INSTRUCTIONS FOR TITLE IX COORDINATOR: USE THIS LETTER TO NOTIFY PARTIES WHEN YOU AS TITLE IX COORDINATOR HAVE CHOSEN TO FILE FORMAL COMPLAINT OF HARASSMENT. IDENTICAL BUT SEPARATE LETTERS SHOULD BE SENT TO COMPLAINANT AND RESPONDENT AND SENT SIMULTANEOUSLY.

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: Notification of Filing of Formal

Complaint of Title IX Sexual Harassment

Dear **[INSERT RESPONDENT OR COMPLAINANT NAME]:**

I am writing to inform you that I, in my role as **[CHOOSE ONE: District – or – Building Based]** Title IX Coordinator, have chosen in response to actual knowledge by the [DISTRICT/SCHOOL] of allegations of sexual harassment as prohibited by Title IX, to File a Formal Complaint of Title IX Sexual Harassment, as provided for under the Policy for the Prevention of Sexual Harassment as Prohibited by Title IX, Section IV.B.1.a.

The allegations potentially constitute sexual harassment as prohibited by Title IX, specifically:

(1) involving **[INSERT HERE the identities of the parties involved in the incident (if known)]**;

(2) in which it is alleged that **[INSERT HERE a description of the conduct allegedly constituting “sexual harassment” as defined by the Policy**]; and

(3) occurred **[INSERT HERE the date and location of the alleged conduct (if known)]**.

I am also enclosing for your reference the District’s Policy for the Prevention of Sexual Harassment as Prohibited By Title IX (“Policy”). With the filing of a Formal Complaint, the Title IX Grievance Process has been activated as set forth in Section IV. of that Policy.

*Party Protections*

You are entitled, throughout the Grievance Process to an advisor of your choice, who may be, but is not required to be an attorney, and who may be present during any Grievance proceeding, including any related meeting. (Please note that the District may establish restrictions regarding the extent to which your advisor may participate in the proceedings, so long as the restrictions apply equally to both Complainant and Respondent.) Please know that in this process the Respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility shall be made at the conclusion of the Title IX Grievance Process as set forth in Section IV. of the Policy, which will include a Sexual Harassment Investigation, and be decided upon a preponderance of the evidence standard. Please be also advised that throughout this process all parties are protected from acts of retaliation. (Please see Policy Section II.L. for the definition of Retaliation). Please let me know immediately if you believe you have been subject to any acts of retaliation.

*Sexual Harassment Investigation*

The Title IX Grievance Process will involve a Sexual Harassment Investigation. That investigation will include, among other things:

1. an objective review of relevant evidence including inculpatory and exculpatory evidence;
2. an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. no restrictions on either party to discuss the allegations under investigation nor to gather and present relevant evidence;
4. provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of your choice;
5. provide to parties whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
6. provide parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint of Sexual Harassment, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source; so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation;
7. provide parties an electronic or hard copy of the evidence, and an opportunity to respond to that evidence in writing, for the investigator to consider prior to the completion of the investigator’s report;
8. a written Sexual Harassment Investigation Report, a copy of which shall be provided to both parties and each party’s advisor, if any, and an opportunity for both parties to submit a written response to that report.
9. Thereafter the Investigation Report will be provided to the Initial Decision-Maker who shall make an Initial Determination of Responsibility, by applying a preponderance of the evidence standard to the case.
10. Thereafter each Party may be entitled to an appeal as set forth in the Policy, Section IV.H.

For a complete listing of rights and procedures connected with the Grievance Process and Investigation, please refer to Section IV of the Policy.

**[IF YOUR DISTRICT/SCHOOL HAS A POLICY OR PROVISION WITHIN THE STUDENT CODE OF CONDUCT PROHIBITING FALSE STATEMENTS YOU MUST ALSO HERE INFORM THE PARTIES OF THE EXISTENCE OF THOSE POLICIES OR CODES OF CONDUCT, INCLUDING A REFERENCE TO THAT POLICY OR CODE OF CONDUCT BY NAME OR NUMBER: “In addition please be advised that (INSERT DESCRIPTION OF THOSE RULES OR POLICIES)“]**

**[EXCEPT IN CASES INVOLVING ALLEGATIONS OF SEXUAL HARASSMENT OF A STUDENT BY AN EMPLOYEE, THE DISTRICT MAY (BUT IS NOT REQUIRED TO) OFFER TO THE PARTIES INFORMAL RESOLUTION. IF THE DISTRICT DOES NOT WISH TO OFFER IT, OR THE CASE INVOLVES ALLEGATIONS AGAINST AN EMPLOYEE FOR HARASSMENT OF A STUDENT, SIMPLY LEAVE OUT THE FOLLOWING SECTION**:

***Option of Informal Resolution***

**Section IV. D. of the Policy also provides that at any time prior to the reaching of a determination regarding responsibility (but only after the Filing of a Formal Complaint), the District may offer an optional informal resolution process. The District is offering this option to you in this case [OPTION to insert here any particular form(s) of resolution process District is making available in this case]. Please know that your acceptance of this option is NOT a condition of your [CHOOSE THE APPROPRIATE OPTION OF EITHER: continuing employment with the District OR continuing enrollment with the District] and that by agreeing to Informal Resolution you will not waive your right to a Sexual Harassment Investigation. At any time prior to agreeing to an informal final resolution either party has the right to withdraw from the informal resolution process and resume the Grievance Process with respect to the Formal Complaint. Please know that depending upon the outcome of the Informal Resolution process, records of this process may be maintained by the District. The process will only be employed if both parties agree. Any agreement - by you - to pursue Informal Resolution must be in writing – accordingly a form is attached for that purpose.]**

A Title IX Investigator will be assigned to conduct the Sexual Harassment Investigation. Please let me know the identity and contact information of any advisor you have selected to work with you through this process so that they may be included on future contact by either myself or the Investigator.

Thank you for your anticipated cooperation through this process. Please let me know if you have any questions.

Sincerely,

NAME

[District/Building Based] Title IX Coordinator

Enclosures:

Policy For the Prevention of Sexual Harassment as Prohibited by Title IX

Form – Consent to Informal Resolution (**ONLY** IN CASES WHERE IT IS BEING OFFERED)

Notice of Written Consent to “Informal Resolution”