**LETTER OF DISCRETIONARY DISMISSAL OF FORMAL COMPLAINT OF SEXUAL HARASSMENT**

INSTRUCTIONS FOR TITLE IX COORDINATOR: USE THIS LETTER TO NOTIFY PARTIES WHEN YOU AS TITLE IX COORDINATOR HAVE DISMISSED A FORMAL COMPLAINT OF HARASSMENT WHERE THAT DISMISSAL IS **DISCRETIONARY (OPTIONAL)** UNDER SECTION **IV.G.2**.

IDENTICAL BUT SEPARATE LETTERS SHOULD BE SENT SIMULATANEOUSLY TO COMPLAINANT AND RESPONDENT, COPYING ANY ADVISORS AS APPLICABLE].

Be sure to read this entire letter and make the appropriate text selections where indicated in [BRACKETS]

**[INSERT HERE DATE OF LETTER OR EMAIL]**

**[INSERT METHOD OF DELIVERY: FIRST CLASS MAIL OR EMAIL]**

RESPONDENT/COMPLAINANT NAME

MAIL ADDRESS

Email address

RE: Notice of Discretionary Dismissal of Formal Complaint of

Title IX Sexual Harassment

DEAR [**INSERT NAME OF RECIPIENT]**:

I am writing to you in my position as [**CHOOSE ONE: District – or – Building Based]** Title IX Coordinator to inform you I have Dismissed a Formal Complaint of Sexual Harassment in which you were party as **[CHOOSE ONE: Complainant or Respondent].**

*Statement of Basis of Dismissal*

Pursuant to Section IV.G.2. of the Policy for the Prevention of Sexual Harassment Prohibited by Title IX, the District is permitted to Dismiss a Formal Complaint of Sexual Harassment if at any time during either the investigation or determination of responsibility stage(s):

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; OR
2. The Respondent is no longer enrolled or employed by the District; OR

c. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

In this case the District finds that [(**YOU MUST INSERT WHICH ONE OF the reasons listed above applies in this case with a brief explanation]**. Therefore the District has chosen to dismiss the Formal Complaint in this matter.

*Statement of Ongoing District Obligations*

Please note that the dismissal of a Formal Complaint under Title IX does not preclude the District from continuing any investigation or taking action under other District policies, code of conduct or administrative rules/regulations.  In some cases, the District may have an obligation to initiate or continue an investigation or proceeding under a different policy or mandated process. Should the District determine any separate obligation to proceed or initiate an investigation applies in this case, you will be informed of that fact in a separate announcement letter.

*Statement of Appeal Rights*

Either party may appeal a dismissal of a Formal Complaint of Sexual Harassment. The Policy for the Prevention of Harassment Prohibited by Title IX provides that a dismissal of Formal Complaint may be appealed on ANY one of the following basis:

1. A procedural irregularity affected the outcome of the matter;
2. The availability of new evidence - that was not reasonably available at the time the determination regarding dismissal was made - that could affect the outcome of the matter;
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally that affected the outcome of the matter; OR
4. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the individual complainant or respondent that affected the outcome of the matter.

If you wish to seek an appeal, for your convenience I have attached a form titled “Request for Appeal.” Please note that if you choose to appeal you must file your notice of appeal with the Superintendent in writing, with a copy to the Title IX Coordinator, no later than **[INSTRUCTIONS: INSERT DEADLINE DATE which MUST PROVIDE THEM AT LEAST 10 DAYS FROM THE ANTICIPATED DAET OF RECEIPT OF YOUR LETTER BY THE RECIPIENT].**

**[IF SUPPORTIVE MEASURES SUCH AS A SAFETY PLAN WILL REMAIN IN PLACE FOR THE PARTY TO WHOM YOU ARE WRITING (EITHER THE COMPLAINANT OR RESPONDENT) YOU SHOULD STATE THAT FACT BELOW….**

***Supportive Measures***

**Please know that the following supportive measures, set in place by the District shall remain in place as follows:**

**EXPLAIN THOSE MEASURES**

**If you have any questions about the above please do not hesitate to contact me.]**

Thank you for your cooperation throughout the process as we seek to make our school safe and accessible for all. Please feel free to contact me with any questions.

Sincerely,

[District/Building Based] Title IX Coordinator

Enclosure: FORM Request for Appeal

cc: Party Advisor (IF ANY)

Grievance Process File