

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

Attach additional sheets if more space is needed for answering any question.

Name(s) and Title(s) of Complainant(s): _____

Name(s) and Title(s) of Respondent(s): _____

Title IX Coordinator's Name and Other Title (if any): _____

Office Address: _____

Phone/Fax and TDD/TTY, if available: _____

Email Address: _____

On _____ [date the formal complaint was filed], the district received a formal complaint from the above-listed complainant(s) alleging acts that if proven may constitute sexual harassment as defined by federal Title IX regulations and district policy ACA. Attached to this notice is a copy of that policy, which is considered part of this notice. The formal complaint is also attached.

Please note that the respondent is presumed not responsible for the conduct alleged in the formal complaint unless determined otherwise at the conclusion of the grievance process.

Investigator and Decision-Maker

The district has appointed _____ [name and title of investigator] to investigate this complaint. The investigator will contact you for more information regarding this complaint. The investigator will conduct an independent investigation of the matters stated in the formal complaint.

The district has appointed _____ [name and title of decision-maker] to make a determination as to whether, based on the preponderance of the evidence, sexual harassment occurred. The decision-maker is neither the Title IX coordinator nor the investigator. You are directed not to contact the decision-maker except as outlined in the grievance process below or as allowed by the decision-maker.

You May Appoint an Advisor

The complainant and respondent may each appoint an advisor to accompany them to any meeting or hearing during this grievance process and to have access to evidence. The advisor may be, but is not required to be, an attorney. Please notify the Title IX coordinator of the name and contact information of the advisor if you appoint one. You are not required to appoint an advisor.

Notice of the Grievance Process

The following will occur:

1. After investigating, the investigator will send to the parties the evidence subject to inspection and review in an electronic format or hard copy.
2. Before the investigative report is completed, the investigator will send to you and the other party, as well as to your advisor if you have one, all evidence directly related to the complaint, regardless of whether the investigator will rely on it, in electronic format or hard copy. Once you have received the evidence, you will have at least ten days to submit a written response, which the investigator will consider.
3. After you return your written response (if any) to the evidence, the investigator will provide an investigative report to the decision-maker. Each party will receive a copy of the report at least ten business days prior to the date the decision-maker will determine responsibility, for each party's review and written response.
4. Before a decision is made, both parties will have the opportunity to submit written, relevant questions to the decision-maker to be asked to any witness or party. The decision-maker will provide each party with the answers to the questions and allow for additional, limited follow-up questions from each party. The decision-maker may exclude irrelevant questions but must explain why any question was excluded.
5. After the closing of the questions period, and within _____ business days, the decision-maker will provide to both parties a written Title IX decision, including a determination on whether sexual harassment in violation of Title IX and the district's policy occurred. The decision will be final once the time for appeal has passed or upon the conclusion of the appeal.
6. Either party may appeal the written decision to the School Board by notifying the Title IX coordinator in writing within _____ business days of receiving the written decision. Challenges to the decision are limited to one or more of the following grounds:
 - a. There was a procedural irregularity that affected the outcome;
 - b. There is new evidence that was not reasonably available at the time of the determination that could affect the outcome; or

- c. The Title IX coordinator, investigator(s) or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that affected the outcome of the matter.

You will be provided a form to document the basis for your appeal.

7. The Title IX coordinator will notify you of the decision-maker for the appeal, which will be someone different than the initial decision-maker. Both parties will receive an opportunity to submit a written statement supporting or opposing the determination made by the initial decision-maker. A written decision on the appeal will be made and provided to you within ten business days after receiving the notification of the appeal.

Additional details regarding these steps are listed in policy ACA, which is included with and considered part of this notice.

Supportive Measures Available

The district offers a number of individualized services for both the complainant and the respondent free of charge, when appropriate. These services are intended to assist you during this grievance process so that you can safely continue your education.

Supportive Measures are nondisciplinary, nonpunitive, individualized services offered as appropriate, as reasonably available and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other 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 certain areas of the campus, and other similar measures.

If you are interested in these or other supportive measures, please contact the Title IX coordinator.

Potential Consequences

If the respondent is determined to have engaged in sexual harassment under Title IX, the respondent may be disciplined including, but not limited to, termination (if an employee) or suspension or expulsion (if a student). The respondent may be banned from district events, prohibited from being on district property, required to attend professional development or training regarding appropriate behavior and other applicable consequences. The decision-maker may also impose nondisciplinary remedies. Remedies upon a final determination of responsibility are actions taken to restore or preserve equal access to the district's education

programs or activities. These may include continued or new supportive measures but may also include imposition of more burdensome requirements, limitations and conditions upon the respondent as well as disciplinary referral of the respondent, including suspension, termination or expulsion. Disciplinary responses are not limited to a remedial purpose.

Please note that this grievance process does not relieve the district of its obligations under state law to notify law enforcement or the Children's Division of the Missouri Department of Social Services when applicable. Further, the complainant may report alleged criminal behavior to law enforcement or other appropriate authorities.

Informal Resolution Process

If both parties voluntarily consent in writing, this complaint may be resolved through an informal process such as mediation, as opposed to the more formal process outlined above. If you are interested in this option, please contact the Title IX coordinator first. Please note that you must request this option before a decision is reached regarding the formal complaint.

Date of Issuance of this Notice: _____

Issued to: Complainant, Respondent, Investigator and Decision-Maker

Title IX Coordinator's Signature

Title IX Coordinator's Printed Name: _____

Implemented:

Revised:

«AddressLine»