MUST HAVE "TITLE IX COORDINATOR" IN JOB DESCRIPTION AS PART OF TITLE
- NOTED ON WEB PAGE AND OTHER MATERIAL

EXACTLY WHAT DO I HAVE TO COORDINATE?
- NEEDEDLY:
  - Process of reporting actual knowledge
  - Discipline vs. Title IX

PROCESS OF REPORTING
- What should be reported?
- How quickly?
- To whom?

DISCIPLINE OR TITLE IX
- Contact Assistant Principal immediately
  - Slow thing down
- Can we resolve everything via discipline?

RESPONDING AFTER ACTUAL KNOWLEDGE
REGARDLESS, DISTRICT MUST RESPOND:

1) Promptly
2) Offer supportive measures to complainant and respondent

In addition, Title IX Coordinator must contact complainant to:
- Discuss supportive measures
- Wishes
- With or without formal complaint
- Explain process of filing formal complaint

WHAT ARE SUPPORTIVE MEASURES?

- Nondisciplinary, nonpunitive individual services designed to restore or preserve equal access to educational program or activity without unreasonably burdening the other party
  - Without fee or charge

  * i.e. Counseling, deadline extensions, modification of class/work schedules, restricting contact between parties, revised seating or assignments, increased monitoring, emergency removals

WHAT ARE SUPPORTIVE MEASURES?

FOCUS ON THE PROCESS

1) Treat both complainant and respondent equal
2) Evaluate all pertinent evidence objectively
3) Title IX Coordinator, investigator, and decisionmaker are to be free from conflict of interest and threat to be impartial
4) Preserve integrity of respondent
5) Provide time frames for process
6) Range of remedies and sanctions which may be imposed
7) Standards of proof and procedures of evidence
8) Appeal procedures
9) Confidentiality with names

FORMAL COMPLAINT

Upon receipt, recipient must provide written notice to the known parties that includes:
1) Notice of grievance process and informal resolution
2) Notice of allegations in sufficient detail and time to allow preparation of defense
3) Identity of known parties, alleged conduct, date and location of conduct, if known
4) Statement that respondent is not responsible for alleged conduct, determination made at conclusion of process
5) Notice that parties may inspect and review evidence
6) Notice of any provision in student code of conduct regarding making false statement

INVESTIGATION

- Disclosure made in good faith by Title IX Coordinator or investigator
- Adequate notice and opportunity to have all evidence and witnesses heard
- Counsel of choice provided to discuss, consult with, and present evidence
- Right of the party to cross-examine the other party
- Written findings and decision made of and the conclusion of investigation and rationale for findings
- Right of the party to review evidence or incorporate hearing record, and opportunity to respond
• Decision maker can’t be Title IX Coordinator or investigator
• Must issue written determination that includes:
  • Allegations
  • Description of procedural steps taken, including notification to and interview of parties and witnesses
  • Findings of fact
  • Application of code of conduct
  • Statement of and rationale for result as to each allegation
    • Must include:
      • Determination of responsibility
      • Discipline sanctions, interim remedies to ensure access to educational programs/activity will be provided by recipient to complainant