**I. PROCEDURAL STEPS TAKEN FROM NOTIFICATION OF INITIAL DETERMINATION REGARDING RESPONSIBILITY through WRITTEN DETERMINATION REGARDING APPEAL**

**INSTRUCTIONS. In this section you must describe ALL steps taken in response to NOTICE of an APPEAL OF INITIAL DETERMINATION REGARDING RESPONSIBILITY FOR SEXUAL HARASSMENT, through your WRITTEN DETERMINATION OF APPEAL with reference to documentation and attaching copies of same.**

**Any Documentation Attached should be referred to as “APP/Appendix/01….”**

**Be sure to insert information as indicated below [INSERT].**

Letter - Notification of Initial Determination Regarding Responsibility and Appeal Rights.

DATE: **[INSERT]**

See attached documentation, APP/Appendix/pages: **[INSERT]**

Letter - Notification of Receipt of Appeal Request

DATE: **[INSERT]**

See attached documentation, APP/Appendix/pages: **[INSERT]**

Party Brief Submissions:

Complainant Party Submission (IF ANY):

DATE [**INSERT]**

(See APP/Appendix/pages). **[INSERT]**

Respondent Party Submission (IF ANY):

DATE [**INSERT]**

(See APP/Appendix/pages). **[INSERT]**

Letter Forwarding Party Brief in Case of Newly Available Evidence:

DATE: **[INSERT]**

See attached documentation, (See APP/Appendix/pages). **[INSERT]**

Response Brief in Case of Newly Available Evidence:

Party Submitting Response: **[INSERT]**

DATE [**INSERT]**

(See APP/Appendix/pages). **[INSERT]**

Letter - Forwarding of Written Determination of Appeal:

DATE [**INSERT]**

(See APP/Appendix/pages). **[INSERT]**

**II. Findings Appealed From, Policy Definition Applied in Initial Determination Regarding Responsibility, and Standard of Review**

**INSTRUCTIONS:** Describe here the findings from the INITIAL DETERMINATION REGARDING RESPONSIBILITY that are the subject and focus of the appeal and state the basis of the appeal as claimed by the appealing party.

1. FINDINGS APPEALED

**[INSERT FINDINGS APPEALED FROM AND THE BASIS OF THE APPEAL HERE]**

1. POLICY DEFINITION APPLIED IN INITIAL DETERMINATION REGARDING RESPONSIBILITY

**INSTRUCTIONS:** Describe here any relevant policies that apply to the Initial Determination Regarding Responsibility for Sexual Harassment Prohibited by Title IX. The description provided below provides for your convenience the definition of Title IX “Sexual Harassment” - however, you may also need to include other policies, such as prohibitions on providing false information in the course of a school inquiry, etc.

**[INSERT SUCH AS…**

Section II of the Policy defines “sexual harassment” as follows:

**“Sexual harassment”** prohibited under Title IX and by this Policy is conduct on the basis of sex, occurring in an education program or activity of the District, against a person in the United States, that satisfies one or more of the following:

1. A school district employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct; **OR**

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **AND** objectively offensive that it effectively denies a person equal access to the District’s education program or activity; **OR**

3. Any conduct which would satisfies one or more of the following definitions:

a. Sexual assault: Any sexual act(s) directed at another person without consent of the victim, including instances where the victim is unable to lawfully give consent because of age or cognitive ability. Consent to a sexual act exists where words, actions or other non-verbal conduct objectively communicates a desire to participate in the sexual act(s). Consent to some sexual act(s) does not indicate consent to all sexual acts. Consent may be withdrawn at any time by objectively communicating through words, actions or other non-verbal conduct. AND/OR

b. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or an intimate nature with the victim. The existence of the relationship shall be considered with reference to the length of the relationship, the type of relationship and the frequency of the interactions between the persons involved in the relationship. AND/OR

c. Domestic violence: 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, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner or any other persons protected under 15 V.S.A. section 1101 from domestic abuse. AND/OR

d. Stalking: A course of conduct by a person directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Limitation in Scope. For purposes of this policy conduct shall not be deemed to satisfy Title IX’s definition of “sexual harassment” if the conduct occurred either (1) outside of the United States and/or (2) includes locations, events or circumstances over which the District did not exercise substantial control over both the respondent and the context in which the harassment occurred.

1. STANDARD OF REVIEW:

INSTRUCTIONS: State the standard of review you are applying in conducting your appeal. That standard is set forth in the Policy and recited here below for your convenience.

This is an appeal from an Initial Determination Regarding Responsibility pursuant to the Policy for the Prevention of Sexual Harassment as Prohibited by Title IX, section IV Grievance Process, to determine whether the Initial Determination Regarding Responsibility was **clearly erroneous (i.e. either made on unreasonable grounds, or without any proper consideration of the circumstances)**. If the basis or one of the bases of the appeal was new evidence, the appeals decision maker MAY either make a determination of responsibility regarding that evidence OR refer it back to the appropriate stage of the Title IX Grievance Process.

**III. DECISION ON APPEAL**

INSTRUCTIONS: State your determination on appeal, describing the result of the appeal, the rationale of the result including the evidence you are relying upon in support of your finding, and how it applied the “clearly erroneous” standard of review. If the case involves a claim of new evidence and your decision is to refer the matter back to an earlier stage of the Grievance Process state with particularity what findings you are referring back and what tasks or questions requiring resolution you are assigning to either the Investigator or Initial Decision Maker to complete upon that referral.

**[INSERT HERE]**

**IV. CONCLUSION OF WORK**

**APPELLATE DECISION MAKER CONCLUSION OF WORK AND ANNOUNCEMENT OF SAME**

This hereby concludes my work in this matter.

DATE: **[INSERT]**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature)

FULL NAME OF APPELLATE DECISION MAKER

Notification of Initial Determination of Responsibility and Appeal Rights

DATE [**INSERT]**

(See APP/Appendix/pages). **[INSERT]**