# TITLE IX FORMAL COMPLAINT PROCESS FLOW CHART

#### FORMAL COMPLAINT

The Title IX Formal Complaint process begins after the Complainant or Title IX Coordinator signs a formal complaint.

### SUPPORTIVE MEASURES

Actions to restore or preserve access to the educational program or activity (may be provided to both parties).

### **COMPLAINT DISMISSAL**

- Allegations, even is proven, do not meet the definition of sexual harassment.
- Alleged conduct did not occur in an educational program or activity.
- The alleged conduct did not occur in the U.S.
- Respondent is no longer enrolled in the district.

### **EMERGENCY REMOVAL**

If respondent poses an immediate threat to physical health and safety of others after a safety and risk analysis is conducted.

#### **NOTICE TO PARTIES**

Sent to both parties simultaneously by Title IX Coordinator and includes: allegation(s), presumption of innocence, entitlement to advisor, ability to inspect/review evidence, Student Code of Conduct and false statements, and offer of informal resolution.

#### INFORMAL RESOLUTION

- It is a voluntary process by both parties with a Facilitator
- Either party can withdraw and resume the formal complaint process; however when an agreement is obtained, the formal complaint is concluded.

#### **INVESTIGATION**

The Investigator must issue prior notice to all parties to interview; conduct interviews and collect data; determine relevant information and data; analyze relevant information and data; provide parties the right to inspect and review evidence; allow parties to respond to evidence; and issue a final investigation report.

## **DETERMINATION**

The Decision-Maker must receive and review any written responses form parties; issue a written decision/determination regarding whether a violation occurred and any disciplinary sanctions or other necessary actions by analyzing relevant investigation evidence based on a preponderance of the evidence standard; and send simultaneously to both parties the decision of responsibility, along with how to file an appeal.

#### **APPEAL**

An appeal may be made by either party when a formal complaint is dismissed or at the conclusion of a determination of responsibility based on the following: (1) procedural irregularity; (2) newly discovered evidence; or (3) if Title IX personnel had a conflict or bias that affected the outcome.