pervasive and objectively offensive that it effectively denied the complainant equal access to the district's education programs or activities.
- "Sexual assault" occurred. For the purposes of this complaint form, sexual assault must include one or more of the following. Please indicate which one applies:
 - Rape (except statutory rape) – The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.
 - Sodomy – Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.
 - Sexual Assault with an Object – To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.
 - Fondling – The touching of private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental incapacity.

Critical

- Incest – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Missouri law.
- Statutory Rape – Nonforcible sexual intercourse with a person who is under the statutory age of consent pursuant to Missouri law.

- "Dating Violence" occurred. For the purposes of this complaint form, this term is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. 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.

- "Domestic Violence" occurred. For the purposes of this complaint form, this term is defined as felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Missouri; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Missouri.

- "Stalking" occurred. For the purposes of this complaint form, this term is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Allegations of Sexual Harassment under Title IX

If the following space is not sufficient, please attach an additional sheet.

Conduct Description: _____

Date(s) and Time(s) on which the Conduct Occurred: _____

Locations(s) Where the Conduct Took Place: _____

Names and Contact Information of Those Who May Have Witnessed the Conduct: _____

List any relevant evidence, such as audio and visual media, physical objects, social media posts, texts, screen captures and emails: _____

Provide any other information that would be helpful for the investigator: _____

Information Regarding Respondent(s) – The foregoing allegation pertains to conduct by the following person(s), referred to as the "Respondent(s)": _____

Safety

Is there an immediate threat to the physical health or safety of the complainant or any other person?

Yes No If yes, please explain. _____

(Note: The district is prohibited from removing the respondent from the district's education programs or activities until the district makes an individualized risk analysis as to any safety concern.)

Remedy

If the district determines that sexual harassment under Title IX occurred, it is responsible for providing a remedy that restores or preserves the complainant's access to the district's education programs and activities.

Supportive Measures

Please note that the district is prohibited from taking disciplinary actions against any person for sexual harassment under Title IX until after this formal process is concluded, but the district is allowed to provide both the complainant and the respondent supportive measures during the process. Supportive measures include, but are not limited to, counseling, extension of deadlines, course-related adjustments, modifications of work or class schedules, safety escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of areas on campus. The Title IX coordinator will discuss the supportive measures that are available.

Informal Resolution

After this formal complaint is filed and any time before a decision is made as to whether sexual harassment under Title IX occurred, any party can request to use an informal resolution of this formal complaint, such as mediation. This will occur only if both parties agree in writing to use the process. At any time prior to a resolution, either party may withdraw from the informal resolution process.

Questions about Sexual Orientation or Behavior

Under federal law, questions about sexual orientation or prior sexual behavior are not relevant and should not be asked unless such information is offered to prove that someone other than the respondent committed the conduct or unless the information is offered to prove consent.

Respondent's Rights

Once this complaint is filed, the respondent(s) will be notified about the complaint and will be given the opportunity to respond. Any evidence provided to the district or collected by the district supporting or disputing these allegations will be made available to both parties. Both parties will have the opportunity to submit questions to the other party or any witness, and the answers will be provided. This means the complainant may be required to answer questions submitted by the respondent(s), and the answers will be provided to the respondent(s). If the respondent(s) is found to have committed sexual harassment under Title IX, the respondent will have the opportunity to appeal the decision. Under federal law, the district is not able to discipline the respondent until after this process is completed, which may take several months depending on the allegation. Questions about the process for investigating and resolving this formal complaint should be directed to the Title IX coordinator (or see policy ACA).

Request to Withdraw Complaint

Once this formal complaint is filed, the complainant can notify the Title IX coordinator in writing to withdraw the complaint at any time prior to a resolution. However, the Title IX coordinator may decline to dismiss the complaint if there is reason to believe that sexual harassment under Title IX or other misconduct occurred.

Retaliation Prohibited

The district, its employees and other people are prohibited from intimidating, threatening, coercing or discriminating against any individual for making this complaint. Any suspected retaliation should be reported immediately to the Title IX coordinator.

Confidentiality

The district is required by federal law to notify the respondent(s) that this formal complaint was filed, and the district is required to provide the respondent(s) and their advisors any evidence it collects regarding these allegations. Please note that the district cannot legally prohibit the respondent(s) from discussing the allegations of the investigation with any other person. The district will not disclose this formal complaint or evidence that supports or opposes the complaint unless it is required by law to do so or it is considered necessary to complete the investigation of this formal complaint.

Acknowledgment by the Complainant

I have read this formal complaint form thoroughly and make or adopt these allegations in good faith. I understand that I may contact the Title IX coordinator if I have any questions regarding this formal complaint or the formal complaint resolution process. I understand that by filing this formal complaint I will begin a process under district policy ACA where my allegations will be investigated, and a determination will be made as to whether sexual harassment under Title IX occurred. Accordingly, by my signature below I hereby file this formal complaint:

Complainant's Signature

Date

Complainant's Printed Name: _____

Circle capacity in which formal complaint is signed: self parent/guardian district

Received and Deemed Filed by the District:

Title IX Coordinator's Signature

Date

Title IX Coordinator's Signature

Implemented:

Revised:

«AddressLine»